8-29-80
Vol. 45 No. 170
Pages 57699-58096

Federal Register

Friday
August 29, 1980

Highlights

BIWEEKLY PUBLICATION SCHEDULE

For a change in the schedules of "Agency Publication on Assigned Days of the Week" see the note appearing in the Reader Aids Section of this issue.

58040 **Fair Housing** HUD/FHC amends Section 8 Fair Market Rents applicable to new construction and substantial rehabilitation for all market areas; effective 10-1-80, comments by 9-29-80 (Part IX of this issue)

58090 **Grant Programs—Medicaid** HHS/HCFA solicits applications from State Medicaid agencies for demonstration projects; apply by 9-30-80 (Part X of this issue)

57752 **Loan and Grant Programs—Real Estate** USDA/FMHA gives notice regarding rural rental housing loan policies, procedures, and authorizations

57954, 57958, 57980, 57994, 58022 **Energy Conservation** Many agencies amend Federal financial assistance programs to encourage additional conservation of petroleum and natural gas (Parts IV through VIII of this issue) (20 documents)

57756 **Fuel** DOE appropriated $5 billion to provide financial assistance for synthetic fuel; comments by 9-12-80

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

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

Highlights

57749 **Medicare** HHS/HCFA modifies conditions and duration of entitlement to hospital insurance under medicare

57728 **Banking** FHLBB proposes regulations regarding acquisition, exercise, and termination of trust powers by Federal savings and loan associations; comments by 10–21–80

57739 **Interest Rates** Treasury/IRS publishes proposal regarding imputed interest on loans between related entities and on deferred payments; comments by 10–28–80

57727 **Gasoline** DOE/ERA publishes proposal clarifying maximum lawful selling price for unleaded gasoline

57758 **Petroleum Allocation** DOE/ERA announces June 1980 entitlement notice for domestic crude oil allocation program

57712 **Residential Energy Credit** Treasury/IRS publishes regulations changing applicable tax laws

57747 **Securities** Treasury/FS proposes to revise regulations governing U.S. Treasury Certificates of Indebtedness, notes and bonds—State and local government series; comments by 9–30–80

57745 **Exports** Treasury/ATF amends proposal relating to markings on cases and bulk containers of distilled spirits, wine or beer for export; comments by 10–28–80

57702 **Securities** SEC revises procedures for processing post-effective amendments filed by investment companies; effective 10–6–80

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57860 GSA
57788 Justice
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57807 **Sunshine Act Meetings**

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

FEDERAL LABOR RELATIONS AUTHORITY

FEDERAL SERVICE IMPASSES PANEL

5 CFR Chapter XIV

Change in Current Regional Address; New York, N.Y.

AGENCY: Federal Labor Relations Authority (including the General Counsel of the Federal Labor Relations Authority) and Federal Service Impasses Panel.

ACTION: Amendment of rules and regulations.

SUMMARY: This rule amends Appendix A, paragraph (d)(2) (45 FR 3522) of the final rules and regulations of the Federal Labor Relations Authority (Authority), General Counsel of the Federal Labor Relations Authority (General Counsel), and Federal Service Impasses Panel (Panel), published at 45 FR 3482, to correct the zip code of the Authority's New York, N.Y., Regional Office.

EFFECTIVE DATE: August 25, 1980.

FOR FURTHER INFORMATION CONTACT: D. Randall Frye, Assistant General Counsel (202)—632–6284.

SUPPLEMENTARY INFORMATION: Effective January 17, 1980, the Authority, General Counsel and Panel published, at 45 FR 3482, final rules and regulations to govern the processing of cases by the Authority, General Counsel and Panel under Chapter 71 of Title 5 of the United States Code. These rules and regulations are required by Title VII of Civil Service Reform Act of 1978.

Appendix A, paragraph (d) of the rules and regulations (45 FR 3522) sets forth the current office addresses and telephone numbers of the Regional Directors of the Authority. The Authority's New York, N.Y., Regional Office has corrected its zip code presently noted in paragraph (d)(2) of Appendix A.

Accordingly, Appendix A, paragraph (d)(2) of the Authority, General Counsel, and Panel rules and regulations (45 FR 3482) is amended, in part, to read as follows:

Appendix A—Current Addresses and Geographic Jurisdictions

* * * * *

(d) The Office addresses of Regional Directors of the Authority are as follows:

* * * * *

(2) *New York, N.Y. Regional Office*—26 Federal Plaza, Room 241, New York, N.Y. 10278. Telephone: FTS—264–4934; Commercial—(212) 264–4934.

* * * * *

(5 U.S.C. 7134)

Dated: August 26, 1980.

Ronald W. Haughton,
Chairman.
Henry B. Frazier III,
Member.
Leon B. Applewhaite,
Member.
S. Jesse Reuben,
Deputy General Counsel.

[FR Doc. 80-26601 Filed 8-28-80; 8:45 am]
BILLING CODE 6325-19-M

5 CFR Chapter XIV

Change in Current Regional Address; Chicago, Ill.

AGENCY: Federal Labor Relations Authority (including the General Counsel of the Federal Labor Relations Authority) and Federal Service Impasses Panel.

ACTION: Amendment of rules and regulations.

SUMMARY: This rule amends Appendix A, paragraph (d)(5) (45 FR 3522) of the final rules and regulations of the Federal Labor Relations Authority (Authority), General Counsel of the Federal Labor Relations Authority (General Counsel), and Federal Service Impasses Panel (Panel), published at 45 FR 3482, to establish a new address and telephone numbers for the permanent location of the Authority's Chicago, Illinois Regional Office.

EFFECTIVE DATE: August 22, 1980.

FOR FURTHER INFORMATION CONTACT: Alvin H. Gandal, Assistant General Counsel (202)—632–6860.

SUPPLEMENTARY INFORMATION: Effective January 17, 1980, the Authority, General Counsel and Panel published, at 45 FR 3482, final rules and regulations to govern the processing of cases by the Authority, General Counsel and Panel under Chapter 71 of Title 5 of the United States Code. These rules and regulations are required by Title VII of Civil Service Reform Act of 1978.

Appendix A, paragraph (d) of the rules and regulations (45 FR 3522) set forth the current office addresses and telephone numbers of the Regional Directors of the Authority. The Authority's Chicago, Illinois Regional Office has changed its address and telephone numbers presently noted in paragraph (d)(5) of Appendix A.

Accordingly, Appendix A, paragraph (d)(5) of the Authority, General Counsel, and Panel rules and regulations (45 FR 3482) is amended, in part, to read as follows:

Appendix A—Current Addresses and Geographic Jurisdictions

* * * * *

(d) The Office addresses of Regional Directors of the Authority are as follows:

* * * * *

(5) *Chicago Regional Office*—175 West Jackson Boulevard, Suite 1359–A, Chicago, Illinois 60604. Telephone: FTS—886–3468, 3466; Commercial—(312——353–6306.

* * * * *

(5 U.S.C. 7134)

Dated: August 26, 1980.

Ronald W. Haughton,
Chairman.
Henry B. Frazier III,
Member.
Leon B. Applewhaite,
Member.
S. Jesse Reuben,
Deputy General Counsel.

[FR Doc. 80-26600 Filed 8-28-80; 8:45 am]
BILLING CODE 6325-19-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

Lemons Grown in California and Arizona; Expenses, Rate of Assessment, and Carryover of Unexpended Funds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action authorizes expenses and a rate of assessment for the 1980–81 fiscal period, to be collected from handlers to support activities of the Lemon Administrative Committee which locally administers the Federal marketing order covering lemons grown in California and Arizona.

DATES: The 1980–81 fiscal year beginning August 1, 1980, and ending July 31, 1981.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975. The Final Impact Statement relative to this final rule is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "not significant." This final rule is issued under Marketing Order 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The marketing order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the committee established under the marketing order, and other available information. It is found that the expenses and rate of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

This action was recommended at a public meeting at which all present could state their views. There is insufficient time between the date when information became available upon which this final rule is based and when the action must be taken to warrant a 60-day comment period as recommended in E.O. 12044, and it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553). This order requires that the rate of assessment for a particular fiscal year shall apply to all assessable fruit handled from the beginning of such year which began August 1, 1980. To enable the committee to meet fiscal obligations which are now accruing, approval of the expenses and assessment rate is necessary without delay. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Therefore, a new § 910.218 is added to read as follows: (§ 910.218 expires July 31, 1981, and will not be published in the annual Code of Federal Regulations).

§ 910.218 Expenses, rate of assessment, and carryover of unexpended funds.

(a) Expenses that are reasonable and likely to be incurred by the Lemon Administrative Committee during the period August 1, 1980, through July 31, 1981, will amount to $476,250.

(b) The rate of assessment for said period payable by each handler in accordance with § 910.41 is fixed at $0.0380 per carton of lemons.

(c) $10,000 of unexpended assessment funds from the fiscal year ended July 31, 1980, shall be carried over to the operating monetary reserve in accordance with § 910.42.

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

Dated: August 25, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-26525 Filed 8-28-80; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1475

[Amdt. 1]

Emergency Feed Program

Correction

In FR Doc. 80–26010, appearing on page 56329, in the issue of Monday, August 25, 1980, correct the part heading to read as set forth above.

BILLING CODE 1505-01-M

Animal and Plant Health Inspection Service

9 CFR Part 92

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

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

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

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

DATES: Effective date: August 25, 1980. Comment Date: Comments must be received on or before October 28, 1980.

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

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

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

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

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

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action is impracticable, unnecessary and contrary to the public interest, and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the Federal Register. Comments have been solicited for 60

days after publication of this document, and this emergency final action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the Federal Register as soon as possible.

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

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

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

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

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

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

Done at Washington, D.C., this 25th day of August 1980.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80-26527 Filed 8-28-80; 8:45 am]

BILLING CODE 3410-34-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 33-6228]

Delegation of Authority to the Director of the Division of Investment Management

AGENCY: Securities and Exchange Commission.

ACTION: Final rule amendment.

SUMMARY: The Commission is amending its rules relating to general organization to delegate to the Director of the Division of Investment Management, with respect to matters pertaining to certain contracts funded by or through the general assets or separate accounts of insurance companies, the authority to perform the same functions as are now delegated to the Director of the Division of Corporation Finance. This authority should result in a more expeditious and responsive processing of filings pertaining to these contracts by eliminating the delay involved in obtaining Commission approval for the acceleration of effective dates for such filings.

EFFECTIVE DATE: August 22, 1980.

FOR FURTHER INFORMATION CONTACT: William L. Strickland, Esq., Office of Compliance and Insurance Products, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2057.

SUPPLEMENTARY INFORMATION: The Director of the Division of Corporation Finance has delegated authority to perform certain functions with respect to registration statements under the Securities Act of 1933 [15 U.S.C. 77a et seq.] ("Act").[1] The Commission is amending its rule relating to general organization (17 CFR 200.30-5) to delegate to the Director of the Division of Investment Management the authority to perform the same functions with respect to matters pertaining to certain contracts funded by or through the general assets or separate accounts of insurance companies, except where the Director of the Division of Investment Management believes it appropriate to submit the matter to the Commission.

Last year the Commission published its General Statement of Policy ("Release 6051") regarding the determination of the status under the federal securities laws of certain contracts issued by insurance companies, including what are generally known as guaranteed investment contracts ("GIC") funded by or through the general assets of the companies.[2] Such contracts had never been registered under the Securities Act of 1933 in reliance upon the exemption from registration for annuity contracts provided by Section 3(a)(8) of the Act [15 U.S.C. 77c(a)(8)].[3] The development of new types of contracts and the publication in Release 6051 of the Commission's view with respect to the status of such contracts under the federal securities laws have resulted in the filing of a number of registration statements which are being or have been considered by the Division. In anticipation of future filings, the Commission is delegating authority to the Director of the Division of Investment Management to process such filings.

The delegation of authority should result in a more expeditious and responsive processing of filings pertaining to certain contracts funded by or through the general assets or separate accounts of insurance companies by eliminating the delay involved in obtaining Commission approval for the acceleration of effective dates for such filings. Further, the resulting delegated authority will obviate the need for the Commission to address matters which it has previously considered and eliminate the burden of considering such matters in the future, except where the Director of the Division believes it appropriate to submit the matter to the Commission.

Authority, Effective Date: The Commission hereby amends Article 30-5 Section (b) of the rules of the Commission relating to general organization (17 CFR 200.30-5) pursuant to the authority contained in Pub. L. No. 87-592, 76 Stat. 394 [15 U.S.C. 78d-1, 78d-2].

The Commission finds, in accordance with Section 553(b)(A) and 553(d) of the Administrative Procedure Act [5 U.S.C. 553(b)(A), 553(d)], that the foregoing action relates solely to agency organization, procedure, or practice; that Section 553(b) of such act [5 U.S.C. 553(b)] makes it unnecessary to notice and publish procedures required by Section 553 of such Act [5 U.S.C. 553]; and that, in view of the foregoing, good cause exists for dispensing with the normal 30-day delay in effectiveness. Accordingly, the amendment to Rule 30-5 is effective immediately.

[1] *See* Sections (a), (c) and (d) of Article 30-1 (17 CFR 200.30-1).

[2] Securities Act Release No. 6051, April 5, 1979 [44 FR 21628, April 11, 1980].

[3] Section 3(a)(8) exempts from the registration requirements of the Act: Any insurance or endowment policy or annuity contract or optional annuity contract, issued by a corporation subject to the supervision of the insurance commissioner, bank commissioner, or any agency or officer performing like functions, of any State or Territory of the United States or the District of Columbia.

Commission Action: Part 200 of Chapter II of Title 17 of the Code of Federal Regulations is amended by amending paragraph (b) of § 200.30–5 to read as follows:

§ 200.35 Delegation of authority to Director of Division of Investment Management.

* * * * *

(b) With respect to matters pertaining to investment companies registered under the Investment Company Act of 1940, pooled investment funds or accounts, and the general assets or separate accounts of insurance companies, all arising under the Securities Act of 1933, the Securities Exchange of 1934 and the Trust Indenture Act of 1939, the same functions as are delegated to the Director of the Division of Corporation Finance in regard to companies other than such registered investment companies in sections (a), (c) and (d) of Article 30–1 (§ 200.30–1 of this Chapter) of these articles.

By the Commission.

George A. Fitzsimmons,

Secretary.

August 22, 1980.

[FR Doc. 80–26603 Filed 8–28–80; 8:45 am]

BILLING CODE 8010–01–M

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17 CFR Parts 200, 230, 239, 274

[Release Nos. 33–6229, IC–11315]

Revised Procedures for Processing Post-Effective Amendments Filed by Investment Companies

AGENCY: Securities and Exchange Commission.

ACTION: Final rules and amendments to forms.

SUMMARY: The Securities and Exchange Commission today is adopting a rule which will permit most post-effective amendments to registration statements filed by open-end management investment companies and unit investment trusts, other than insurance company separate accounts, to become effective automatically, without affirmative action on the part of the Commission or its staff. The Commission is also adopting amendments to its Rules of Organization and Program Management and to the registration statement forms for open-end management investment companies and unit investment trusts. The amendments to the Rules of Organization and Program Management delegate to the staff the authority to suspend automatic effectiveness of post-effective amendments and to declare amendments effective pursuant to the rule. The amendments to the registration statement forms require registrants to specify on the facing sheet of the filing if the amendment will become effective upon filing or within the time permitted by the rule. The form amendments will also require registrants to make certain representations on the signature page of the amendment. The Commission is taking this action to eliminate review of certain filings which are routine, and to permit registrants to assume greater responsibility for their compliance with the disclosure requirements of the federal securities laws.

EFFECTIVE DATE: October 6, 1980.

FOR FURTHER INFORMATION CONTACT: Dianne E. O'Donnell, Special Counsel, (202) 272–2115, or Kathleen A. Jackson, Attorney, (202) 272–2118, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission today announced the adoption of rule 465 [17 CFR 230.465] under the Securities Act of 1933 [15 U.S.C. 77a et seq.] ("1933 Act"), and related amendments to rule 30–5 of the Commission's Rules of Organization and Program Management [17 CFR 200.30–5]; Form S–6 [17 CFR 239.16], the registration statement form for unit investment trusts under the 1933 Act; and Form N–1 [17 CFR 239.15, 17 CFR 274.11], the registration statement form for open-end management investment companies under the 1933 Act and the Investment Company Act of 1940 ("1940 Act") [15 U.S.C. 80a–1 et seq.]. The new rule and related form amendments will result in the elimination of routine staff review of, and comment on, certain post-effective amendments filed by investment company registrants on Form S–6 or Form N–1. These amendments will become effective upon filing with the Commission or upon any subsequent date within twenty days of the date of filing specified by the registrant on the facing sheet of the amendment. Other post-effective amendments filed by investment company registrants, including those which contain disclosure relating to material events occurring since the effective date of the issuer's registration statement or its most recent post-effective amendment which included a prospectus, will still be subject to staff review and comment but will normally become effective automatically sixty days after filing.

Where the staff's review reveals circumstances suggesting that a post-effective amendment should not become effective after the sixty-day period, the rule provides that the operation of its automatic effectiveness provision may be suspended upon written notice to the registrant. Should automatic effectiveness be suspended with respect to a particular post-effective amendment, the amendment will not become effective until it is so declared by the Commission, or the staff pursuant to delegated authority, in accordance with section 8(c) of the 1933 Act [15 U.S.C. 77h(c)].

The amendment to the Commission's Rules of Organization and Program Management delegates to the staff the authority to suspend automatic effectiveness and to declare effective amendments with respect to which operation of the rule has been suspended. This amendment also delegates to the staff the authority to determine post-effective amendments filed pursuant to the rule to be effective within shorter periods of time than sixty days after filing when circumstances so warrant.

Background

Investment companies which issue redeemable securities file post-effective amendments to their 1933 Act registration statements for a number of reasons associated with the continuous offer and sale of securities to the public. Such investment companies are permitted to increase the amount of their securities registered under the 1933 Act [1] and to register an indefinite number of amount of securities [2] by post-effective amendment. Moreover, because an investment company that continuously offers and sells securities to the public must also maintain a current prospectus, such companies must bring the information contained in their prospectuses up to date at approximately yearly intervals. Accordingly, most open-end management investment companies and unit investment trusts annually file post-effective amendments with the Commission in order to update the financial and narrative disclosures contained in their prospectuses, to register additional securities, or both. Post-effective amendments might also be filed by such registrants to correct deficiencies in their registration statements discovered after the statements have become effective, or to incorporate into the prospectus any important changes or developments in the business, operations or services of the company.

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[1] Pursuant to section 24(e)(1) of the 1940 Act [15 U.S.C. 80a–24(e)(1)].

[2] Pursuant to section 24(f) of the 1940 Act [15 U.S.C. 80a–24(f)] and rule 24f–2 thereunder [17 CFR 270.24f–2].

In the Commission's experience, the majority of post-effective amendments filed by open-end management investment companies and unit investment trusts do not present novel or complex questions of law or fact. Nevertheless, the staff has always examined and, under section 8(c) of the 1933 Act, declared effective each filing individually, although the staff has implemented several procedures for limited review in an effort to maintain expenditious processing of filings in the face of a steady increase in the number of registered investment companies and thus the number of post-effective amendments filed by such companies.[3] While these procedures have helped the Commission to make better use of its resources, the total number of post-effective filings made by investment company registrants under the 1933 Act has continued to increase. For this and other reasons it seemed to the Commission that a basic revision to the review process of investment company post-effective amendments was necessary, and in April, 1980, the Commission proposed rule 465 under the 1933 Act and related amendments to Forms N-1 and S-6 (Securities Act Release No. 6205, April 3, 1980) [45 FR 24500, April 10, 1980]. Rule 465 was intended to eliminate review of those filings which, because of their routine nature, do not need review, and to allow the Commission and its staff to concentrate its resources on those filings which discuss material events affecting an investment company and thus require review. Moreover, by permitting filings to become effective automatically, without affirmative action by the Commission or its staff, rule 465 was intended to permit registrants to assume greater responsibility for compliance with the disclosure requirements of the 1933 and 1940 Acts. The Commission today adopts rule 465 and its related form amendments with the revisions described below.

Public Comments and Modifications to Proposed Rule 465

The comments received concerning the proposed rule unanimously favored the concept underlying the proposal, although many commentators suggested modifications. All comments received have been considered and the main points raised by the commentators are addressed below.

[3] A two-part filing procedure was adopted in 1976 in Securities Act Release No. 5738 (September 3, 1976) [41 FR 39013, Sept. 14, 1976], and in 1978, a procedure for "redline"-review of post-effective filings by investment companies was announced in Securities Act Release No. 5988 (October 19, 1978) [43 FR 49886, Oct. 25, 1978].

Opinion of Counsel

Paragraph (f) of the rule as proposed required an opinion of counsel relating to the representations required to be made by registrants in connection with filing post-effective amendments to become effective immediately without staff review, pursuant to paragraph (b) of the proposed rule. Specifically, paragraph (b)(3) of the proposed rule provided that when a registrant filed an amendment pursuant to paragraph (b) it was required to represent that none of the material events listed in paragraph (b)(2) were disclosed in the filing and that no other material change "requiring disclosure in the prospectus" has occurred since the effective date of the last registration statement or post-effective amendment containing a prospectus, whichever was later. Additionally, if the amendment contained disclosure about the resignation of any of the registrant's directors, a representation was required to the effect that the resignation was not the result of a disagreement on any matter relating to the registrant's operations, policies or practices. A similar representation was required when the amendment contained disclosure about a change in the registrant's independent public accountant. Paragraph (f) of the proposed rule provided that if counsel prepared or reviewed the post-effective amendment filed pursuant to paragraph (b), the representations of the registrant described above had to be supported by an opinion of counsel to the effect that counsel was not aware of any facts which would lead counsel to believe that the amendment could not properly be filed pursuant to paragraph (b). This provision was opposed by several commentators who urged its revision or deletion on the grounds that counsel should not be required to give an opinion as to factual matters (such as the resignation of directors), that it would be inappropriate to formalize the role of counsel in a rule under the federal securities laws, and that the required opinion merely restated the existing responsibility of counsel with respect to filings. It was also stated that the provision would discriminate against those registrants which had counsel review or prepare their filings.

The purpose of the requirement for an opinion was not, as suggested by some commentators, to make counsel a guarantor of the adequacy of the disclosure contained in the amendments which counsel reviewed, or to make counsel potentially liable to registrants or others for the content of the required opinion. Rather the purpose of the provision was to ensure that where an amendment was filed under paragraph (b), and thus would become effective without staff review, the amendment would, to the best of counsel's knowledge, be properly filed, and counsel could be accountable to the Commission for counsel's determination to this effect. The Commission continues to believe that where, as is usually the case, a post-effective amendment is prepared or reviewed by counsel (whether outside counsel or a fulltime employee of the registrant), a specific statement by counsel that the amendment can properly be filed under paragraph (b) will serve as an important safeguard against the improper filing of amendments under that paragraph. However, to avoid some of the difficulties alluded to by the commentators, the revised rule (in new paragraph (e)) requires counsel who prepares or reviews a post-effective amendment filed pursuant to paragraph (b) of the rule to state only that the amendment does not contain disclosure which would render it ineligible to become effective pursuant to paragraph (b). Furthermore, under the revised rule this statement will be in the form of a representation to the Commission rather than an opinion of counsel.

Effective Date of Amendments

The proposed rule provided that post-effective amendments filed pursuant to paragraph (a) of the rule would become effective on the sixtieth day after filing, and that amendments filed pursuant to paragraph (b) would become effective upon filing. Several commentators who addressed these effective date provisions pointed out that where a filing was transmitted by mail, particularly over a long distance, it would be difficult for the registrant to predict the exact date upon which the filing would be received by the Commission and hence the exact date upon which the amendment would become effective. Accordingly, it was suggested that the Commission allow some flexibility in the effective dates of amendments. Another suggested alternative was that the Commission issue an interpretation to the effect that registrants would be permitted to use a prospectus which was still current for purposes of section 10(a)(3) of the 1933 Act [15 U.S.C. 77j(a)(3)] (because the financial statements contained therein were not as of a date more than sixteen months prior to its use) for a specified period after a more recent post-effective amendment containing a prospectus had become effective pursuant to the rule.

The Commission has historically taken the position that any prospectus

filed by an investment company registrant, even one which is still current for purposes of section 10(a)(3) of the 1933 Act, becomes stale the moment a more recent amendment containing a changed prospectus becomes effective. This position is based on section 24(e)(3) of the 1940 Act [15 U.S.C. 80a–24(e)(3)] which provides that for purposes of the liabilities imposed by section 11 of the 1933 Act [15 U.S.C. 77k], the effective date of a post-effective amendment filed by an investment company registrant becomes the effective date of the registration statement with respect to securities sold after the amendment becomes effective. Therefore, it is conceivable that where an amendment became effective upon filing pursuant to paragraph (b) of the proposed rule, but the registrant had not yet received a certified mail receipt or other confirmation of the filing date of its amendment, the registrant might inadvertently use a stale prospectus to sell shares. It would be equally unfortunate if a registrant filing pursuant to paragraph (b) were to use a prospectus before the amendment in which it was contained was received by the Commission and thus became effective. To avoid these problems, the revised rule permits registrants filing amendments pursuant to paragraph (b) of the rule to choose the effective date of the amendment, provided that the date chosen is within twenty days after the date on which the amendment is filed. Registrants should designate the date on the facing sheet of their amendment, and the amendment will become effective automatically on the date chosen. Registrants can still choose effectiveness immediately upon filing. The twenty-day period is adequate to permit registrants to receive a certified mail receipt or other confirmation of the filing date of an amendment in advance of the proposed effective date.

Paragraph (a) of the revised rule has not been modified because the sixty day period between the filing and effective dates of an amendment filed pursuant to that paragraph is sufficient to allow registrants to receive confirmation of the filing date well in advance of automatic effectiveness of the amendment.

Technical Changes

Paragraph (c) of the proposed rule provided that an amendment filed pursuant to the rule must recite on its facing sheet the provision of the rule pursuant to which it was filed. The release accompanying proposed rule 465 stated that because the rule was intended to provide the exclusive procedure for the review and processing of all post-effective amendments filed by open-end management investment companies and unit investment trusts (other than insurance company separate accounts), any amendment which did not recite on its facing sheet the provision of the rule pursuant to which it was filed would be deemed not to have been filed and would be returned to the registrant.

In response to comments, the Commission has concluded that the combined effect of paragraph (c) of the proposed rule and the statement made in the release would be more harsh than necessary. Accordingly, paragraph (c) of the rule has been revised to provide (in new paragraph (b) (4)) that only those amendments which are filed pursuant to paragraph (b) need recite that fact on the facing sheet. Similar modifications to the facing sheets of Form N–1 and Form S–6 have also been made. Thus, under the revised rule, amendments within the purview of the rule which do not recite on the facing sheet that they are filed pursuant to paragraph (b) of the rule will be presumed to have been filed pursuant to paragraph (a), and will become effective in accordance with that paragraph.

Some commentators requested clarification of the form in which a registrant should make the representations required in conjunction with filing an amendment pursuant to paragraph (b) of the rule. Revisions to the rule and the form amendments accommodate this request. New paragraph (e) of the rule requires the representations of the registrant to be made by certification on the signature page of the post-effective amendment. The required certification is to the effect that the registrant meets all of the requirements for effectiveness of the amendment pursuant to paragraph (b) of the rule. The textual portions of the signature pages of Forms N–1 and S–6 have been amended to include this certification.

Other Comments

A number of commentators suggested that if some of the restrictions on immediate effectiveness under proposed rule 465 were removed, more post-effective amendments would be filed pursuant to paragraph (b), thus enabling the staff to avoid reviewing a greater number of filings. Although one purpose of rule 465 is to eliminate staff review of investment company filings which are purely routine, the Commission is unwilling to eliminate review of investment company filings which are not routine. Moreover, while the Commission believes that a significant number of post-effective amendments will qualify for filing under paragraph (b), it also believes that rule 465 will serve a useful purpose even if the number of amendments which are not reviewed by the staff proves smaller than expected. A principal objective of automatic effectiveness for all filings is to permit registrants to assume greater responsibility for compliance with the disclosure standards of the federal securities laws.

In this regard, as stated in the release proposing rule 465, the power under paragraph (c) (former paragraph (d)) to suspend effectiveness of an amendment filed pursuant to paragraph (a) will usually be exercised only where the Commission has authorized injunctive action or administrative proceedings against the registrant or persons associated with it. If a post-effective amendment appears to raise the possibility of being materially incomplete or inaccurate, but the Commission is not yet prepared to take action against the registrant of the type described above, the amendment will normally be allowed to become effective, and the registrant assumes the risk that the Commission might later determine to take action on the ground that the filing is misleading or otherwise deficient. For this reason registrants who certify that their amendments can become effective pursuant to paragraph (b) should take special care in determining that no material event has occurred which would make the amendments ineligible for effectiveness under paragraph (b). For example, registrants who are aware that they are subject to a formal order of investigation by the Commission should consider the materiality of the matters being investigated in determining whether to file under paragraph (b).

Several commentators addressed paragraph (b)(1)(iii) of the rule which, as proposed, permitted immediate effectiveness of amendments "filed for no purpose other than * * * [b]ringing the financial statements and other information up to date pursuant to section 10(a)(3)" of the 1933 Act. They argued that this provision should be revised to include explicitly amendments which, in addition to updating this information, also correct inconsistencies, typographical or other technical errors, or make other changes which the registrant represents not to be material. To make clear that paragraph (b)(1)(iii) of the rule is intended to include minor changes of the type described by the commentators, that paragraph now specifically provides that registrants may make such other non-material changes in connection with the annual update as they deem

appropriate. Paragraph (b)(1) has also been amended to clarify that registrants may file amendments pursuant to paragraph (b) for any one or combination of the purposes listed in that paragraph.

Several commentators argued that the sixty days waiting period for effectiveness in paragraph (a) was too long, and urged its reduction to thirty or forty-five days. The Commission, however, believes that a period of fewer than sixty days may not allow sufficient time for staff review of filings which discuss material events. Moreover, since registrants obviously can know at any time the date upon which their current prospectuses will become stale, the Commission does not believe that it is unduly burdensome for them to file their post-effective amendments subject to rule 465(a) at least sixty days before that date.

The rule, as proposed, applied only to open-end management investment companies and unit investment trusts which were not registered separate accounts of insurance companies as defined in section 2 (a)(37) of the 1940 Act [15 U.S.C. 80a–2(a)(37)]. Several commentators urged the Commission to reconsider this aspect of the applicability of the rule. Rule 465 as adopted does not apply to such companies. In the future, however, the Commission will be prepared to consider applying procedures similar to those set forth in rule 465 to registered separate accounts of insurance companies.

Filing Procedures Under Rule 465

The adoption of rule 465 represents a significant departure from the procedures which heretofore have been applicable to the review and processing of post-effective amendments filed by investment company registrants, and the Commission wishes to bring certain matters to the attention of registrants.

First, the two-part filing procedure currently in effect [4] will not apply to filings subject to rule 465. Thus, the "narrative-only" filing now requested to be filed before the end of registrant's fiscal year has been eliminated.

Paragraph (d) (former paragraph (e)) of the rule provides that a post-effective amendment which includes a prospectus and which is filed pursuant to paragraph (a) shall not become effective automatically if a subsequent amendment relating to that prospectus is filed before the first amendment becomes effective. Thus, where it is appropriate for a registrant to file a later post-effective amendment (for example, to reflect changes made to prospectus disclosure as a result of staff comments on an earlier amendment), the subsequent amendment will become effective on the sixtieth day after it is filed unless the effective date is advanced. The effective date of amendments filed in response to staff comments will be advanced in most instances, however, so that the subsequent amendment will become effective on the sixtieth day after the original amendment was filed. Some commentators suggested that post-effective amendments filed in response to comments should be permitted to become effective automatically on the sixtieth day after the original amendment was filed. The rule has not been modified in response to this comment, however, because such amendments may contain substantial changes in disclosure which require full review, as opposed to a simple checking or verification procedure. This review may not be completed before the sixtieth day after the original amendment was filed, particularly if the subsequent amendment is filed late in the sixty day period.

As noted above, if refiling in response to staff comments is necessary, paragraph (d) of the rule will operate to prevent the original amendment from becoming effective pursuant to paragraph (a). However, where the refiled amendment responds satisfactorily to all staff comments given which were not waived or otherwise withdrawn, the staff normally will exercise its authority under section 8(c) of the 1933 Act to declare the original amendment effective. This procedure will eliminate any necessity for registrants to pay duplicate filing fees where the original amendment sought to register additional shares, and will also make it unnecessary to refile all exhibits contained in the original filing.[5]

In order for a post-effective amendment to be properly filed pursuant to paragraph (b) of the rule, the filing must satisfy the following requirements. First, the box indicating that the filing is made pursuant to paragraph (b) must be checked on the facing sheet of the filing. Second, the registrant's certification must appear on the signature page of the filing. Third, if the post-effective amendment was prepared or reviewed by counsel, the filing must contain the required counsel's representation. Should counsel's representation (where appropriate), the registrant's certification, or the checked box on the facing sheet be omitted from the amendment, it will be deemed filed pursuant to paragraph (a) of the rule. As such, it will be subject to staff review and comment and will not become effective automatically until the sixtieth day after filing. As a result, the shares sought to be registered by such an amendment may not be sold, nor may any prospectus contained therein be used for purposes of offering or selling shares, before the sixtieth day after the amendment was filed. Any such sale or use would violate provisions of the 1933 Act. Therefore, registrants should take special care in the preparation of post-effective amendments filed pursuant to paragraph (b) in order to avoid these problems.

Rule 437 under the 1933 Act [17 CFR 230.437] concerns applications to dispense with the written consents of experts required by section 7 of the 1933 Act [15 U.S.C. 77g]. This rule provides that such applications shall have been filed, and the consent of the Commission shall have been obtained, prior to the effective date of a registration statement. The commission and its staff are currently considering the appropriateness of waivers under rule 437. In the interim, however, registrants (particularly unit investment trusts investing in municipal or corporate bonds), which routinely file applications pursuant to rule 437, should be aware that rule 465 does not in any way modify the requirements of rule 437. It is the registrant's responsibility to ensure that the application is filed and approved before the amendment becomes effective pursuant to rule 465.

The staff will prepare notifications of effectiveness only in two cases: for amendments as to which the effective date has been advanced, and those which are being made effective following suspension of effectiveness. Thus, notifications of effectiveness will not be prepared for amendments which become effective on the date chosen by the registrant within twenty days after filing, pursuant to paragraph (b), or on the sixtieth day after filing, pursuant to paragraph (a). Rule 474 under the 1933 Act [17 CFR 230.474] states that the date on which amendments are actually received by the Commission shall be the filing date. In order to be aware of the exact filing date, registrants which file in person may wish to provide an extra copy of the amendment or a cover letter to be date-stamped and returned to the registrant. Registrants which do not file in person at the Commission may choose to send their amendments by certified mail requesting a receipt, or to

[4] *See* note 3, *supra.*

[5] Thus, registrants should omit any reference to the registration of shares from the facing sheet of the later filing.

enclose a stamped, self-addressed envelope as part of the filing together with a duplicate of the cover letter so that the duplicate can be date-stamped and returned to the registrant.

Registrants are reminded that the statutory burden of full disclosure is on the issuer, its affiliates, the underwriter, the accountants and others responsible for the filing. As a matter of law, this burden cannot be shifted to the Commission or its staff. To monitor compliance with these statutory responsibilities, the Commission staff will undertake a program of spot-checking amendments filed pursuant to paragraph (b).

Delegation of authority

As stated in the release proposing rule 465, the Commission is adopting an amendment to rule 30–5 of its Rules of Organization and Program Mangement [17 CFR 200.30–5], delegating to the Director of the Division of Investment Management the authority to advance the effective date of post-effective amendments filed pursuant to paragraph (a) of rule 465, and to suspend the operation of paragraph (a) with respect to amendments filed pursuant to that section.

Text of Rule 465, Amendments to Form N–1 and Form S–6, and Amendment to Rule 30–5

I. Part 230 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding § 230.465 to read as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

§ 230.465 Effective date of post-effective amendments filed by certain registered investment companies.

(a) Except as otherwise provided in this section, a post-effective amendment to a registration statement filed by a registered open-end management investment company or unit investment trust, other than a registered separate account as defined in section 2(a)(37) of the Investment Company Act of 1940 [15 U.S.C. 80a–2(a)(37)], shall become effective on the sixtieth day after the filing thereof, unless the Commission, having due regard to the public interest and the protection of investors, declares such amendment effective on an earlier date.

(b) A post-effective amendment to a registration statement filed by a registered open-end management investment company or unit investment trust, other than a registered separate account as defined in section 2(a)(37) of the Investment Company Act of 1940 [15 U.S.C. 80a–2(a)(37)], shall become effective on the date upon which it is filed with the Commission, or such later date designated by the registrant on the facing sheet of the amendment, which date shall be not later than twenty days after the date on which the amendment is filed, provided that the following conditions are met:

(1) It is filed for no purpose other than one or more of the following:

(i) Increasing the number or amount of securities proposed to be offered pursuant to section 24(e)(1) of the Investment Company Act of 1940 [15 U.S.C. 80a–24(e)(1)];

(ii) Registering an indefinite number or amount of securities pursuant to section 24(f) of the Investment Company Act of 1940 [15 U.S.C. 80a–24(f)] and Rule 24f–2 thereunder [17 CFR 270.24f–2]; and

(iii) Bringing the financial statements and other information up to date pursuant to section 10(a)(3) of the Act [15 U.S.C. 77j(a)(3)], and, in conjunction therewith, making such other non-material changes as the registrant deems appropriate;

(2) Any prospectus filed as a part of such amendment does not include disclosure relating to any of the following events to the extent that such events have occurred since the effective date of the registrant's registration statement or the effective date of its most recent post-effective amendment thereto which included a prospectus, whichever is later:

(i) Termination of an investment advisory contract;

(ii) A change in the registrant's investment objectives, in any of its policies listed in section 8(b)(1) of the Investment Company Act of 1940 [15 U.S.C. 80a–8(b)(1)], or in any other investment policy which the registrant deems fundamental or which, pursuant to section 13 of the Investment Company Act of 1940 [15 U.S.C. 80a–13], is changeable only by shareholder vote;

(iii) Suspension of sales or redemptions of securities issued by the registrant;

(iv) Resignation of any of the registrant's directors, unless the registrant represents that such director did not resign due to disagreement with the registrant on any matter relating to the registrant's operations, policies or practices;

(v) A change in the registrant's independent public accountant, unless the registrant represents that there were no disagreements with the former accountant on any matter of accounting principles or practices or financial statement disclosures; or

(vi) If registrant is a unit investment trust the assets of which do not consist solely of securities issued by a management investment company, any substitution by the depositor or trustee of the trust of securities held by the trust with a value of 5% or more of the trust's net assets; and

(3) The registrant represents that no material event requiring disclosure in the prospectus, other than one listed in paragraph (b)(1) of this section, has occurred since the effective date of the registrant's registration statement or the effective date of its most recent post-effective amendment thereto which included a prospectus, whichever is later; and

(4) Such amendment recites on the facing sheet thereof that the registrant proposes that the amendment will become effective pursuant to paragraph (b) of this section.

(c) No amendment shall become effective pursuant to paragraph (a) of this section if, prior to the effective date of such amendment, it should appear to the Commission that the amendment may be incomplete or inaccurate in any material respect, and the Commission furnishes to the registrant written notice that the effective date of the amendment is to be suspended. Following such action by the Commission, the registrant may file with the Commission at any time a petition for review of the suspension. The Commission will order a hearing on the matter if a request for such a hearing is included in the petition. If the Commission has suspended the effective date of an amendment, the amendment shall become effective on such date as the Commission may determine, having due regard to the public interest and the protection of investors.

(d) A post-effective amendment which includes a prospectus shall not become effective pursuant to paragraph (a) of this section if a subsequent post-effective amendment relating to such prospectus is filed before such amendment becomes effective.

(e) The representations of the registrant referred to in paragraphs (b)(2)(iv), (b)(2)(v) and (b)(3) of this section shall be made by certification on the signature page of the post-effective amendment that such amendment meets all of the requirements for effectiveness pursuant to paragraph (b) of this section. If counsel prepared or reviewed the post-effective amendment filed pursuant to paragraph (b) of this section, such counsel shall furnish to the Commission at the time the amendment is filed a written representation that the amendment does not contain disclosures which would render it ineligible to

become effective pursuant to paragraph (b).

II. Parts 239 and 274 of Chapter II of Title 17 of the Code of Federal Regulations are amended by: (1.) Amending the facing sheet of Form N-1 and (2.) amending the signature page of Form N-1 as follows:

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

§ 239.15 Form N-1 for open-end management investment companies registered on Form N-8A.

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

§ 274.11 Form N-1, registration statement of open-end management investment companies.

[1. Amendment to facing sheet. Insert the following after "Approximate Date of Proposed Public Offering":

☐ Check box if it is proposed that this filing will become effective (immediately upon filing or on (date)) pursuant to paragraph (b) of Rule 465.]

[2] Amendment to signature page. The first textual paragraph under "SIGNATURES" is amended as follows:

Pursuant to the requirements of the Securities Act of 1933 (and) (or) the Investment Company Act of 1940 the Registrant (certifies that it meets all of the requirements for effectiveness of this Registration Statement pursuant to rule 465(b) under the Securities Act of 1933 and) has duly caused this Registration Statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of ——————, and State of on the —— day of ——————, 19——.

[3] Amending the facing sheet of Form S-6 and (4.) amending the signature page of Form S-6 as follows:

§ 239.16 Form S-6 for unit investment trusts registered on Form N-8B-2.

[3] Amendment to facing sheet. Insert the following after "Name and complete address of agent for service":

☐ Check box if it is proposed that this filing will become effective (immediately upon filing or on (date)) pursuant to paragraph (b) of Rule 465.

[4] Amendment to signature page. The textual paragraph under "SIGNATURES" is amended as follows:

Pursuant to the requirements of the Securities Act of 1933, the registrant, ——————, (certifies that it meets all of the requirements for effectiveness of this Registration Statement pursuant to rule 465(b) under the Securities Act of 1933 and) has duly caused this registration statement to be signed on its behalf by the undersigned thereunto duly authorized, and its seal to be hereunto affixed and attested, all in the city of ——————, and State of ——————, on the —— day of ——————, 19——]

III. Part 200 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding paragraph (b-2) to § 200.30-5 to read as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart A—Organization and Program Management

§ 200.30-5 Delegation of authority to Director of Division of Investment Management.

* * * * *

(b-2) With respect to post-effective amendments filed pursuant to paragraph (a) of rule 465 under the Act (17 CFR 230.465(a)):

(1) To suspend the operation of said paragraph (a) and to issue written notices to registrants of such suspensions; and

(2) To determine such amendments to be effective within shorter periods of time than the sixtieth day after the filing thereof.

Statutory Authority: The Commission hereby adopts Rule 465 and amendments to Form S-6 and Form N-1 pursuant to the provisions of Sections 7, 8 and 19(a) of the Securities Act of 1933 [15 U.S.C. 77g, 77h and 77s(a)], and Sections 8 and 38(a) of the Investment Company Act of 1940 [15 U.S.C. 80a-8 and 80a-37(a)]. Further, the Commission hereby amends rule 30-5 pursuant to authority contained in the Act of August 30, 1962, Pub. L. No. 87-592, 76 Stat. 394 [15 U.S.C. 78d-1, 78d-2] and Section 38 of the Investment Company Act of 1940 [15 U.S.C. 80a-37].

By the Commission.

George A. Fitzsimmons,

Secretary.

August 25, 1980.

[FR Doc. 80-26604 Filed 8-28-80; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Part 240

[Release No. 34-17085; File No. S7-848]

Notice Obligations of Self-Regulatory Organizations With Respect to Final Disciplinary Actions, Denials, Bars or Limitations Respecting Membership, Association, Participation or Access to Services and Summary Suspensions

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission is adopting the proposed amendment to its rule governing notice obligations of self-regulatory organizations with respect to final disciplinary actions to exclude the requirement that national securities exchanges provide the Commission with notice of uncontested summary disciplinary actions involving infractions of floor decorum regulations.

EFFECTIVE DATE: October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Susan M. Wilk, Esq., Division of Market Regulation, Securities and Exchange Commission, Room 341, 500 North Capitol Street, Washington, D.C. 20549, (202) 272-2824.

SUPPLEMENTARY INFORMATION: On March 5, 1980, the Commission issued a release proposing for comment an amendment to subsection (c) of Rule 19d-1 which would exempt from the rule's reporting requirement uncontested summary disciplinary actions for infractions of exchange rules governing personal decorum on the trading floor.[1]

Rule 19d-1 [17 CFR 240.19d-1] prescribes the content of notices by self-regulatory organizations of final disciplinary actions, denials, bars or limitations respecting membership, association, participation or access to services, and summary suspensions. The rule was adopted in July 1977,[2] pursuant to section 19(d)(1) of the Securities Exchange Act ("Act") [3] which requires that self-regulatory organizations promptly report any of the above-noted actions to the Commission (or appropriate regulatory agency) in such form as the Commission (or appropriate regulatory agency) prescribes by rule. Subsection (c) of Rule 19d-1, which the Commission is amending, presently requires any self-regulatory organization, for which the Commission is the appropriate regulatory agency, that takes any final disciplinary action with respect to any person to file promptly a notice thereof with the Commission.[4] No comments were received on the proposed amendment.[5]

The Commission has determined to amend Rule 19d-1 in the manner proposed in its March release based on its conclusion that, during the three years Rule 19d-1 has been in effect, the

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[1] Securities Exchange Act Release No. 16628 (March 5, 1980), 45 FR 15942 (March 12, 1980).

[2] Securities Exchange Act Release No. 13726 (July 8, 1977), 42 FR 36412 (July 14, 1977).

[3] Section 19(d), 15 U.S.C. 78s(d)(1), was enacted as part of the Securities Acts Amendments of 1975, Pub. L. 94-29 (June 4, 1975).

[4] Rule 19d-1(c). Subsection (d) of Rule 19d-1 prescribes the content of notices of final disciplinary actions.

[5] The substance of the proposed amendment initially was suggested by the American Stock Exchange. Petition to Commission to amend Rule 19d-1 from American Stock Exchange (March 15, 1979).

administrative burdens on the Commission staff and on the exchanges have outweighed the utility of reports of uncontested summary sanctions for violations of trading floor decorum regulations. The amendment to Rule 19d–1(c) exempts from the rule's reporting requirements uncontested disciplinary actions in which an exchange summarily imposes a fine not exceeding $500 or suspends floor privileges of a clerical employee for not more than five days for violation of regulations governing personal decorum on the trading floor. The amendment to Rule 19d–1(c) is not available for disciplinary sanctions involving recordkeeping, the handling of orders, or the execution of any securities transaction on an exchange.

The Commission notes that regulations regarding floor decorum will continue to be reviewed by the Commission to determine whether they are consistent with the Act at the time they are adopted by an exchange pursuant to Section 19(b) of the Act.[6] The Commission also notes that exchanges are required by Commission Rule 17a–1(a) [7] to keep a record of all disciplinary sanctions, including those for floor decorum violations, for five years. The Commission emphasizes that exchanges also will still be required to file notices of any contested summary decorum sanctions and decorum sanctions that are imposed at or as a result of a hearing. Reporting under those circumstances is consistent with the purposes of Section 19(d) and provides the Commission with information necessary to perform its oversight of exchange enforcement and disciplinary activities. The amendment also does not affect subsection (i) of Rule 19d–1,[8] which requires that summary suspensions of membership or summary limitations of access to services, for whatever reason, be reported to the Commission within 24 hours of the effectiveness of those sanctions.

For the reasons stated above, the Commission finds that the proposed amendment is appropriate in the public interest, for the protection of investors, and otherwise in furtherance of the purposes of the Act. Accordingly, the Commission, acting pursuant to its authority under Section 23(a)(1) of the Act,[9] hereby amends Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by revising paragraph (c) of § 240.19d–1 as follows.

[6] 15 U.S.C. 78s(b).
[7] 17 CFR 240.17a–1(a).
[8] 17 CFR 240.19d–1(i).
[9] 15 U.S.C. 78w(a)(1).

§ 240.19d–1 Notices by self-regulatory organizations of final disciplinary actions, denials, bars, or limitations respecting membership, association, participation, or access to services, and summary suspensions.

* * * * *

(c) *Notice of final disciplinary action.* Any self-regulatory organization for which the Commission is the appropriate regulatory agency that takes any final disciplinary action with respect to any person shall promptly file a notice thereof with the Commission in accordance with paragraph (d) hereof. For the purposes of this rule, a "final disciplinary action" shall mean the imposition of any final disciplinary sanction pursuant to section 6(b)(6), 15A(b)(7), or 17A(b)(3)(G) of the Act or other action of a self-regulatory organization which, after notice and opportunity for hearing, results in any final disposition of charges of:

(1) One or more violations of—

(i) The rules of such organization;

(ii) The provisions of the Act or rules thereunder; or

(iii) In the case of a municipal securities broker of dealer, the rules of the Municipal Securities Rulemaking Board;

(2) Acts or practices constituting a statutory disqualification of a type defined in subparagraph (D) or (E) (except prior convictions) of section 3(a)(39) of the Act; or

(3) In the case of a proceeding by a national securities exchange or registered securities association based on sections 6(c)(3)(A)(ii), 6(c)(3)(B)(ii), 15A(g)(3)(A)(ii), or 15A(g)(3)(B)(ii) of the Act, acts or practices inconsistent with just and equitable principles of trade.

Provided, however, That in the case of a disciplinary action in which a national securities exchange summarily imposes a fine not exceeding $500 or suspends floor privileges of a clerical employee for not more than five days for violation of any of its regulations concerning personal decorum on a trading floor, the disposition shall not be considered "final" for purposes of this paragraph if the sanctioned person has not sought an adjudication, including a hearing, or otherwise exhausted his administrative remedies at the exchange with respect to the matter. *Provided further,* That this exemption from the notice requirement of this paragraph shall not be available where a decorum sanction is imposed at, or results from, a hearing on the matter.

* * * * *

By the Commission.

George A. Fitzsimmons,

Secretary.

August 22, 1980.

[FR Doc. 80–26630 Filed 8–28–80; 8:45 am]
BILLING CODE 8010–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 141

[Docket No. RM80–63]

Discontinuance of Form RO211; Notice of Change of Effective Date

August 21, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of change of effective date.

SUMMARY: On June 2, 1980, the Federal Energy Regulatory Commission issued Order No. 89, "Discontinuance of Form RO211" (45 FR 38354, June 9, 1980). The reporting requirement, Form RO211 was to be eliminated, effective September 1, 1980. By this notice, the effective date of Order No. 89 is changed to December 31, 1980.

DATE: December 31, 1980.

FOR FURTHER INFORMATION CONTACT: Cathy Ciaglo, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 3329, Washington, DC 20426 (202) 357–8318.

SUPPLEMENTARY INFORMATION: The Federal Regulatory Commission's (Commission) Order No. 89, "Discontinuance of Form RO211," was issued June 2, 1980 (45 FR 38354, June 9, 1980). The reporting requirement, Form RO211, and its corresponding regulation set forth at 18 CFR 141.58 require a report of impending emergencies, load reductions and/or service interruptions in bulk electric power supply and related power supply facilities. The form is no longer necessary to the performance of the Commission's regulatory responsibilities. Form RO211 was issued with a delayed effective date of September 1, 1980 so as to allow the Economic Regulatory Administration (ERA) sufficient time to devise and receive approval for its own form which would collect the information in Form RO211 that ERA needed to perform its statutory responsibilities.

The Commission has learned that ERA has not completed its rulemaking process to effect such a form, and does not expect to implement regulations

which would include the reporting requirement RO211 until late December 1980. The Commission is, therefore, extending the effective date for elimination of Form RO211 to December 31, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-26553 Filed 8-28-80; 8:45 am]

BILLING CODE 6450-65-M

RAILROAD RETIREMENT BOARD

20 CFR Part 362

Employees' Personal Property Claims

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board amends Chapter II of Title 20 of the Code of Federal Regulations by adding a new Part 362 to Subchapter F of its regulations to provide a procedure for the settlement of claims against the United States made by an officer or employee of the Board.

EFFECTIVE DATE: August 29, 1980.

FOR FURTHER INFORMATION CONTACT: Dale G. Zimmerman, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4935.

SUPPLEMENTARY INFORMATION: In accordance with the Board's Report issued under Executive Order 12044, a proposal to develop a procedure for the settlement of claims against the United States made by an officer or employee of the Board was submitted to the Chief Executive Officer for a determination as to whether the proposed regulations would constitute significant regulations. The Chief Executive Officer determined that these regulations would not constitute significant regulations.

Although public comment has not been invited with respect to these regulations, the Board will accept comments from the public concerning these regulations. Interested persons may submit written comments, suggestions, or data, to Mr. Zimmerman. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, however, these regulations will remain in effect, thus permitting agency business to proceed more expeditiously.

Title 20, Chapter II, is amended as follows:

SUBCHAPTER F—INTERNAL ADMINISTRATION, POLICY AND PROCEDURES

New Part 362 reads as follows:

PART 362—EMPLOYEES' PERSONAL PROPERTY CLAIMS

Sec.

362.1 Purposes.
362.2 Definitions.
362.3 Who may file a claim.
362.4 Delegation of authority.
362.5 Time limits for filing a claim.
362.6 Procedure for filing a claim.
362.7 Factors to be considered in settling a claim.
362.8 Investigation of a claim.
362.9 Fraudulent claims.
362.10 Principal types of claims allowable.
362.11 Principal types of claims not allowable.
362.12 Computation of amount of reimbursement.
362.13 Property recovered after payment of claim.
362.14 Finality of settlement.
362.15 Agent's or attorney's fee.

Authority: Section 3(a), Pub. L. 88-558, 78 Stat. 767 (31 U.S.C. 241(b)(1)).

§ 362.1 Purposes.

(a) This Part prescribes regulations under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, for the settlement of a claim against the United States made by an officer or employee of the Railroad Retirement Board for damage to, or loss of, personal property incident to his service. In accordance with that Act, the possession of such property must be reasonable, useful, or proper under the circumstances.

(b) The Railroad Retirement Board is not an insurer of its officers' or employees' personal property and does not underwrite the damage or loss of such property that may be sustained by an officer or employee. Officers and employees of the Board are encouraged to carry private insurance to the maximum extent practicable to avoid large losses or losses which may not be recoverable from the Board. The procedures set forth in this section are designed to enable the claimant to obtain the maximum amount of otherwise unreimbursed or uninsured compensation for his loss or damage. Failure of the claimant to comply with these procedures may reduce or preclude payment of his claim under this Part.

§ 362.2 Definitions.

As used in this Part:

(a) "Act" means the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 240-243).

(b) "Article of extraordinary value" means an article which was purchased or which the employee values at a monetary amount which is in excess of the usual, regular or customary amount paid for an article which is capable of accomplishing the same purposes.

(c) "Benefit of the Board" means that the operations and service of the Board were assisted, facilitated or improved.

(d) "Board" means the Railroad Retirement Board.

(e) "Employee" means an officer or employee of the Board.

(f) "Settle" means consider, ascertain, adjust, determine and dispose of any claim, whether by full or partial allowance or by disallowance.

§ 362.3 Who may file a claim.

A claim may be filed by an employee, by his spouse in his name as authorized agent, or by any other authorized agent or legal representative of the employee. If the employee is dead, his (a) spouse, (b) child, (c) father or mother, or both, or (d) brother or sister, or both, may file the claim and be entitled to payment in that order of priority.

§ 362.4 Delegation of authority.

The General Counsel of the Board is authorized to settle any claim filed under this Part.

§ 362.5 Time limits for filing a claim.

A claim under this Part may be considered only if:

(a) The damage or loss occurred after August 31, 1964; and

(b) The claim is filed in writing within two years after the damage, loss or theft occurred or became known to the employee.

§ 362.6 Procedure for filing a claim.

(a) Railroad Retirement Board Form G-108, Employee Claim for Loss or Damage to Personal Property, is the prescribed form for filing claims pursuant to the regulations in this Part and must be completed by the employee, the person acting on his behalf, or his survivor and forwarded directly to the General Counsel of the Board for processing. Railroad Retirement Board Form G-108 may be obtained from the Board's Bureau of Law.

(b) In addition to the information required to complete the form described § 362.6(a), the following information or data must be submitted with each claim:

(1) With respect to claims involving property which is stolen or lost, the purchase receipt, or if not available, statements from the employee estimating the value and what security measures or precautions were taken to protect the property;

(2) With respect to claims involving property which is damaged, an itemized repair estimate from an appropriate commercial source, or, if beyond repair, a statement from an appropriate

commercial source or, if such a statement is not available, from the employee, indicating that the damaged property is beyond repair;

(3) With respect to claims involving property stated to be beyond repair in accordance with § 362.6(b)(2), a statement from the employee estimating the value and the purchase receipt, if available;

(4) With respect to claims considered under § 362.10(b)(3), a statement by the employee's supervisor verifying that the supervisor required the employee to provide, or that the supervisor consented to having the employee provide, such property and that the provision of such personal property was in the interest of the Board;

(5) With respect to a claim filed by an agent or survivor of an employee, a power of attorney or other satisfactory evidence of authority to file the claim.

§ 362.7 Factors to be considered in settling a claim.

Claims are payable only for such types, quantities or amounts of tangible personal property as the General Counsel of the Board shall determine to be reasonable, useful, or proper under the circumstances existing at the time and place of the loss, theft or damage of the property. In determining what is reasonable, useful or proper the General Counsel will consider the type and quantity of property involved, the circumstances attending acquisition and use of the property, and whether possession or use by the employee at the time of loss, theft or damage was incident to the employee's service. What is reasonable, useful or proper is a question of fact to be determined by the General Counsel.

§ 362.8 Investigation of a claim.

The General Counsel or his designee may investigate the circumstances surrounding the theft, loss or damage of an employee's property. In order to complete such investigation, the General Counsel or his designee may request the submission of information in addition to that described in § 362.7 of this Part.

§ 362.9 Fraudulent claims.

Claims are not payable for items fraudulently claimed. When investigation discloses that an employee, an agent of the employee, or a survivor of the employee has intentionally misrepresented an item claimed, as to cost, condition, cost of repair or other significant information, the claim as to that item will be disallowed in its entirety even though some actual loss or damage may have been sustained. However, if the remainder of the claim is proper it will be paid as to other items. This section does not preclude appropriate prosecution and disciplinary action if warranted.

§ 362.10 Principal types of claims allowable.

(a) In general, a claim may be allowed only for tangible personal property of a type and quantity that was, from the Board's perspective, reasonable, useful, or proper for the employee to possess under the circumstances at the time of the loss or damage. Any questions in this regard are to be resolved by the General Counsel.

(b) Claims that will ordinarily be allowed include, but are not limited to, cases in which the loss or damage occurred:

(1) In a common or natural disaster;

(2) When the property was subjected to extraordinary risks in the performance of duty or efforts to save human life or property of the United States Government;

(3) When the property was used for the benefit of the Board at the direction, or with the consent, of a supervisor.

§ 362.11 Principal types of claims not allowable.

(a) Claims will be disallowed when:

(1) The personal property was lost, stolen or damaged prior to August 31, 1964;

(2) The loss or damage totals less than $5 or, to the extent of the excess, more than the maximum amount provided in § 241(b)(1) of Title 31 of the United States Code;

(3) The loss or damage was caused, at least in part, by the negligence of the employee or his agent;

(4) The personal property was acquired, possessed or transported in violation of law or regulation;

(5) The personal property was brought into Board offices for temporary storage in anticipation of delivery to another person or removal to another location;

(6) The personal property lost or damaged was food-stuffs or furniture;

(b) Claims which will ordinarily not be allowed include, but are not limited to, claims for:

(1) Money or currency, except when lost in a common or natural disaster;

(2) Articles of extraordinary value;

(3) Articles being worn (unless allowable under § 362.10);

(4) Intangible property, such as bank books, checks, notes, stock certificates, money orders or travelers' checks;

(5) Property owned by the United States, unless the employee is financially responsible for it to another United States government agency;

(6) Losses of insurers or subrogees and those losses recoverable from an insurer or carrier;

(7) Losses or damages sustained in quarters not assigned or otherwise provided in kind by the Board;

(8) Losses recoverable or recovered pursuant to contract;

(9) Loss or damage to any vehicle used for transportation or in transportation (unless allowable under § 362.10).

§ 362.12 Computation of amount of reimbursement.

(a) The amount awarded with regard to any item of personal property will not exceed its depreciated replacement cost at the time of loss. Unless proven to be otherwise, replacement cost will be based on the price paid in cash for the property or, if not acquired by purchase or exchange, the value at the time of acquisition. The amount normally payable on property damaged beyond economical repair is found by determining its depreciated value immediately before it was damaged or lost, less any salvage value. If the cost of repair is less than the depreciated value of the property, then it is economically repairable, and the cost of repair is the amount payable.

(b) Depreciation in value of an item of personal property is determined by considering the type of article involved, its cost, condition when lost or damaged beyond economical repair, and the time elapsed between the date of acquisition and the date of accrual of the claim.

(c) Allowance for articles acquired by barter will not exceed the cost of the articles tendered in barter.

§ 362.13 Property recovered after payment of claim.

When previously lost or stolen property is recovered by the employee after allowance of a claim by the Board, the employee shall return the amount of reimbursement.

§ 362.14 Finality of settlement.

Notwithstanding any other provision of law, settlement of a claim under the Act and this Part is final and conclusive.

§ 362.15 Agent's or attorney's fee.

Under the terms of the Act, no more than 10 percent of the amount paid in settlement of a claim submitted and settled under this Part may be paid or delivered to or received by any agent or attorney on account of services rendered in connection with that claim, any contract to the contrary notwithstanding.

Dated: August 21, 1980.

By Authority of the Board.

R. F. Butler,

Secretary of the Board.

[FR Doc. 80-26616 Filed 8-28-80; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 80F-0121]

Antioxidants and/or Stabilizers for Polymers; Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of 1,3,5-tris (4-*tert*-butyl-3-hydroxy-2,6-dimethylbenzyl)-1,3,5-triazine-2,4,6-(1H,3H,5H)-trione as an antioxidant and/or stabilizer in polystyrene and rubber-modified polystyrene. This is in response to a food additive petition from American Cyanamid Co.

DATES: Effective August 29, 1980; objections by September 29, 1980.

ADDRESS: Written objections to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: John L. Herrman, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: A notice published in the Federal Register of May 6, 1980 (45 FR 29892) announced that a food additive petition (FAP 9B3471) had been filed by American Cyanamid Co., Wayne, NJ 07470, proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* be amended to provide for the use of 1,3,5-tris(4-*tert*-butyl-3-hydroxy-2,6-dimethylbenzyl)-1,3,5-triazine-2,4,6-(1H,3H,5H)-trione as an antioxidant in polystyrene and rubber-modified polystyrene.

FDA has evaluated data in the petition and other relevant material and concludes that § 178.2010 should be amended as set forth in this document.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 178 is amended in § 178.2010(b) by revising the item "1,3,5-Tris(4-*tert*-butyl-3-hydroxy-2,6-dimethyl-benzyl)-1,3,5-triazine-2,4,6-(1H,3H,5H)-trione" to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * * * * * *	
1,3,5-Tris(4-*tert*-butyl-3-hydroxy-2,6-dimethylbenzyl)-1,3,5-tnazine-2,4,6-(1H,3H,5H)-trione. [CAS Reg. No. 40601-76-1].	For use only: 1. At levels not to exceed 0.1 percent by weight of polypropylene and polyethylene that comply with § 177.1520 of this chapter, provided that the finished polypropylene and polyethylene contact food only under the conditions described in § 176.170(c) of this chapter, table 2, under conditions of use E through G. 2. At levels not to exceed 0.1 percent by weight of polystyrene and rubber-modified polystyrene that comply with § 177.1640 of this chapter, provided that the finished polystyrene and rubber-modified polystyrene contact food only under the conditions described in § 176.170(c) of this chapter, table 2, under conditions of use E through G.
* * * * * * *	

Any person who will be adversely affected by the foregoing regulation may at any time on or before September 29, 1980, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective August 29, 1980.

(Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s) 348))

Dated: August 21, 1980.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-26186 Filed 8-28-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 522

Oxytetracycline Hydrochloride Injection; Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a supplemental new animal drug application (NADA) filed by Philips Roxane, Inc., providing for intramuscular use of a 100-milligram-per-milliliter (mg/mL) oxytetracycline hydrochloride injection for treating certain infections of swine.

EFFECTIVE DATE: August 29, 1980.

FOR FURTHER INFORMATION CONTACT: Richard A. Carnevale, Bureau of Veterinary Medicine (HFV-125), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1788.

SUPPLEMENTARY INFORMATION: Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, MO 64502, filed a supplemental NADA (95-642) providing for intramuscular use of a 100-milligram-per-milliliter (mg/mL) oxytetracycline hydrochloride (OTC HCl injection in swine for treating bacterial enteritis, pneumonia, and leptospirosis; and in sows as an aid in controlling infectious enteritis in suckling pigs). Philips Roxane currently holds approvals for

intramuscular use of 100 mg/mL injection in cattle, for intramuscular or intravenous use of a 50 mg/mL injection in cattle, and for intramuscular use of a 50 mg/mL injection in swine and sows. Philips Roxane's 100 mg/mL OTC HCl injection has been shown, through crossover blood level studies, to be biocomparable to Pfizer's Terramycin (50-milligrams-per-milliliter OTC injection). Terramycin has been reviewed by the National Academy of Sciences/National Research Council, Drug Efficacy Study Group, and declared by the agency to be effective for swine use. Accordingly, the regulation is amended in § 522.1662a(b) (21 CFR 522.1662a(b)) to reflect this approval and to revise editorially certain portions of the text.

Approval of this supplemental application poses no increased human risk from exposure to residues of oxytetracycline because the approval concerns using a 100 mg/mL oxytetracycline injectable in the same manner as currently provided for the 50 mg/mL injectable. Therefore, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this approval did not require reevaluation of the safety and effectiveness data in the parent application.

In accordance with the provisions of Part 20 (21 CFR Part 20) promulgated under the Freedom of Information Act (5 U.S.C. 552) and the freedom of information regulations in § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii), a summary of safety data and information supporting approval of this application is available for public examination at the office of the Hearing Clerk (HFA-305), Rm. 4-62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.1662a by revising paragraph (b), to read as follows:

§ 522.1662a Oxytetracycline hydrochloride injection.

* * * * *

(b)(1) *Specifications.* Each milliliter of sterile solution contains 50 or 100 milligrams of oxytetracycline (as oxytetracycline hydrochloride).

(2) *Sponsor.* See 000010 in § 510.600(c) of this chapter.

(3) *Conditions of use*—(i) *Beef cattle and nonlactating dairy cattle—(a) Amount.* Three to 5 milligrams of oxytetracycline per pound of body weight per day; 5 milligrams per pound of body weight per day for the treatment of anaplasmosis, severe foot-rot, and severe cases of other indicated diseases.

(b) Indications for use. Treatment of diseases due to oxytetracycline-susceptible organisms as follows: Pneumonia and shipping fever complex associated with *Pasteurella spp., Hemophilus spp.,* and *Klebsiella spp.,* foot-rot and diphtheria caused by *Spherophorus necrophorus,* bacterial enteritis (scours) caused by *Escherichia coli,* wooden tongue caused by *Actinobacillus lignieresi,* leptospirosis caused by *Leptospira pomona,* and wound infections and acute metritis caused by *Staphylococcus spp.* and *Streptococcus spp.* If labeled for use by or on the order of a licensed veterinarian, it may be used for the treatment of anaplasmosis caused by *Anaplasma marginale.*

(c) Limitations. For 50-milligram-per-milliliter solution, administer intramuscularly or intravenously; for 100-milligram-per-milliliter solution, administer intramuscularly only. Treatment of all diseases should be instituted early and continue for 24 to 48 hours beyond remission of disease symptoms, but not to exceed a total of 4 consecutive days. Consult your veterinarian if no improvement is noted within 48 hours. Do not inject more than 10 milliliters per site in adult cattle, reducing the volume according to age and body size to 0.5 to 2 milliliters in small calves. Exceeding the highest recommended dose of 5 milligrams per pound of body weight, administering at recommended levels for more than 4 consecutive days, and/or exceeding 10 milliliters intramuscularly per injection site may result in antibiotic residues beyond the withdrawal time. Discontinue treatment at least 18 days prior to slaughter. Not for use in lactating dairy cattle.

(ii) *Swine—(a) Amount.* Three to 5 milligrams of oxytetracycline per pound of body weight per day. Sows: 3 milligrams of oxytetracycline per pound of body weight, approximately 8 hours before farrowing or immediately after completion of farrowing.

(b) Indications for use. For treatment of bacterial enteritis (scours, colibacillosis) caused by *Escherichia coli,* pneumonia caused by *Pasteurella multocida,* and leptospirosis caused by *Leptospira pomona.* Sows: as an aid in control of infectious enteritis (baby pig scours, colibacillosis) in suckling pigs caused by *Escherichia coli.*

(c) Limitations. Administer intramuscularly. Do not inject more than 5 milliliters per site. Do not use for more than 4 consecutive days. Discontinue treatment at least 26 days before slaughter.

* * * * *

Effective date. This regulation is effective August 29, 1980.

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

Dated: August 21, 1980.

Terence Harvey,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 80-26416 Filed 8-28-80; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7717]

Income Tax; Taxable Years Beginning After Dec. 31, 1953; Residential Energy Credit

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the residential energy credit. Changes to the applicable tax law were made by the Energy Tax Act of 1978. These regulations provide the public with guidance needed for determining whether a residential energy credit is available with respect to certain expenditures.

DATE: The amendments are effective with respect to expenditures made after April 19, 1977, and before January 1, 1986.

FOR FURTHER INFORMATION CONTACT: Walter H. Woo of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C., 20224 (Attention: CC:LR:T) (202-566-3297).

SUPPLEMENTARY INFORMATION:

Background

On May 23, 1979, the Federal Register published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 44C and 1016 of the Internal Revenue Code of 1954 and to the Statement of Procedural Rules (26 CFR Part 601). The amendments were proposed to conform the regulations to section 101 of the Energy Tax Act of 1978 (92 Stat. 3175). A public hearing was held on September 12, 1979. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by

this Treasury decision. A new § 1.44C–6 is added to deal with the procedure and criteria for additions to the list of energy-conserving components or renewable energy sources which was previously the subject of § 1.44C–5. Section 1.44C–6 is reserved in this Treasury decision and will be dealt with in another regulation project. It should be noted that this Treasury decision does not reflect any of the amendments to section 44C made by the Crude Oil Windfall Profit Tax Act of 1980.

The effectiveness of these regulations will be evaluated on the basis of comments and information received from the public, other Government agencies, and offices within the Treasury Department and Internal Revenue Service. Under the regulations, no additional reporting or filing requirements have been imposed on taxpayers.

In General

The Energy Tax Act of 1978 provides a residential energy credit for insulation, certain other energy-conserving components, and certain renewable energy source property expenditures made in connection with the taxpayer's principal residence. In the case of insulation and other energy-conserving components, the credit is 15 percent of the first $2,000 of expenditures, for a maximum credit of $300. In the case of solar, wind, and geothermal energy property, the credit provided by the 1978 Act is 30 percent of the first $2,000 of expenditures and 20 percent of the next $8,000 of expenditures, for a maximum credit of $2,200 for expenditures made after April 19, 1977 and before January 1, 1980. It should be noted that the Crude Oil Windfall Profit Tax Act of 1980 has increased the credit for solar, wind, and geothermal property to 40 percent of $10,000 for a maximum of $4,000 for expenditures made after December 31, 1979 and before January 1, 1986. The taxpayer must reduce the maximum amount of allowable expenditures with respect to the dwelling unit to be used in computing the credit by the prior expenditures which were made by the taxpayer, and which were taken into account in computing the credit for prior taxable years.

The credit applies only to expenditures made on or after April 20, 1977, and before January 1, 1986. A credit with respect to expenditures made during 1977 (*i.e.*, on or after April 20) is to be claimed on the taxpayer's 1978 tax return. In the case of insulation and other energy-conserving component expenditures, the credit is available only with respect to a taxpayer's principal residence the construction (including reconstruction) of which was substantially completed before April 20, 1977. To the extent that the credit exceeds the taxpayer's tax liability, the taxpayer is allowed to carry over the unused credit to subsequent taxable years beginning before before January 1, 1988.

Definitions of Qualified Items

A number of comments requested that the definitions of various items qualifying for the credit be expanded, *e.g.*, that the definition of insulation be expanded to include awnings and shades; that the definition of a storm or thermal window be revised to include window films; and that the definition of solar energy property be made to include woodburning stoves or heat pumps. The regulations have not been expanded to include these items because we believe that Congress did not intend their inclusion. In the case of insulation, the regulations have been clarified to provide that an item must be installed between a conditioned area (*i.e.*, heated or cooled by conventional or renewable energy source means) and a nonconditioned area to qualify as insulation (except when installed on a water heater, water pipe, or heating/cooling duct).

It was suggested that the definition of a storm or thermal window should be in terms of R-values, rather than inches of insulating material. The regulations have been amended to reflect this suggestion.

Several comments suggested that the rule excluding materials and components having a dual purpose from the definition of solar energy property be deleted. It was argued that this rule would disqualify most expenditures for passive solar construction or for modifications to an existing structure. Additional comments requested that the regulations be revised to allow a partial credit for materials and components that serve a dual purpose. The dual purpose rule was not deleted or modified to allow a partial credit in view of the support for the exclusion found in the House and Senate reports to the Act which clearly require the exclusion of property with a significant structural function.

However, the regulations have been revised to include a more comprehensive definition of a passive solar system. The final regulations provide that a qualifying passive solar system used for heating purposes must be composed of the following components: a solar collection area, an absorber, a storage mass, a heat distribution method, and heat regulation devices.

In response to inquiries, the definition of wind energy property has been revised to make it clear that devices that use wind merely to ventilate do not qualify as wind energy property.

The residential energy credit applies to property which transmits or uses energy derived from a geothermal deposit to heat or cool a dwelling or provide hot water for use within the dwelling. Several comments suggested that the definition of geothermal deposit be revised either by deleting the 60° Celsius temperature limitation or by lowering the temperature limitation. The temperature limitation has been lowered to 50° Celsius. It has been concluded that 50° Celsius is an appropriate measure for determining whether heat is derived from geothermal reservoirs (heated by the earth's magma) or is derived from heat associated with ground water that is affected by atmospheric temperatures.

Definition of Construction

One comment objected to defining reconstruction as construction for purposes of the April 20, 1977, cut-off date for new construction. This objection was rejected on the ground that a house that is reconstructed is basically a new house. Therefore, the cut-off date pertaining to new construction should also be applicable to reconstruction.

Certification Procedure

One comment suggested that the regulations be revised to allow request from any source for certification of items as qualifying for the credit. This suggestion was not adopted because the statute only authorizes the manufacturer to seek certification of an item.

It should be noted that the certification procedure is the subject of Rev. Proc. 80–36.

Drafting Information

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

Adoption of Amendments to the Regulations

Accordingly, the amendments to 26 CFR Parts 1 and 601 published as a notice of proposed rulemaking in the Federal Register for May 23, 1979 (44 FR 29923), are hereby adopted as proposed, subject to the following changes:

Paragraph 1. Section 1.44C–2, as set forth in paragraph 1 of the notice, is amended by revising paragraph (c)(1) and (4), by revising so much of paragraph (c) as follows subparagraph (3) thereof, by revising paragraph (d)(3), by revising subdivisions (i), (iii), (iv)(B)(*3*) and (viii) of paragraph (d)(4), by adding a sentence at the end of paragraph (d)(4)(iv), and by revising paragraphs (e)(2), (f), (g) and (h), to read as follows:

§ *1.44C–2 Definitions.*

* * * * *

(c) *Insulation.* * * *

(1) The item is specifically and primarily designed to reduce, when installed in or on a dwelling or on a water heater, the heat loss or gain of such dwelling or water heater. To qualify as insulation the item must be installed between a conditioned area and a nonconditioned area (except when installed on a water heater, water pipe, or heating/cooling duct). Thus for example, awnings do not qualify as insulation. For purposes of this section the term "conditioned area" means an area that has been heated or cooled by conventional or renewable energy source means. Insulation includes materials made of fiberglass, rock wool, cellulose, urea based foam, urethane, vermiculite, perlite, polystyrene, and extruded polystyrene foam.

* * * * *

(4) The item meets the applicable performance and quality standards prescribed in § 1.44C–4 (if any) that are in effect at the time the taxpayer acquires the item.

The term "insulation" shall not include items whose primary purpose is not insulation (*e.g.*, whose function is primarily structural, decorative, or safety-related). For example, carpeting, drapes (including linings), shades, wood paneling, fireplace screens (including those made of glass), new or replacement walls (except for qualifying insulation therein) and exterior siding do not qualify although they may have been designed in part to have an insulating effect.

(d) *Other energy-conserving components.* * * *

(3) The item meets the applicable performance and quality standards prescribed in § 1.44C–4 (if any) that are in effect at the time of the taxpayer's acquisition of the item.

(4) * * *

(i) *A furnace replacement burner.* The term "furnace replacement burner" means a device (for oil and gas-fired furnaces or boilers) that is designed to achieve a reduction in the amount of fuel consumed as a result of increased combustion efficiency. The burner must replace an existing burner. It does not qualify if it is acquired as a component of, or for use in, a new furnace or boiler.

* * * * *

(iii) *A furnace ignition system.* The term "furnace ignition system" means an electrical or mechanical device, designed for installation in a gas-fired furnace or boiler that automatically ignites the gas burner. In order to qualify, the device must replace a gas pilot light. Furthermore, it does not qualify if it is acquired as a component of, or for use in, a new furnace or boiler.

(iv) *A storm or thermal window or door.*

* * *

(B) * * *

(*3*) A prime exterior door that has an R-value (a measurement of the ability of insulation to resist the flow of heat) of at least 2 throughout.

* * * For purposes of this subdivision, a storm or thermal window or door does not include any film applied on or over the surface of a window or door.

* * * * *

(viii) *Components specified by the Secretary.* The Secretary (or his delegate) may, in his discretion, after consultation with the Secretary of Energy and the Secretary of Housing and Urban Development (or their delegates), and any other appropriate Federal officers, specify by regulation other energy-conserving components for addition to the list of qualified items. See § 1.44C–6 for the procedures and criteria to be used in determining whether an item will be considered for addition to the list of qualified items by the Secretary.

* * * * *

(e) *Renewable energy source property.*

* * *

(2) *Renewable energy source specified by the Secretary.* In addition to solar, wind, and geothermal energy property, renewable energy source property includes property that transmits or uses another renewable energy source that the Secretary (or his delegate) specifies by regulations, after consultation with the Secretary of Energy and the Secretary of Housing and Urban Development (or their delegates), and any other appropriate Federal officers, to be of a kind that is appropriate for the purpose of heating or cooling the dwelling or providing hot water for use within the dwelling. For purposes of this section, references to the transmission or use of energy includes its collection and storage. See § 1.44C–6 for the procedures and criteria to be used in determining when another energy source will be considered for addition to the list of qualified renewable energy sources.

(f) *Solar energy property*—(1) *In general.* The term "solar energy property" means equipment and materials of a solar energy system as defined in this paragraph (and parts solely related to the functioning of such equipment) which, when installed in connection with a dwelling, transmits or uses solar energy to heat or cool the dwelling or to provide hot water for use within the dwelling. For this purpose, solar energy is energy derived directly from sunlight (solar radiation). Property which uses, as an energy source, fuel or energy which is indirectly derived from sunlight (solar radiation), such as fossil fuel or wood or heated underground water is not considered solar energy property. Materials and components of "passive solar systems" as well as "active solar systems", or a combination of both types of systems may qualify as solar energy property.

(2) *Active solar system.* An active solar system is based on the use of mechanically forced energy transfer, such as the use of fans or pumps to circulate solar generated energy, or thermal energy transfer, such as systems utilizing thermal siphon principles. Generally, this is accomplished through the use of equipment such as collectors (to absorb sunlight and create hot liquids or air), storage tanks (to store hot liquids), rockbeds (to store hot air), thermostats (to activate pumps or fans which circulate the hot liquids or air), and heat exchangers (to utilize hot liquids or air to heat air or water).

(3) *Passive solar system.* A passive solar system is based on the use of conductive, convective, or radiant energy transfer. In order to qualify as a passive solar system, a solar system used for heating purposes must contain all of the following: a solar collection area, an absorber, a storage mass, a heat distribution method, and heat regulation devices. The term "solar collective area" means an expanse of transparent or translucent material, such as glass which is positioned in such a manner that the rays of the sun directly strike an absorber. The term "absorber" means a surface, such as a floor, that is exposed to the rays of the sun admitted through the solar collection area, which converts solar radiation into heat, and then transfers the heat to a storage mass. The term "storage mass" means material, such as masonry, that receives and holds heat from the absorber and later releases the heat to the interior of the dwelling. The storage mass must be of sufficient volume, depth, and thermal energy capacity to store and deliver adequate amounts of solar heat for the relative size of the dwelling. In addition, the storage mass must be located so that it is capable of distributing the stored heat directly to the habitable areas of the dwelling through a heat distribution method. The term "heat distribution method" means the release of radiant heating from the storage mass within the habitable areas of the dwelling, or convective heating from the storage mass through airflow paths provided by openings or by ducts in the storage mass, to habitable areas of the dwelling. The term "heat regulation devices" means shading or venting mechanisms (such as awnings or insulated drapes) to control the amount of solar heat admitted through the solar collection areas and nighttime insulation or its equivalent to control the amount of heat permitted to escape from the interior of the dwelling.

(4) *Components with dual function.* To the extent that a passive or active solar system utilizes portions of the structure of a residence, only the materials and components whose sole purpose is to transmit or use solar radiation (and labor costs associated with installing such materials and components) are included within the term "solar energy property". Accordingly, materials and components that serve a dual purpose, *e.g.*, they have a significant structural function or are structural components of the dwelling (and labor costs associated with installing such materials and components) are not included within the term "solar energy property". For example, solar collectors and roof ponds that form part of a roof (including additional structural components to support the roof), windows (including clerestories and skylights), and greenhouses do not qualify as

solar energy property. In the case of a trombe wall (a south facing wall composed of a mass wall and exterior glazing), the mass wall (and labor costs associated with installing the mass wall) will not qualify. However, the exterior (non-window) glazing will qualify. Any shading, venting and heat distribution mechanisms or storage systems that do not have a dual function will also qualify.

(g) *Wind energy property.* The term "wind energy property" includes equipment (and parts solely related to the functioning of such equipment) which, when installed in connection with a dwelling, transmits or uses wind energy to produce energy in a useful form for personal residential purposes. Examples of equipment using wind energy to produce energy in a useful form are windmills, wind-driven generators, power conditioning and storage devices that use wind to generate electricity or mechanical forms of energy. Devices that use wind merely to ventilate do not qualify as wind energy property.

(h) *Geothermal energy property.* The term "geothermal energy property" includes equipment (and parts solely related to the functioning of such equipment) necessary to transmit or use energy from a geothermal deposit to heat or cool a dwelling or provide hot water for use within the dwelling. Equipment such as a pipe that serves both a geothermal function (by transmitting hot geothermal water within a dwelling) and a non-geothermal function (by transmitting hot water from a water heater within a dwelling) does not qualify as geothermal property. A geothermal deposit is a geothermal reservoir consisting of natural heat which is from an underground source and is stored in rocks or in an aqueous liquid or vapor (whether or not under pressure), having a temperature exceeding 50 degrees Celsius as measured at the wellhead or, in the case of a natural hot spring (where no well is drilled), at the intake to the distribution system.

Par. 2. Section 1.44C–3, as set forth in paragraph 1 of the notice, is amended by revising paragraph (c) to read as follows:

§ 1.44C–3 Special rules.

* * * * *

(c) *Expenditures financed with Federal, etc., grants.* Qualified expenditures financed with Federal, State or other grants shall be taken into account for purposes of computing the residential energy credit only if such amounts are taxable as gross income under section 61 (relating to the definition of gross income) and the regulations thereunder.

* * * * *

Par. 3. Section 1.44C–5, as set forth in paragraph (1) of the notice, is amended by revising the heading thereto, by revising so much of paragraph (a) as precedes subparagraph (1) thereof, by deleting paragraphs (b) and (c), by redesignating paragraphs (d) and (e) as paragraphs (b) and (c) respectively, and by revising paragraphs (b) and (c) as redesignated, to read as follows:

§ 1.44C–5 Certification procedures.

(a) *Certification that an item meets the definition of an energy-conserving component or renewable energy source property.* Upon the request of a manufacturer of an item pursuant to paragraph (b) of this section which is supported by proof that the item is entitled to be certified, the Assistant Commissioner (Technical) shall certify (or shall notify the manufacturer that the request is denied) that:

* * * * *

(b) *Procedure*—(1) *In general.* A manufacturer of an item desiring to apply under paragraph (a) shall submit the application to the Commissioner of Internal Revenue, Attention: Assistant Commissioner (Technical), T:C:E, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. Upon being advised by the National Office, orally or in writing, that an adverse decision is contemplated a manufacturer may request a conference. The conference must be held within 21 calendar days from the date of that advice. Procedures for requesting an extension of the 21-day period and notifying the manufacturer of the Service's decision on that request are the same as those applicable to conferences on ruling requests by taxpayers (see section 9.05 of Rev. Proc. 80–20).

(2) *Contents of application.* The application shall include a description of the item (including appropriate design drawings and specifications) and an explanation of the purpose and function of the item. There shall accompany the application a declaration in the following form: "Under penalties of perjury, I declare that I have examined this application, including accompanying documents and, to the best of my knowledge and belief, the facts presented in support of the application are true, correct, and complete." The statement must be signed by the person or persons making the application.

(c) *Effect of certification under paragraph (a).* Certifications granted under paragraph (a) (1), (2), or (3) will be applied retroactively to April 20, 1977. However, certifications granted under paragraph (a) (4) or (5) will be applied retroactively only to the date the applicable energy-conserving component or renewable energy source was added by Treasury decision to the list of qualifying components or sources. Certification of an item under this section means that the applicable definitional requirement of § 1.44C–2 is considered satisfied in the case of any person claiming a residential energy credit with respect to such item. However, it does not relieve manufacturers of the need to establish that their items conform to performance and quality standards (if any) provided under § 1.44C–4 and that their items can reasonably be expected to remain in operation at least 3 years, in the case of insulation and other energy-conserving components, or at least 5 years, in the case of renewable energy source property.

Par. 4. There is inserted after § 1.44C–5, as set forth in paragraph 1 of the notice, the following new section:

§ 1.44C–6 Procedure and criteria for additions to the approved list of energy-conserving components or renewable energy sources.

[*Reserved.*]

Par. 5. Paragraph 4 of the notice is deleted.

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

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: July 30, 1980.

Donald C. Lubick,

Assistant Secretary of the Treasury.

PART 1—INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

[26 CFR Part 1]

Paragraph 1. There are inserted immediately after § 1.44–5 the following new §§ 1.44C–1, 1.44C–2, 1.44C–3, 1.44C–4, 1.44C–5 and 1.44C–6:

§ 1.44C–1 Residential energy credit.

(a) *General rule.* Section 44C provides a residential energy credit against the tax imposed by chapter 1 of the Internal Revenue Code. The credit is an amount equal to the individual's qualified energy conservation expenditures (set out in paragraph (b)) plus the individual's qualified renewable energy source expenditures (set out in paragraph (c)) for the taxable year. However, the credit is subject to the limitations described in paragraph (d) and the special rules contained in § 1.44C–3. The credit is nonrefundable (that is, the credit may not exceed an individual's tax liability for the taxable year). However, any unused credit may be carried over to succeeding years to the extent permitted under paragraph (e). Renters as well as owners of a dwelling unit may qualify for the credit. See § 1.44C–3(h) for the rules relating to the allocation of the credit in the case of joint occupants of a dwelling unit.

(b) *Qualified energy conservation expenditures.* In the case of any dwelling unit, the qualified energy conservation expenditures are 15 percent of the energy conservation expenditures made by the taxpayer with respect to the dwelling unit during the taxable year, but not in excess of $2,000 of such expenditures. See § 1.44C–2(a) for the definition of energy conservation expenditures.

(c) *Qualified renewable energy source expenditures.* In the case of any dwelling unit, the qualified renewable energy source expenditures are the renewable energy source expenditures made by the taxpayer with respect to

the dwelling unit during the taxable year, but not in excess of—

(1) 30 percent of the expenditures up to $2,000, plus

(2) 20 percent of the expenditures over $2,000, but not more than $10,000. See § 1.44C-2(b) for the definition of renewable energy source expenditures.

(d) *Limitations—(1) Minimum dollar amount.* No residential energy credit shall be allowed with respect to any return (whether joint or separate) for any taxable year if the amount of the credit otherwise allowable (determined without regard to the tax liability limitation imposed by paragraph (d)(3) of this section) is less than $10.

(2) *Prior expenditures taken into account*—(i) *In general.* For purposes of determining the credit for expenditures made during a taxable year, the taxpayer must reduce the maximum amount of allowable expenditures with respect to the dwelling until in computing qualified energy conservation expenditures (under paragraph (b)) or qualified renewable energy conservation expenditures (under paragraph (c)) by prior expenditures which were made by the taxpayer or by joint occupants (see § 1.44C-3(h)) with respect to the same dwelling unit, and which were taken into account in computing the credit for prior taxable years. The reduction of the maximum amount under paragraph (c) must first be made with respect to the first $2,000 of expenditures (to which a 30 percent rate applies) and then with respect to the next $8,000 of expenditures (to which a 20 percent rate applies). This reduction must be made if all or any part of the credit was allowed in or was carried over from a prior taxable year.

(ii) *Change of principal residence.* A taxpayer is eligible for the maximum credit for qualifying expenditures made with respect to a new principal residence notwithstanding the allowance of a credit for qualifying expenditures made with respect to the taxpayer's previous principal residence. Furthermore, except in certain cases involving joint occupancy (see § 1.44C-3(h)), a taxpayer is eligible for the maximum credit notwithstanding the allowance of a credit to a prior owner of the taxpayer's new principal residence.

(iii) *Example.* The rules with respect to the reduction for prior expenditures are illustrated by the following example:

Example. In 1978, A has $1,000 of energy conservation expenditures and $5,000 of renewable energy source expenditures in connection with A's principal residence. A's residential energy credit for 1978 is $1,350, made up of $150 of qualified energy conservation expenditures (15 percent of $1,000) plus $1,200 of qualified renewable energy source expenditures (30 percent of the first $2,000 plus 20 percent of the next $3,000). In 1979 A has an additional $2,000 of energy conservation expenditures and $3,000 of renewable energy source expenditures in connection with the same principal residence. A's residential energy credit for 1979 is $750, made up of $150 of qualified energy conservation expenditures (15 percent of the new maximum $1,000, which was reduced from $2,000 by $1,000 of energy conservation expenditures taken into account in 1978) plus $600 of qualified renewable energy source expenditures (20 percent of $3,000, which reflects the reduction of the maximum allowable expenditures by the $5,000 of renewable energy source expenditures taken into account in 1978). The maximum residential energy credit allowable to A with respect to the same principal residence in subsequent years in which the credit is allowable is $400 (20 percent of the new maximum of $2,000 for renewable energy source expenditures and none for energy conservation expenditures).

(3) *Tax liability limitation.* The credit allowed by this section shall not exceed the amount of the tax imposed by chapter 1 of the Internal Revenue Code of 1954 for the taxable year, reduced by the sum of the credits allowable under—

(i) Section 32 (relating to tax withheld at source on nonresident aliens and foreign corporations and on tax-free covenant bonds),

(ii) Section 33 (relating to the taxes of foreign countries and possessions of the United States),

(iii) Section 37 (relating to retirement income),

(iv) Section 38 (relating to investment in certain depreciable property),

(v) Section 40 (relating to expenses of work incentive programs),

(vi) Section 41 (relating to contributions to candidates for public office),

(vii) Section 42 (relating to the general tax credit),

(viii) Section 44 (relating to purchase of new personal residence),

(ix) Section 44A (relating to expenses for household and dependent care services), and

(x) Section 44B (relating to employment of certain new employees).

(e) *Carryover of unused credit.* If the credit allowable by this section exceeds the tax liability limitation imposed by section 44C(b)(5) and paragraph (d)(3) of this section, the excess credit shall be carried over to the succeeding taxable year and added to the credit allowable under this section for the succeeding taxable year. A carryover that is not used in the succeeding year because it exceeds the tax liability limitation shall be carried over to later taxable years until used, except that no excess credit may be carried over to any taxable year beginning after December 31, 1987.

§ 1.44C-2 Definitions.

For purposes of section 44C and regulations thereunder—

(a) *Energy conservation expenditures*—(1) *In general.* The term "energy conservation expenditure" means an expenditure made on or after April 20, 1977, and before January 1, 1986, by a taxpayer for insulation or any other energy-conserving component, or for labor costs allocable to the original installation of such insulation or other component, if all of the following conditions are satisfied:

(i) The insulation (as defined in paragraph (c)) or other energy-conserving component (as defined in paragraph (d)) is installed in or on a dwelling unit that is used as the taxpayer's principal residence when the installation is completed. See § 1.44C-3(e) for the definition of principal residence.

(ii) The dwelling unit is located in the United States (as defined in section 7701(a)(9)).

(iii) The construction of the dwelling unit was substantially completed before April 20, 1977. See § 1.44C-3(f) for the definition of the terms "construction" and "substantially completed". In the case of expenditures made with respect to the enlargement of a dwelling unit, the construction of the enlargement must have been substantially completed before April 20, 1977.

(2) *Examples.* The application of this paragraph may be illustrated by the following examples:

Example (1). In 1978, A spent $500 for the purchase and installation of new storm windows to replace old storm windows, $100 to reinstall old storm windows, and $150 to transfer a A's house insulation which had been installed in A's garage. Only the $500 spent for new storm windows qualifies as an energy conservation expenditure. The $100 spent to reinstall storm windows and the $150 spent to transfer insulation to A's house do not qualify since the only installation costs that qualify are those for the original installation of energy conservation property the original use of which commences with the taxpayer.

Example (2). In June 1977, B purchased for B's principal residence a new house that was substantially completed before April 20, 1977. Pursuant to B's request the builder installed storm windows on May 1, 1977, the cost of this option being included in the purchase price of the house. The portion of the purchase price of the residence allocable to the storm windows constitutes an energy conservation expenditure. However, no other part of the purchase price may be allocated to energy conservation property (insulation and other energy conserving components) installed before April 20, 1977. To qualify as an energy conservation expenditure, an expenditure must be made (*i.e.*, installation of the energy conservation property must be completed) on or after April 20, 1977.

(b) *Renewable energy source expenditures.* The term "renewable energy source expenditures" means an expenditure made on or after April 20, 1977, and before January 1, 1986, by a taxpayer for renewable energy source property (as defined in paragraph (e)), or for labor costs properly allocable to the on-site preparation, assembly, or original installation such property, if both of the following conditions are satisfied:

(1) The renewable energy source property is installed in connection with a dwelling unit that is used as the taxpayer's principal residence when the installation is completed. See § 1.44C-3(e).

(2) The dwelling unit is located in the United States (as defined in section 7701(a)(9)).

Eligibility as a renewable energy source expenditure does not depend on the date of construction of the dwelling unit. Thus, such an expenditure may be made in connection with either a new or an existing dwelling unit. Renewable energy source expenditures need only be made in connection with a dwelling, rather than in or on a dwelling unit. For example, a solar collector that otherwise constitutes renewable energy source property is not ineligible merely because it is installed separately from the dwelling unit. The term "renewable energy source expenditure" does not include any expenditure allocable to a swimming pool even when used as an energy storage medium or to any other energy storage medium whose primary function is other than the storage of energy. It also does not include the cost of maintenance of an installed system or the cost of leasing renewable energy source property.

(c) *Insulation.* The term "insulation" means any item that satisfies all of the following conditions:

(1) The item is specifically and primarily designed to reduce, when installed in or on a dwelling or on a water heater, the heat loss or gain of such dwelling or water heater. To qualify as insulation the item must be installed between a conditioned area and a nonconditioned area (except when installed on a water heater, water pipe, or heating/cooling duct). Thus for example, awnings do not qualify as insulation. For purposes of this section the term "conditioned area" means an area that has been heated or cooled by conventional or renewable energy source means. Insulation includes materials made of fiberglass, rock wool, cellulose, urea based foam, urethane, vermiculite, perlite, polystyrene, and extruded polystyrene foam.

(2) The original use of the item begins with the taxpayer.

(3) The item can reasonably be expected to remain in operation at least 3 years.

(4) The item meets the applicable performance and quality standards prescribed in § 1.44C-4 (if any) that are in effect at the time the taxpayer acquires the item. The term "insulation" shall not include items whose primary purpose is not insulation (e.g., whose function is primarily structural, decorative, or safety-related). For example, carpeting, drapes (including linings), shades, wood paneling, fireplace screens (including those made of glass), new or replacement walls (except for qualifying insulation therein) and exterior siding do not qualify although they may have been designed in part to have an insulating effect.

(d) *Other energy-conserving components.* The term "other energy-conserving component" means any item (other than insulation) that satisfies all of the following conditions:

(1) The original use of the item begins with the taxpayer.

(2) The item can reasonably be expected to remain in operation for at least 3 years.

(3) The item meets the applicable performance and quality standards prescribed in § 1.44C-4 (if any) that are in effect at the time of the taxpayer's acquisition of the item.

(4) The item is one of the following items:

(i) *A furnace replacement burner.* The term "furnace replacement burner" means a device (for oil and gas-fired furnaces or boilers) that is designed to achieve a reduction in the amount of fuel consumed as a result of increased combustion efficiency. The burner must replace an existing burner. It does not qualify if it is acquired as a component of, or for use in, a new furnace or boiler.

(ii) *A device for modifying flue openings.* The term "device for modifying flue openings" means an automatically operated damper that—

(A) Is designed for installation in the flue, between the barometric damper or draft hood and the chimney, of a furnace; and

(B) Conserves energy by substantially reducing the flow of conditioned air through the chimney when the furnace is not in operation. Conditioned air is air that has been heated or cooled by conventional or renewable energy source means.

(iii) *A furnace ignition system.* The term "furnace ignition system" means an electrical or mechanical device, designed for installation in a gas-fired furnace or boiler that automatically ignites the gas burner. In order to qualify, the device must replace a gas pilot light. Furthermore, it does not qualify if it is acquired as a component of, or for use in, a new furnace or boiler.

(iv) *A storm or thermal window or door.* The terms "storm or thermal window" and "storm or thermal door" include the following:

(A)(*1*) A window placed outside or inside an ordinary or prime window, creating an insulating air space.

(*2*) A window with enhanced resistance to heat flow through the glazed area by multi-glazing.

(*3*) A window that consists of glass or other glazing materials that have exceptional heat-absorbing or heat-reflecting properties. For purposes of this subdivision (iv), the term "glazing material" does not include films and coatings applied on the surface of a window.

(B)(*1*) A second door, installed outside or inside a prime exterior door, creating an insulating air space.

(*2*) A door with enhanced resistance to heat flow through the glazed area by multi-glazing.

(*3*) A prime exterior door that has an R-value (a measurement of the ability of insulation to resist the flow of heat) of at least 2 throughout.

For purposes of this subdivision, "multi-glazing" is an arrangement in which two or more sheets of glazing material are affixed in a window or door frame to create one or more insulating air spaces. Multi-glazing can be achieved by installing a preassembled, sealed insulating glass unit or by affixing one or more additional sheets of glazing onto an existing window (or sash) or door. For purposes of this subdivision, a storm or thermal window or door does not include any film applied on or over the surface of a window or door.

(v) *Automatic energy-saving setback thermostat.* The term "automatic energy-saving setback thermostat" means a device that is designed to reduce energy consumption by regulating the demand on the heating or cooling system in which it is installed, and uses—

(A) A temperature control device for interior spaces incorporating more than one temperature control level, and

(B) A clock or other automatic mechanism for switching from one control level to another.

(vi) *Caulking and weatherstripping.* The term "caulking" means pliable materials used to fill small gaps at fixed joints on buildings to reduce the passage of air and moisture. Caulking includes, but is not limited to, materials commonly known as "sealants", "putty", and "glazing compounds". The term

"weatherstripping" means narrow strips of material placed over or in movable joints of windows and doors to reduce the passage of air and moisture.

(vii) *Energy usage display meter.* The term "energy usage display meter" means a device the sole purpose of which is to display the cost (in money) of energy usage in the dwelling. It may show cost information for electricity usage, gas usage, oil usage, or any combination thereof. The device may measure energy usage of the whole dwelling, or individual appliances or systems on an instantaneous or cumulative basis.

(viii) *Components specified by the Secretary.* The Secretary (or his delegate) may, in his discretion, after consultation with the Secretary of Energy and the Secretary of Housing and Urban Development (or their delegates), and any other appropriate Federal officers, specify by regulation other energy-conserving components for addition to the list of qualified items. See § 1.44C–6 for the procedures and criteria to be used in determining whether an item will be considered for addition to the list of qualified items by the Secretary.

The term "other energy-conserving component" is limited to items in a category specifically listed in section 44C(c)(4)(A) (i) through (vii) or added by the Secretary.

(e) *Renewable energy source property*—(1) *In general.* The term "renewable energy source property" includes any solar energy property, wind energy property, geothermal energy property, or property referred to in subparagraph (2), which meets the following conditions:

(i) The original use of the property begins with the taxpayer.

(ii) The property can reasonably be expected to remain in operation for at least 5 years.

(iii) The property meets the applicable performance and quality standards prescribed in § 1.44C–4 (if any) that are in effect at the time of the taxpayer's acquisition of the property.

Renewable energy source property does not include heating and cooling systems which serve to supplement renewable energy source equipment in heating or cooling a dwelling unit, and which employ a form of energy (such as electricity, oil or gas) other than solar, wind, or geothermal energy (or other forms of renewable energy provided in subparagraph (2)). Thus, heat pumps or oil or gas furnaces, used in connection with renewable energy source property, are not eligible for the credit. In order to be eligible for the credit for renewable energy source property, the property (as well as labor costs properly allocable to onsite preparation, assembly or installation of equipment) must be clearly identifiable. See § 1.44C–3(l) for recordkeeping rules.

(2) *Renewable energy source specified by the Secretary.* In addition to solar, wind, and geothermal energy property, renewable energy source property includes property that transmits or uses another renewable energy source that the Secretary (or his delegate) specifies by regulations, after consultation with the Secretary of Energy and the Secretary of Housing and Urban Development (or their delegates), and any other appropriate Federal officers, to be of a kind that is appropriate for the purpose of heating or cooling the dwelling or providing hot water for use within the dwelling. For purposes of this section, references to the transmission or use of energy include its collection and storage. See § 1.44C–6 for the procedures and criteria to be used in determining when another energy source will be considered for addition to the list of qualified renewable energy sources.

(f) *Solar energy property*—(1) *In general.* The term "solar energy property" means equipment and materials of a solar energy system as defined in this paragraph (and parts solely related to the functioning of such equipment) which, when installed in connection with a dwelling, transmits or uses solar energy to heat or cool the dwelling or to provide hot water for use within the dwelling. For this purpose, solar energy is energy derived directly from sunlight (solar radiation). Property which uses, as an energy source, fuel or energy which is indirectly derived from sunlight (solar radiation), such as fossil fuel or wood or heated underground water is not considered solar energy property. Materials and components of "passive solar systems" as well as "active solar systems", or a combination of both types of systems may qualify as solar energy property.

(2) *Active solar system.* An active solar system is based on the use of mechanically forced energy transfer, such as the use of fans or pumps to circulate solar generated energy, or thermal energy transfer, such as systems utilizing thermal siphon principles. Generally, this is accomplished through the use of equipment such as collectors (to absorb sunlight and create hot liquids or air), storage tanks (to store hot liquids), rockbeds (to store hot air), thermostats (to activate pumps or fans which circulate the hot liquids or air), and heat exchangers (to utilize hot liquids or air to heat air or water).

(3) *Passive solar system.* A passive solar system is based on the use of conductive, convective, or radiant energy transfer. In order to qualify as a passive solar system, a solar system used for heating purposes must contain all of the following: a solar collection area, an absorber, a storage mass, a heat distribution method, and heat regulation devices. The term "solar collection area" means an expanse of transparent or translucent material, such as glass which is positioned in such a manner that the rays of the sun directly strike an absorber. The term "absorber" means a surface, such as a floor, that is exposed to the rays of the sun admitted through the solar collection area, which converts solar radiation into heat, and then transfers the heat to a storage mass. The term "storage mass" means material, such as masonry, that receives and holds heat from the absorber and later releases the heat to the interior of the dwelling. The storage mass must be of sufficient volume, depth, and thermal energy capacity to store and deliver adequate amounts of solar heat for the relative size of the dwelling. In addition, the storage mass must be located so that it is capable of distributing the stored heat directly to the habitable areas of the dwelling through a heat distribution method. The term "heat distribution method" means the release of radiant heating from the storage mass within the habitable areas of the dwelling, or convective heating from the storage mass through airflow paths provided by openings or by ducts in the storage mass, to habitable areas of the dwelling. The term "heat regulations devices" means shading or venting mechanisms (such as awnings or insulated drapes) to control the amount of solar heat admitted through the solar collection areas and nighttime insulation or its equivalent to control the amount of heat permitted to escape from the interior of the dwelling.

(4) *Components with dual function.* To the extent that a passive or active solar system utilizes portions of the structure of a residence, only the materials and components whose sole purpose is to transmit or use solar radiation (and labor costs associated with installing such materials and components) are included within the term "solar energy property". Accordingly, materials and components that serve a dual purpose, *e.g.,* they have a significant structural function or are structural components of the dwelling (and labor costs associated with installing such materials and components) are not included within the term "solar energy property". For example, solar collectors and roof ponds

that form part of a roof (including additional structural components to support the roof), windows (including clerestories and skylights), and greenhouses do not qualify as solar energy property. In the case of a trombe wall (a south facing wall composed of a mass wall and exterior glazing), the mass wall (and labor costs associated with installing the mass wall) will not qualify. However, the exterior (non-window) glazing will qualify. Any shading, venting and heat distribution mechanisms or storage systems that do not have a dual function will also qualify.

(g) *Wind energy property.* The term "wind energy property" includes equipment (and parts solely related to the functioning of such equipment) which, when installed in connection with a dwelling, transmits or uses wind energy to produce energy in a useful form for personal residential purposes. Examples of equipment using wind energy to produce energy in a useful form are windmills, wind-driven generators, power conditioning and storage devices that use wind to generate electricity or mechanical forms of energy. Devices that use wind merely to ventilate do not qualify as wind energy property.

(h) *Geothermal energy property.* The term "geothermal energy property" includes equipment (and parts solely related to the functioning of such equipment) necessary to transmit or use energy from a geothermal deposit to heat or cool a dwelling or provide hot water for use within the dwelling. Equipment such as a pipe that serves both a geothermal function (by transmitting hot geothermal water within a dwelling) and a non-geothermal function (by transmitting hot water from a water heater within a dwelling) does not qualify as geothermal property. A geothermal deposit is a geothermal reservoir consisting of natural heat which is from an underground source and is stored in rocks or in an aqueous liquid or vapor (whether or not under pressure), having a temperature exceeding 50 degrees Celsius as measured at the wellhead or, in the case of a natural hot spring (where no well is drilled), at the intake to the distribution system.

§ 1.44C-3 Special rules.

(a) *When expenditures are treated as made*—(1) *Timeliness of an expenditure for the energy credit.* In general, for the purpose of determining whether an expenditure qualifies as being timely for the residential energy credit under section 44C (*i.e.*, is made after April 19, 1977, and before January 1, 1986), the expenditure is treated as made when original installation of the item is completed. Thus, solely for that purpose, the time of payment or accrual is irrelevant.

(2) *Special rule for renewable energy source expenditures in the case of construction or reconstruction of a dwelling.* In the case of renewable energy source expenditures in connection with the construction or reconstruction of a dwelling that becomes the taxpayer's new principal residence, the expenditures are to be treated as made (for the purpose of determining the timeliness of an expenditure for the residential energy credit) when the taxpayer commences use of the dwelling as his or her principal residence following its construction or reconstruction. The term "reconstruction" means the replacement of most of a dwelling's major structural components such as floors, walls, and ceiling. When a taxpayer reoccupies a reconstructed dwelling that was the taxpayer's principal residence prior to reconstruction, a renewable energy source expenditure is considered made when the original installation of the renewable energy source property is completed.

(3) *Taxable year in which credit is allowable.* For the purpose of determining the taxable year in which the credit for an expenditure is allowable (once it has qualified as timely under subparagraph (1) or (2)), an expenditure is treated as made on the later of (i) the date on which it qualifies as timely; or (ii) the date on which it is paid or incurred by the taxpayer.

(b) *Expenditures in 1977.* No credit under section 44C shall be allowed for any taxable year beginning before 1978. However, the amount of any credit under section 44C for the taxpayer's first taxable year beginning after December 31, 1977, shall take into account qualified energy conservation expenditures and qualified renewable energy source expenditures made during the period beginning April 20, 1977, and ending on the last day of such first taxable year.

(c) *Expenditures financed with Federal, etc., grants.* Qualified expenditures financed with Federal, State or other grants shall be taken into account for purposes of computing the residential energy credit only if such amounts are taxable as gross income under section 61 (relating to the definition of gross income) and the regulations thereunder.

(d) *Expenditures qualifying both as energy conservation expenditures and renewable source expenditures.* In the case of an expenditure which meets both the definition of an energy conservation expenditure (as defined in § 1.44C-2(a)) and a renewable energy source expenditure (as defined in § 1.44C-2(b)), the taxpayer may claim either a credit under § 1.44C-1(b) (relating to qualified energy conservation expenditures) or § 1.44C-1(c) (relating to qualified renewable energy source expenditures) but may not claim both credits with respect to the same expenditure.

(e) *Principal residence.* For purposes of section 44C, the determination of whether a dwelling unit is the taxpayer's principal residence shall be made under principles similar to those applicable to section 1034 and the regulations thereunder (relating to sale or exchange of a principal residence) except that ownership of the dwelling unit is not required. In making this determination, the period for which a dwelling is treated as a taxpayer's principal residence includes the 30-day period ending on the first day on which the dwelling unit would (but for this sentence) be treated as being used as the taxpayer's principal residence under principles similar to those applicable to section 1034. Thus, installation that are completed within that 30-day period may be eligible for the credit although, in the absence of the 30-day rule, the date of habitation of the dwelling unit by the taxpayer would mark the beginning of the taxpayer's use of the unit as a principal residence.

(f) *Construction substantially completed.* Construction of a dwelling unit is substantially completed when construction has progressed to the point where the unit could be put to use as a personal residence, even though comparatively minor items remain to be finished or performed in order to conform to the plans or specifications of the completed building. For this purpose, construction includes reconstruction as defined in paragraph (a)[2]. This rule may be illustrated by the following example:

Example. On January 1, 1979, A purchases a dwelling that is to become A's prinicpal residence. The dwelling unit was originally constructed in 1950. A spends $50,000 to reconstruct the dwelling by replacing most of the dwelling's major structural components such as floors, walls, and ceilings. Included in the cost is $3,000 attributable to energy-conserving components. Reconstruction is substantially completed on April 1, 1979, and A moves into the reconstructed residence on May 1, 1979. Since construction includes reconstruction, A's reconstructed residence is not considered substantially completed before April 20, 1977. Thus, amounts spent with respect to A's reconstructed residence for energy-conserving components do not qualify as energy conservation expenditures.

(g) *Residential use of property.* To be eligible for the residential energy credit, expenditures must be made for personal residential purposes. If at least 80 percent of the use of a component or item of property is for personal residential purposes, the entire amount of the energy conservation expenditure or the renewable energy source expenditure is taken into account in computing the credit under this section. If less than 80 percent of the use of a component or item of property is for personal residential purposes, the amount of an expenditure taken into account is the amount that bears the same ratio to the amount of the expenditure as the amount of personal residential use of the component or item bears to its total use. For purposes of this paragraph, use of a component or an item of property with respect to a swimming pool is not a use for a personal residential purpose. The rules with respect to residential use of property are illustrated by the following examples:

Example (1). In 1978 A makes an expenditure of $3,000 for the installation of storm windows of which 50 percent is on the portions of A's dwelling used as the principal family residence and 50 percent is on the portion of the dwelling used as an office. A has made no other energy conservation expenditures for the residence. The allowable energy conservation expenditure is $1,500 (50 percent of $3,000), the portion attributable to residential use. Therefore, the residential energy credit is $225 (the qualified conservation expenditure of 15 percent of $1,500).

Example (2). During 1979, B makes $10,000 of renewable energy source expenditures on solar energy property for B's principal residence. Approximately 60 percent of the use of the solar energy property will be for heating B's swimming pool; the other 40 percent will be for heating the dwelling unit. B had not previously made renewable energy source expenditures with respect to the residence. Since use for a swimming pool is not considered a residential use, less than 80 percent of the use of B's solar energy property is considered used for personal residential purposes. Therefore, only $4,000 (40 percent of $10,000), the proportionate part of B's expenditures representing personal residential use, is treated as a renewable energy source expenditure. B is allowed a $1,000 residential energy credit (30 percent of $2,000 plus 20 percent of $2,000) for 1979.

(h) *Joint occupancy*—(1) *In general.* If two or more individuals jointly occupied and used a dwelling unit as their principal residence during any portion of a calendar year—

(i) The amount of the credit allowable under section 44C by reason of energy conservation expenditures or by reason of renewable energy source expenditures shall be determined by treating all of the joint occupants as one taxpayer whose taxable year is such calendar year; and

(ii) The credit under section 44C allowable to each joint occupant for the taxable year with which or in which such calendar year ends shall be an amount which bears the same ratio to the amount determined under paragraph (h)(1)(i) of this section as the amount of energy conservation expenditures or renewable energy source expenditures made by that occupant bears to the total amount of each type of such expenditures made by all joint occupants during such calendar year.

The provisions of this subparagraph may be illustrated by the following example:

Example. A, a calendar year taxpayer, and B, a June 1 fiscal year taxpayer, make energy conservation exenditures of $2,000 (A making expenditures of $500 and B making expenditures of $1,500) on their principal and jointly occupied residence in 1978. A and B have not previously make energy conservation expenditures with respect to this residence. Of the $300 credit (15 percent of $2,000), $75 will be allocated to A ($500/$2,000 × $300) and $225 to B ($1,500/$2,000 × 300). A will claim the allocable share of the credit on A's 1978 tax return and B will claim the allocable share of the credit on B's tax return for the fiscal year ending May 31, 1979.

(2) *Minimum credit.* The fact that one joint occupant may be unable to claim all or part of the credit under section 44C because of insufficient tax liability or because that occupant's allowable credit does not exceed the $10 minimum credit (as set forth in paragraph (d)(1) of § 1.44C–1) shall have no effect upon the computation of the amount of the allowable credits for the other joint occupants.

(3) *Prior expenditures.* Because joint occupants are treated as one taxpayer for purposes of determining the residential energy credit, the maximum amount of energy conservation expenditures or renewable energy source expenditures must be reduced by the total amount of such expenditures made in connection with the dwelling unit during prior calendar years in which any one of the residents of the unit during the current calendar year was a resident (whether made by the current resident or by an individual previously occupying the dwelling with the current resident). However, the preceding sentence shall not apply to prior expenditures no part of which was taken into account in computing the credits under section 44C for such years. Prior years' expenditures are not to be allocated among joint occupants to take into account the specific expenditures of each of the occupants in prior years.

(4) The rules of this paragraph may be illustrated by the following examples:

Example (1). Assume A and B have together made prior years' energy conservation expenditures of $1,600 (A having made $1,200 of expenditures and B having made $400) on their principal and jointly occupied residence. In the current year, each makes energy conservation expenditures of $300 with respect to the same residence. The maximum qualified expenditure with respect to the residence is reduced by the $1,600 of prior expenditures made by A and B. Therefore, only $400 of the $600 current expenditures are eligible as energy conservation expenditures. The resulting residential energy credit is $60 (15 percent of $400) of which $30 apiece will be allocated to A and B ($300/$600 × $60). The fact that A had previously computed the credit in prior years with respect to $1,200 of the total $1,600 of expenditures is irrelevant to the apportionment of the credit in the current year.

Example (2). Spouses C and D make $10,000 of renewable energy source expenditures with respect to their principal residence, half of which is paid by each spouse. No prior renewable energy source expenditures have been taken into account with respect to that residence by either C or D. C and D file separate returns for the calendar year. Under the joint occupancy rule, the maximum allowable renewable energy source credit with respect to C and D's principal residence is $2,200 (30 percent of the first $2,000, and 20 percent of the next $8,000 of expenditures). Half of this amount or $1,100, will be allowed to each spouse. If either spouse makes renewable energy source expenditures with respect to the same principal residence in future years, none of those expenditures would be qualified renewable energy source expenditures for which a credit can be claimed. That is, not more than $2,200 may be taken in the aggregate by C and D as a renewable energy source credit with respect to their principal residence.

Example (3). In 1978, E and F make energy conservation expenditures of $1,500 on their principal and jointly occupied residence. In 1979, E moves away and G becomes the other joint occupant of the residence. F and G make energy conservation expenditures of $1,000 in 1979. In 1980 F moves away and H moves in with G. G and H make energy conservation expenditures of $500. The maximum qualified expenditure made by F and G with respect to the residence is reduced by the $1,500 of prior expenditures made in 1978 by E and F. The maximum qualified expenditures made by G and H with respect to the residence is reduced only by the expenditures in prior years in connection with the residence during which either G or H was a joint occupant. Accordingly, the maximum qualified expenditures made by G and H with respect to the residence is reduced only by the $1,000 of prior expenditures made in 1979 by F and G.

(i) *Condominiums and cooperative housing corporations.* An individual

who is a tenant stockholder in a cooperative housing corporation (as defined in section 216) or who is a member of a condominium management association with respect to a condominium which he or she owns shall be treated as having made a proportionate share of the energy conservation expenditures or renewable energy source expenditures of such corporation or association. The cooperative stockholder's allocable share of the expenditures is to be the same as his or her proportionate share of the cooperative's total outstanding stock (including any stock held by the corporation). However, in the case where only certain cooperative stockholders are assessed for the expenditures made by the cooperative housing corporation, only those cooperative stockholders that are assessed shall be treated as having made a share of the expenditures of such corporation. In such case, the cooperative stockholder's share of the expenditures is the amount that the stockholder is assessed. The allocable share of a condominium management association member's energy conservation of renewable energy source expenditures is the amount that the member is assessed (or would be assessed in the case where expenditures are from general funds) by the association as a result of such expenditures. The residential energy credit for a qualified expenditure is allowable for the year in which the association or corporation has completed original installation of the item (or has paid or incurred the expenditure, if later). For purposes of this paragraph, the term "condominium management association" means an organization meeting the requirements of section 528(c)(1) of the Code (other than subparagraph (E) of that section), with respect to a condominium project substantially all the units of which are used as residences.

(j) *Joint ownership of renewable energy source property*—(1) *In general.* Renewable energy source property includes property which is jointly owned by the taxpayer and another person (or persons). For example, the fact that a windmill, solar collector, or geothermal well and distribution system is owned by two or more individuals does not by itself preclude qualification as renewable energy property.

(2) *Example.* The application of this subparagraph may be illustrated by the following example:

Example. A, B, and C each has a separate principal residence. They agree to finance jointly the construction of a solar collector, each providing one-third of the costs and taking one-third of the output of the collector. Each will separately pay for the costs of connecting the solar collector with his or her principal residence. Provided the solar collector and connection equipment otherwise qualify as renewable energy source property, A, B, and C will each be considered to have made renewable energy source expenditures equal to one-third of the cost of the collector plus his or her separate connection costs. Such expenditures will be subject to the limitations and other rules separately applicable to A, B, and C with respect to each principal residence, such as those with respect to the $10 minimum (§ 1.44C–1(d)(1)), prior expenditures (§ 1.44C–1(d)(2)), residential use (paragraph (g) of this section), and joint occupancy (paragraph (h) of this section).

(k) *Basic adjustments.* If a credit is allowed under section 44C for any expenditure with respect to any property, the increase in the basis of that property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit allowed.

(l) *Recordkeeping*—(1) *In general.* No residential energy credit is allowable unless the taxpayer maintains the records described in paragraph (l)(2) of this section. The records shall be retained so long as the contents thereof may become material in the administration of any internal revenue law.

(2) *Records.* The taxpayer must maintain records that clearly identify the energy-conserving components and renewable energy source property with respect to which a residential energy credit is claimed, and substantiate their cost to the taxpayer, any labor costs properly allocable to them paid for by the taxpayer, and the method used for allocating such labor costs.

§ 1.44C–4 Performance and quality standards. [Reserved.]

§ 1.44C–5 Certification procedures.

(a) *Certification that an item meets the definition of an energy-conserving component or renewable energy source property.* Upon the request of a manufacturer of an item pursuant to paragraph (b) of this section which is supported by proof that the item is entitled to be certified, the Assistant Commissioner (Technical) shall certify (or shall notify the manufacturer that the request is denied) that:

(1) The item meets the definition of insulation (see § 1.44C–2(c)(1)).

(2) The item meets the definition of an other energy-conserving component specified in section 44C(c)(4) see (§ 1.44C–2(d)(4)).

(3) The item meets the definition of solar energy property (see § 1.44C–2(f)), wind energy property (see § 1.44C–2(g)), or geothermal energy property (see § 1.44C–2(h)).

(4) The item meets the definition of a category of energy-conserving component that has been added to the list of approved items pursuant to paragraph (d)(4)(viii) of § 1.44C–2.

(5) The item meets the definition of renewable energy source property that transmits or uses a renewable energy source that has been added to the list of approved renewable energy sources pursuant to paragraph (e)(2) of § 1.44C–2.

(b) *Procedure*—(1) *In general.* A manufacturer of an item desiring to apply under paragraph (a) shall submit the application to the Commissioner of Internal Revenue, Attention: Assistant Commissioner (Technical), TCE, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. Upon being advised by the National Office, orally or in writing, that an adverse decision is contemplated a manufacturer may request a conference. The conference must be held within 21 calendar days from the date of that advice. Procedures for requesting an extension of the 21-day period and notifying the manufacturer of the Service's decision on that request are the same as those applicable to conferences on ruling requests by taxpayers (see section 9.05 of Rev. Proc. 80–20).

(2) *Contents of application.* The application shall include a description of the item (including appropriate design drawings and specifications) and an explanation of the purpose and function of the item. There shall accompany the application a declaration in the following form: "Under penalties of perjury, I declare that I have examined this application, including accompanying documents and, to the best of my knowledge and belief, the facts presented in support of the application are true, correct, and complete." The statement must be signed by the person or persons making the application.

(c) *Effect of certification under paragraph (a).* Certifications granted under paragraph (a)(1), (2), or (3) will be applied retroactively to April 20, 1977. However, certifications granted under paragraph (a) (4) or (5) will be applied retroactively only to the date the applicable energy-conserving component or renewable energy source was added by Treasury decision to the list of qualifying components or sources. Certification of an item under this section means that the applicable definitional requirement of § 1.44C–2 is considered satisfied in the case of any person claiming a residential energy

credit with respect to such item. However, it does not relieve manufacturers of the need to establish that their items conform to performance and quality standards (if any) provided under § 1.44C–4 and that their items can reasonably be expected to remain in operation at least 3 years, in the case of insulation and other energy-conserving components, or at least 5 years, in the case of renewable energy source property.

§ 1.44C–6 Procedure and criteria for additions to the approved list of energy-conserving components or renewable energy sources.

[Reserved]

§ 1.1016 [Deleted]

Par. 2. Section 1.1016 is deleted.

Par. 3. Section 1.1016–5 is amended by adding a new paragraph (t) to read as follows:

§ 1.1016–5 Miscellaneous adjustments to basis.

* * * * *

(t) *Section 44C credit.* In the case of property with respect to which a credit has been allowed under section 44C (relating to residential energy credit), basis shall be adjusted as provided in paragraph (k) of § 1.44C–3.

[FR Doc. 80–26561 Filed 8–26–80; 4:04 pm]

BILLING CODE 4830–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

Reregulation of Radio and TV Broadcasting; Erratum

AGENCY: The Federal Communications Commission.

ACTION: Final rule, correction to order.

SUMMARY: Correction to Order FCC 80–165 published in the Federal Register on April 17, 1980, at 45 FR 26059.

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

FOR FURTHER INFORMATION CONTACT: John Reiser, Philip Cross, Steve Crane, Broadcast Bureau, (202) 653–7275.

SUPPLEMENTARY INFORMATION: In the matter of reregulation of radio and TV broadcasting; erratum.

Released: August 18, 1980.

In the above captioned *Order*, released April 16, 1980, and published in the Federal Register on April 17, 1980, at 45 FR 26059, subparagraph (h)(3) of § 73.93, Operator requirements (Item 5 of the Appendix) is stated incorrectly. It is corrected to read:

§ 73.93 [Corrected]

(h) * * *

(3) At such time as the regularly designated chief operator is unavailable or unable to act as chief operator (e.g., vacations, sickness), and an assistant chief operator has not been designated or, if designated, for any reason is unable to assume the duties of the chief operator, the licensee must designate another first-class radiotelephone operator as acting chief operator on a temporary basis.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80–26551 Filed 8–28–80; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 83

[PR Docket No. 79–86]

Simplification of the FCC's Rules for Recreational Boaters; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule, correction (Errata).

SUMMARY: This action corrects the frequency listed in the final rule published at 45 FR 49934 for the Weather channel WX–3 which was incorrect.

EFFECTIVE DATE: August 21, 1980.

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

FOR FURTHER INFORMATION CONTACT: Nicholas G. Bagnato, Private Radio Bureau, (202) 632–7175.

SUPPLEMENTARY INFORMATION: In the matter of simplification of the FCC's rules for recreational boaters. PR Docket No. 79–86; Errata

Released: August 22, 1980.

In the Report and Order in the above-captioned matter, FCC 80–398, released July 28, 1980 at 45 FR 49934 the Weather channel WX–3 shown in Section 83.1012 was incorrectly indicated as 162.445 MHz. The Report and Order is corrected to show channel WX–3 properly as 162.475 MHz.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80–26552 Filed 8–28–80; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 258

Fishermen's Protective Act Procedures; Provision for Fees

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

ACTION: Final regulation.

SUMMARY: Section 7 of the Fishermen's Protective Act (22 U.S.C. 1971–1980) authorizes the fees paid by vessel owners entering into agreements under Section 7. These fees are used to carry out a vessel seizure indemnification program under Section 7. This amendment establishes fees for the agreement year October 1, 1980 through September 30, 1981.

EFFECTIVE DATE: October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service, Washington, D.C. 20235, Telephone Number: (202) 634–7496.

SUPPLEMENTARY INFORMATION: Section 7 indemnifies against certain losses resulting from a foreign country's seizure of a United States vessel based on territorial oceanic rights which are either not recognized by the United States or (a) are unrelated to fishery conservation and management, (b) fail to consider traditional fishing practices of U.S. vessels, (c) are more onerous than those applied by the United States to foreign fishing vessels, or (d) fail to allow U.S. fishing vessels equitable access to foreign fishery zones.

Section 7 regulations have annually established fees based on prior and anticipated experience. The following amendment of the Section 7 regulations will establish fees for the agreement year beginning October 1, 1980.

All holders of agreements for the present agreement year ending 1980, who wish them extended through September 30, 1981, by amendment (rather than entering into an entirely new agreement) must submit their fees required by the following amendment. Failure to do so will result in agreement termination October 1, 1980.

This amendment is exempt from the rulemaking requirements of the Administrative Procedures Act (5 U.S.C. 553) and makes no substantive change in the program's conduct.

Regulatory Analysis

The Assistant Administrator for Fisheries initially determined that this amendment is neither significant under Executive Order 12044 nor requires an environmental impact statement under the National Environmental Policy Act.

Dated: August 25, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

Section 258.5 of the Fishermen's Protective Act Procedures (50 CFR Part 258) is revised to read as follows:

§ 258.5 Fees.

(a) Fees must pay administrative costs and a minimum of 25 percent of estimated claim payments. Fees are based on prior and anticipated experience. Fees may be adjusted by amending this part. Fund experience requires the following higher fees:

(b) Fees to be paid by an applicant for guarantee agreements for the agreement year October 1, 1980, through September 30, 1981 shall be $4.00 per gross vessel ton as listed on the vessel's document. Fractions of a ton shall not be included.

(c) No fees will be returned after a guarantee agreement is executed by the Secretary.

(d) A guarantee agreement may, with the Secretary's consent, be assigned to a new owner of a vessel if the vessel is transferred during the period in which the agreement is in force.

[FR Doc. 80-26605 Filed 8-28-80; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 661

Commercial and Recreational Salmon Fisheries Off the Coasts of Oregon, Washington, and California

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Commerce.

ACTION: Final rulemaking.

SUMMARY: The Acting Director, Northwest Region (RD), National Marine Fisheries Service, (NMFS) issues a final regulation (Field Order) applicable to commercial and recreational fishing for salmon off the coasts of Washington and Oregon, in accordance with 50 CFR 661.12(b), which implements the fishery management plan for the Commercial and Recreational Salmon Fisheries off the Coast of Washington, Oregon, and California, as amended (FMP). This Field Order closes the fishery conservation zone (FCZ) from Leadbetter Point, Washington, to the U.S.-Canada border to commercial and recreational salmon fishing at midnight August 25. It also closes the FCZ southward from Cape Falcon, Oregon, to the Oregon-California border (salmon management sub-areas B and C) to recreational salmon fishing for coho salmon at midnight on September 1, but allows recreational fishing for chinook salmon only to continue in that area from, September 2 through October 31. This Field Order remains in effect until September 15, 1980, unless superceded before that time.

EFFECTIVE DATE: 2400 hours PDT August 25, 1980, unitl 2400 hours PDT September 14, 1980.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, Acting Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109, Telephone (206) 442-7575.

SUPPLEMENTARY INFORMATION: The final regulations implementing the FMP at 50 CFR Part 661, were filed with the Federal Register on July 31, 1980 (45 FR 50764). They specify in § 661.12(b) that the Acting Director, Northwest Region, NMFS, on August 22, may modify the open seasons and catch limits set forth in § 661.10 and § 661.11 in any portion of sub/areas A, B or C by issuing a filed order if the RD finds that (1) actual conditions of abundance and distribution of salmon and fishing efforts and catches differ from conditions anticipated prior to May 1; and (2) in-season modifications are reasonably necessary to provide adquate escapement for spawning, to meet treaty-Indian allocation requirements or to maintain, insofar as possible, the historical harvest ratio between commercial and recreational salmon fisheries. Sub-area A is the area extending from the U.S./Canadian Boundary to Cape Falcon, Oregon; Sub-area B is the area from Cape Falcon to Cape Blanco, Oregon, and Sub-area C extends from Cape Blanco to the California/Oregon border.

In accordance to § 661.12(d)(1) of the regulations, the RD on August 7, 1980, conducted a preliminary review of pre-season estimates of coho salmon stock abundance and total ocean harvest of coho to that date based on the following criteria:

(A) The number of participants, amount and distribution of fishing effort, in the commercial and recreational fisheries as of August 7 compared to similar time periods in prior years; and

(B) The current and historical coho salmon harvest ratios between the commercial fishery and the recreational fishery, as set forth in paragraph (e) of this section; and

(C) Abundance estimates and catches of coho stocks in the Washington Production Projection (WPP) Regulatory Area as of August 7 compared to the WPP estimate of coho salmon abundance and catch data for the 1974–1976 period; and

(D) Abundance estimates and catches of coho stocks in the Oregon Production Index (OPI) Regulatory Area, including private hatchery fish, compared to the original OPI predictions; and

(E) Data from marked-fish recoveries, including analysis of recoveries of coho salmon with implanted coded-wire tags; and

(F) Any other scientific information relevant to the abundance and distribution of coho stocks, total fishing efforts and catches that is available as of August 7.

On the basis of his August 7 review, the RD concluded that although there were indications that coho abundance was slightly higher in the OPI than originally forecast and slightly lower in the WPP regulatory area than forecast, there was insufficient information to determine the actual numerical differences. Notice of the preliminary evaluation was issued on August 8, 1980, and published in the Federal Register on August 14, 1980 (45 FR 54113). Comments were invited until August 21, 1980.

Public comments were received in writing and orally at a scheduled meeting of the Pacific Fishery Management Council (PFMC) held August 20–21 in Seattle, Washington.

In accordance with § 661.12(d)(2) of the regulations, the RD considered all public comments received during the comment period, consulted with the PFMC, the Directors of the Oregon Department of Fish and Wildlife (ODFW) and the Washington Department of Fisheries (WDF), applied the criteria used in making his preliminary evaluation and made the following findings about the performance of the coho fisheries in the WPP and OPI areas:

The Washington Production Projection (WPP) Regulatory Area

Coho Catch

The ocean harvest of coho in the WPP through August 10, 1980, was approximately 625,448 fish: 291,448 caught in the troll fishery and 334,000 in the recreational fishery. These data indicate a harvest ratio between the commercial and recreational fisheries of 47:53 as compared to a 60:40 ratio for the 1971–75 period. Projected through August 24, 1980, the total ocean harvest of coho in the WPP is between 824,000 (WDF estimate) and 803,600 (ODFW estimate) fish. Based on these projections, it is estimated that the commercial/recreational harvest ratio through the same date will reach between 53:47 (WDF) and 51:49 (ODFW), a significant movement by the

troll fishery toward the historic ratio since the preliminary evaluation was made on August 7, 1980.

Coho harvest figures for 1979 for the WPP through August 10, 1980, were 688,450 fish: 465,800 caught in the troll fishery and 222,650 in the recreational fishery. Comparable data for the 1974–76 period through August 15 reveal an average WPP ocean coho harvest of 1,156,500 fish: 643,500 by the troll fishery and 513,000 by the recreational fishery.

Fishing Effort

Current WPP troll effort through August 10, 1980, is 18,238 boat days, down approximately 31% from the 1979 effort through August 10 of 26,575 boat days. Recreational effort through the same date was 225,615 angler trips as compared to a 1979 level of 250,129 angler trips.

WPP Coho Abundance and Catch Projections

Analysis of coded-wire tag (CWT) recoveries indicates a significant increase in the percentage contribution of Columbia River-origin coho to ocean catches in all four Washington coastal areas (Columbia River, Grays Harbor, Quillayute and Cape Flattery) when compared to pre-season forecasts. The implications of this abnormal northward distribution are that: (a) some Columbia River and Oregon coastal fish normally found within the OPI area (south of Leadbetter Point) have shifted to the north, thus increasing the abundance of these stocks off the Washington coast; but (b) significant numbers of coho from Puget Sound and the Washington coast have moved into Canada and are no longer available to the U.S. ocean fishery. This reduction in availability necessitates a decrease in the total allowable non-treaty ocean harvest since a portion of the 857,000 allowable non-treaty ocean harvest of coho have moved into Canadian waters and are no longer available to the U.S. ocean fishery.

The effect of 1980's abnormal ocean distribution is most marked on Puget Sound coho. Puget Sound-origin coho normally range from southern Oregon to central British Columbia with peak concentrations centered off Washington's Cape Flattery fishing area. The northerly coho distribution shift of approximately 50 miles in 1980 has the effect of reducing Puget Sound stock availability off the Washington coast by as much as 30%. This availability shift requires a reduction as high as 30% in the pre-season allowable Puget Sound-origin harvest of 380,600. This in-season adjustment equates to a new target harvest of 266,400. The in-season estimate of Puget Sound-origin catch north of Cape Falcon through August 17 (based on CWT recoveries) is 224,300 coho including 35,300 during the most recent week (excluding treaty Indian troll catch). The remainder of the Puget Sound quota will be taken on or about August 25.

The Oregon Production Index (OPI)

Coho Catch

An estimated 791,400 coho have been harvested by the ocean fisheries in the OPI area as of August 10. This catch represents 97% of the preseason predicted catch of 820,000 for the OPI area. This total includes catches of 159,800 of Ilwaco, 573,300 for Oregon and 58,300 for California. Of the total catch of 791,400, the troll fishery has harvested 348,100 compared with 443,300 for the recreational fishery. The harvest ratio between the commercial and recreational fisheries through August 10 is 44:56 as compared to the 1971–75 historic ratio of 71:29.

OPI catch as of August 10 for the 1979 season was approximately 862,387 coho for the troll fishery and 260,000 coho for the recreational fishery.

Fishing Effort

Effort for the combined Oregon and Ilwaco, Washington, area through August 10. 1980, was 23,192 boat days for the troll fishery and 312,377 angler trips for the recreational fishery. This is compared to 1979 effort through a comparable date of 27,642 boat days for the troll fishery and 322,948 angler trips for the recreational fishery.

Coho Abundance and Catch Projections

Available data indicates that the 1980 pre-season OPI abundance estimate of 1,024,600 fish may be low. The OPI is known to range as much as 15% above or below this single point abundance estimate (870,900 to 1,178,300 coho). An examination of the trend resulting from the delayed release of 20–25% of the Columbia River hatchery production in recent years reveals that although fewer jack (immature) salmon return, adult coho returns are better as a result of later hatchery releases. As the 1980 pre-season prediction of adult coho in the OPI was based on the number of jacks, an underestimate in the number of returning adults is suspected. Consequently the choice of the upper end of the OPI prediction range (1,178,300 coho) seemed justifiable to ODFW. For the same reason WDF suggested an upward modification to 1,364,800 coho in the OPI.

In addition WDF believes the abnormal northerly shift of coho coastwide will cause an estimated 15% reduction in stock availability in the OPI south of Leadbetter Point. Subtracting 15% from WDF's abundance update of 1,364,800 coho results in a net revision of WDF's OPI abundance estimate to 1,160,080 or 18,220 coho fewer than the ODFW estimate of 1,178,300.

In-season evaluation also indicates that private aquaculture contributed about 4.1% to the coho catch through July 27. If ocean catch rates continue at the present rate for the remainder of the season, the private aquaculture contribution will be about 39,000 coho. When the 39,000 are added to the ODFW and WDF revised estimates, coho abundance in the OPI is raised to between 1,199,080 and 1,217,300 coho. Subtracting the 260,000 fish which must be allowed for proper escapement from the OPI yields a revised allowable ocean harvest of coho in the OPI of between 939,080 and 957,300 fish.

WDF and ODFW differed markedly in estimating the projected harvest of coho in the OPI to the end of the regularly scheduled season: ODFW estimated a total catch to the end of the regularly scheduled season of 950,300 coho while WDF estimated that 937,000 coho would be taken in the OPI by August 24, 1980.

Comments

Two written comments were received during the August 8–21 comment period. The Hoh Indian Tribe urged closure of the ocean salmon fishing season north of Cape Falcon to provide increased escapement to the Hoh River. The Port of Ilwaco requested an extension of the ocean fishing season and discouraged any further closures.

A closure of the season north of Leadbetter Point, Washington should maximize escapement to the Hoh River for treaty Indian river harvest. As Ilwaco is south of the Leadbetter Point closure line, economic impacts on the Port of Ilwaco should be minimized.

Conclusions

The RD has reviewed the most recent catch and effort data and revised abundance estimates supplied by ODFW and WDF, has considered all public comments and has reached the following conclusions:

1. It is apparent from the available data that the ocean fishing season off the Washington coast must be curtailed if necessary escapement to Puget Sound is to be met. WDF estimates that the allowable ocean harvest of Puget Sound origin fish will be reached by August 25, 1980.

As of that date the troll/recreational harvest ratio is expected to more nearly approximate the historic 60:40 ratio. The

shift of coho stocks northward indicates that some OPI coho will move north of Cape Falcon, Oregon, into the southernmost portion of the WPP regulatory area. To afford an opportunity to take the allowable ocean harvest of WPP coho without jeopardizing escapement to either Puget Sound or Washington coastal streams, a closure of the ocean to all commercial and recreational fishing north of Leadbetter Point on August 25, 1980, is necessary and appropriate.

2. WDF and ODFW data indicate that a total allowable OPI ocean coho harvest for the 1980 season of 939,080–957,300 fish would provide for the necessary spawning escapement of 260,000 coho. As 791,400 coho were taken in the OPI as of August 10, 1980, the spawning escapement goal can only be met if no more than 147,680–165,900 OPI coho are taken in the ocean after August 10, 1980. ODFW estimates that an additional 158,900 coho will be caught in the OPI area by the combined ocean troll and recreational fisheries after August 11, 1980, to the end of the regularly scheduled seasons. To avoid exceeding the lower limit of the total number of OPI coho which can be harvested after August 10 (147,680), either the recreational or the troll season or both must be reduced.

Given the disproportionately high ocean harvest experienced by the recreational fishery south of Leadbetter Point in contrast to the troll fishery in that area, the need to approximate a historic harvest ratio dictates that the recreational fishing season be shortened and the troll season allowed to continue until the total allowable OPI ocean harvest of coho is taken. If the recreational fishery south of Leadbetter Point were closed on August 24 rather than September 14, 1980, approximately 71,800 fish would be saved (ODFW estimate). Continuation of the recreational fishery for an additional week until September 1 would result in the harvest of approximately 24,000 additional fish and would allow that fishery to operate through the Labor Day holiday, an important time for the recreational fishery. The continuation of the troll fishery south of Leadbetter Point until September 8, 1980, is expected to result in the harvest of the remaining allowable OPI harvest (123,680) and will allow that fishery the opportunity to partially recoup from the unusually low harvest experienced through August 10, 1980.

Effect of Conclusions on Columbia River Fall Chinook

The decision to close the all species season north of Leadbetter Point, Washington, on August 25, 1980, and to stop the recreational season south of that point on September 1, 1980, will result in a significant savings of chinook salmon (primarily Columbia River fish) which would otherwise be harvested in the ocean by the troll and recreational fisheries. This savings is estimated to be approximately 24,400 fish (8,700 troll and 15,700 recreational). Of this number approximately 9,000 fish, if caught (4,250 troll and 4,750 recreational) could be expected to be 4 and 5 year olds, most of which are maturing. Some additional maturing 3 year old fish would also be saved.

It is estimated that between 4,200 and 4,300 chinook will be taken by the troll and recreational fisheries combined south of Leadbetter Point after August 25, 1980, 1,150 by the troll fishery for the 2 remaining weeks in that season and 3,100 by the recreational fishery for the remaining week of that season. Between 1,000 and 1,300 of the combined total of 4,250, if taken, could be expected to be maturing 4 and 5 year old fish.

Not accounting for effort shifts the net savings of chinook coastwide as a result of the early closure north of Leadbetter Point and the curtailed recreational season south of Leadbetter Point is estimated at 20,000 fish (mature and immature combined). If an effort shift due to the early closure north of Leadbetter Point resulted in an additional harvest south of that point as high as 50 percent above the recent year average, the net coastwide savings of chinook salmon would, nevertheless, approximate 17,000 to 18,000 fish.

A Supplemental Environmental Impact Statement (SEIS) was prepared for the 1980 Amendment to the fishery management plan for *Commercial and Recreational Salmon Fisheries off the Coast of Washington, Oregon, and California Commencing in 1978,* and is on file with the Environmental Protection Agency. As this action does not constitute a "significant action" under Executive Order 12044 the preparation of a regulatory analysis is not necessary.

For the reasons set forth below, the Regional Director for good cause finds that further opportunity for public comment prior to the effective date of this field order (final regulation), is impracticable, unnecessary, and contrary to the public interest, and that there is good cause for this field order to take effect on the date specified herein.

1. Further public comment and further delay in implementing this order is unnecessary because the public had advance notice of this impending action, is familiar with it, and was afforded a reasonable opportunity to review data and submit information from August 8 to August 21 pursuant to procedures fully set forth at 50 CFR 661.12, the FMP itself, and the Notice of Preliminary Projection issued on August 8, 1980, which was also publicized through regional news media. Relevant data was made available to the public as set forth at 50 CFR 661.12 and summarized in the Notice of Preliminary Projection. The public participated in development of the 1980 Amendment to the FMP/SEIS, both orally and in writing, and has had opportunity to comment on the implementing regulations since May 1. The opportunity afforded for public comment is reasonable because the determination made by the Regional Director under § 661.12, and relevant public input, is limited to the narrow factual question of coho stock abundance and projected harvest of the troll and recreational fisheries in Management Areas A, B, and C to September 14.

2. A delay in issuing this field order is not practicable. Data necessary for the Regional Director to review and for the public to review in order to submit relevant comments was made available at the earliest practicable time. Such data is only available during the fishing season and enough of the fishing season must elapse for there to be a sufficient amount of catch and effort information to make reasonably precise numerical stock abundance forecasts and harvest projections. Issuing this field order at a later time would be contrary to the purpose for which this action is being taken: to provide a sufficient escapement of coho salmon from the ocean and to limit the recreational ocean catch to an appropriate share of the ocean harvest as set forth in the FMP and at 50 CFR 661.12. The procedures followed maximize the information available to the public, and the scientific and public input necessary to the determinations made by the Regional Director consistent with the timetable are necessary to attain the objectives of the FMP and of 50 CFR 661.12.

3. A delay in the effective data of this field order would be contrary to the public interest. Such a delay would substantially increase the likelihood that the objectives of the FMP, including ocean escapement goals necessary to meet spawning, treaty-Indian, and other inland harvest objectives, would not be achieved without creating a severe imbalance in the harvest opportunity between commercial and recreational ocean fishermen.

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

Signed at Washington, D.C. this 25th day of August, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

Accordingly, 50 CFR Part 661 is superseded from 2400 hours local time, August 25, 1980, through 2400 hours local time September 14, 1980, as follows:

1. In section 661.10, paragraph (a)(1)(ii) is revised to read as follows:

§ 661.10 Recreational fishing.

(a) * * *

(1) * * *

(ii) The season for all salmon species, including coho, shall begin on July 15, and terminate on August 25 north of Leadbetter Point, Washington, and terminate on September 8, south of Leadbetter Point, Washington.

* * * * *

2. In § 661.11, paragraphs (a)(1) and (a)(2) are revised to read as follows:

§ 661.11 Treaty Indian fishing.

(a) * * *

(1) In Sub-Area A the season for all salmon species shall begin on May 10, and terminate on August 25 north of Leadbetter Point, Washington, and terminate on September 1 south of Leadbetter Point, Washington. In Sub-Areas B and C the season for all salmon species shall begin on May 10 and terminate on September 1.

(2) In Sub-Areas B and C a season for chinook salmon only shall begin on September 2 and terminate on October 31.

* * * * *

(16 U.S.C. 1801; 45 FR 50764; 50 CFR 661.12(b))

[FR Doc. 80-26459 Filed 8-28-80; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 45, No. 170
Friday, August 29, 1980

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

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1701

Electric Loan Policies and Application Procedures for Supplemental Resources Loans

AGENCY: Rural Electrification Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: REA proposes to issue a supplement to REA Bulletin 20–2, Electric Loan Policies and Application Procedures concerning the making of loans and loan guarantees to borrowers for project utilizing alternative or supplemental energy sources. REA policy is to encourage the development of other energy sources such as a low head hydro, geothermal, solar, wind, coal bed gas recovery, wood by-product and solid waste utilizations, and other types of projects of a proven technology as may be determined by the Administrator. Such policy is in conformance with natural energy goals including the Public Utilities Regulatory Policies Act of 1978 (PURPA) and the Power Plant and Industrial Fuel Use Act of 1978.

DATE: Public comments must be received no later than September 29, 1980.

ADDRESS: Submit written comments to the Director, Electric Loans and Management Division, Rural Electrification Administration, Room 3342 South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Francis E. Saulnier, telephone number (202) 447–8466.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act as amended (7 U.S.C. 901 et seq.), REA proposes to issue a supplement to Bulletin 20–2 which will outline the policies and procedures for loan applications for supplemental energy sources. The bulletin will permit REA financing of feasibility, and other studies including certain other "front-end" costs of developing a supplemental energy source project.

All written submissions made pursuant to this notice will be made available for public inspection during regular business hours, address above.

Dated: August 20, 1980.

Joe S. Zoller,

Assistant Administrator—Electric.

[FR Doc. 80-26415 Filed 8-28-80; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 212

[Docket No. ERA-R-80-26]

Maximum Lawful Selling Price for Unleaded Gasoline

AGENCY: Economic Regulatory Administration; Department of Energy.

ACTION: Clarification of proposed rulemaking.

SUMMARY: On August 8, 1980, the Economic Regulatory Administration of the Department of Energy issued a Further Notice of Proposed Rulemaking and Public Hearing (45 FR 54694, August 15, 1980) concerning several methods for imputing the May 15, 1973 selling price for unleaded gasoline. In the Supplementary Information section of the Proposed Amendments certain words were inadvertently omitted which could cause confusion although the text of the proposed regulation provides the correct intention.

FOR FURTHER INFORMATION CONTACT: Chuck Boehl (Office of Regulations and Emergency Planning), Economic Regulatory Administration, Room 7108, 2000 M Street, NW., Washington, D.C. 20461, (202) 653–3220.

SUPPLEMENTARY INFORMATION: In FR Doc. 80–24831 on page 54695, middle column, the first sentence of the second paragraph under "A. Optional Calculation of Imputing a May 15, 1973 Selling Price" should read "Specifically, DOE is proposing that beginning on the date the final rules, if any, are adopted, firms which sold unleaded gasoline on May 15, 1973, *be given the option of imputing a May 15, 1973,* selling price for unleaded gasoline pursuant to the rules set forth in § 212.112(b)." (Inserted words are underlined.)

Issued in Washington, D.C., August 25, 1980.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 80-26564 Filed 8-28-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Leasing Policy Development

10 CFR Part 378

Coal Leasing; Rescheduling of Hearing on Proposed Rulemaking Regarding Bidding Systems

AGENCY: Department of Energy.

ACTION: Rescheduling of hearing on proposed rulemaking.

SUMMARY: On July 1, 1980, the Department of Energy issued a Notice of Proposed Rulemaking entitled "Bidding Systems for Coal Leasing: Proposed Rulemaking and Public Hearing" (45 FR 46742, July 10, 1980). Public hearings were scheduled for August 5, 1980, in Denver, Colorado, and August 7, 1980, in Washington, D.C. Because only one request to speak was received for each hearing, a notice was published in the Federal Register on August 4, 1980 cancelling both hearings. Since that time, however, there have been numerous inquiries about the proposed regulation and the possibility of rescheduling the hearings. Because of the number of such inquiries and because the reasons given for the initial lack of response appear to be valid, the Washington, D.C. public hearing is being rescheduled.

DATES: The rescheduled Washington hearing will be held on September 23, 1980. Requests to speak are due by September 16, 1980. Witnesses who are chosen to speak will be notified by September 18, 1980, and copies of their statements must be received by 4:30 p.m. on September 22.

Written comments are due by September 10, 1980, as stated in the original Federal Register notice. However, in light of the rescheduled hearing, the record will be held open until September 30 for submission of additional or amended comments based on the material presented at the hearing. By maintaining the September 10

deadline for written comments, those attending the hearing will have an opportunity to review the comments of other interested parties prior to the hearing.

ADDRESSES: All written comments and requests to speak should be sent to the Office of the Hearings Management, Economic Regulatory Administration, Room B-210, Docket No. LPD-79-06, 2000 M Street, N.W., Washington, D.C. 20461.

Hearing location: Room 2105, 2000 M Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Robert C. Gillette (Office of Public Hearings Management), Economic Regulatory Administration, 2000 M Street, N.W., Room 2214C, Washington, D.C. 20461 (202) 254-5201.

SUPPLEMENTARY INFORMATION: If you are selected to speak, one hundred copies of your statement, labeled "Box XT, DOE proposed Coal Bidding System Regulation", are due by September 22 and should be delivered to the "Request to Speak" address indicated in the beginning of this notice. In the event any person wishing to testify cannot meet the 100-copy requirement, alternative arrangements can be made with the Office of Hearing Management in advance of the hearing by so indicating in the letter requesting the opportunity to make an oral presentation or by calling the Office of Hearing Management at (202) 653-3757.

All other procedures for requesting to speak and the conduct of the hearing remain as published in the original July 10, 1980, Federal Register notice.

Issued in Washington, D.C. on August 25, 1980.

Ruth M. Davis,

Assistant Secretary, Resource Applications.

[FR Doc. 80-26595 Filed 8-28-80; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 550 and 571

[No. 80-528]

Trust Powers Authorization

Dated: August 21, 1980.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed regulations.

SUMMARY: The Federal Home Loan Bank Board is proposing regulations by Federal savings and loan associations.

DATE: Comments must be received by: October 21, 1980.

ADDRESS: Send comments to the Office of the Secretary, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: James C. Stewart, Office of General Counsel, Federal Home Loan Bank Board, at the above address. Telephone number: (202) 377-6457.

SUPPLEMENTARY INFORMATION:

Background

The Federal Home Loan Bank Board is proposing a new Part 550 to implement the recent statutory authorization for the granting of trust powers to Federal savings and loan associations. Section 403 of the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221, 94 Stat. 132) amends the Home Owners' Loan Act of 1933 ("HOLA") (12 U.S.C. 1464), by adding a new subsection (n) to section 5 of that law. The Board is thereby authorized "to grant by special permit to an association applying therefor the right to act as trustee, executor, administrator, guardian, or in any other fiduciary capacity in which state banks, trust companies, or other corporations which come into competition with associations are permitted to act under the laws of the state in which the association is located." 12 U.S.C. 1464(n)(1). The Board is also empowered to issue regulations regarding the proper exercise of Federal association trust powers. 12 U.S.C. 1464(n)(10)(D).

The application procedure of Part 550 would only be used when a Federal association chooses to establish a separate trust department. A Federal association that wishes to invest in a service corporation engaged in trust activities would follow the procedures and limitations contained in § 545.9-1 of the Regulations for the Federal Savings and Loan System (12 CFR 545.9-1). The Board believes, however, that it is desirable that any trust activities in which a Federal association is involved should be conducted in accordance with Part 550 and intends to approve investments in service corporations performing trust services only if the service corporations adhere to the principles of Part 550. The Board also recognizes that state-chartered institutions may soon be authorized to exercise trust powers. In order to ensure that all trust activities are conducted as safely as possible by Federal associations and other institutions whose accounts are insured by the Federal Savings and Loan Insurance Corpooration, the Board proposes to adopt a policy statement under the Regulations for Insurance of Accounts specifying that trust powers vested in an insured institution or in a service corporation in which an insured institution has an interest should be exercised in accordance with Part 550.

The basic provisions of HOLA section 5(n) closely resemble those of 12 U.S.C. 92a, which authorizes the Comptroller of the Currency to grant trust powers to national banks. Pursuant to that authority, the Comptroller has adopted Regulation 9 (12 CFR Part 9) regarding the acquisition, exercise, and termination of national bank trust powers. In order to provide continuity and to facilitate inter-agency coordination of examination activities, the proposed Part 550 will, to a large extent, draw on Regulation 9. Any significant departures from Regulation 9 are noted and explained in the following summary.

Acquisition of Trust Powers

1. *Applications: § 550.2.* HOLA section 5(n) specifies that trust powers may only be granted to associations which have applied for them. In addition, the statutory amendments suggest factors that the Board may take into account when considering applications. Under proposed § 550.2, Federal associations wishing to exercise trust powers shall file applications with their Supervisory Agent. HOLA section 5(n) states that, in passing on applications, the Board may take into consideration: (1) whether the association has sufficient capital and surplus to exercise the powers sought, and (2) the needs of the community to be served, in addition to any other factors deemed appropriate. In no event, however, may trust powers be granted to an institution having less capital and surplus than that required of state banks, trust companies, and similar corporations. *See* 12 U.S.C. 1464(n)(9). In addition to the criteria listed in section 5(n), proposed § 550.2 includes several considerations contained in Regulation 9, including review of the general condition of the association and management ability. Applications should provide the information needed to make these determinations. The proposal would also allow the Board to grant partial trust powers and conditional trust powers.

2. *Mergers and Consolidations: § 550.3.* In order to ensure continuous service to trust accounts, the proposal provides that associations resulting from mergers or consolidations of Federal associations may exercise trust powers granted to either of the original associations. This is in conformity with the Comptroller's Regulation 9.4 and

what appears to be the emerging trend in state law. *See* Scott on Trusts § 96.7.

3. *Deposit of Securities with State Authorities:* § *550.4.* The new HOLA section 5(n)(6) requires associations acting as fiduciaries to deposit securities with state authorities whenever state law so requires of corporations acting as fiduciaries. It is foreseeable, however, that state authorities may not be empowered to accept securities from Federal associations. In such cases, the appropriate amount of securities would be deposited with the Federal Home Loan Bank in the district in which the association is located.

Exercise of Trust Powers

1. *Administration of Fiduciary Powers:* § *550.5.* The proposal emphasizes that the board of directors of the association is responsible for the proper exercise of the trust powers granted. Although the administration of fiduciary powers may be assigned to committees of directors, officers, or employees, primary responsibility will rest with the board of directors. Proposed § 550.5 requires that the board or those designated by it approve all new accounts and promptly review the assets of an account upon acceptance. Account assets must be reviewed annually thereafter. Annual reviews should also be made of trust accounts whose investments are directed by other parties. The proposal requires that associations setting up trust departments establish procedures to ensure that Federal securities laws are not violated in connection with investment decisions. Such procedures must specifically prevent the use of insider information in the purchase or sale of securities. Proposed § 550.5 additionally obliges the association to have legal counsel available on a continuing basis to advise the association in fiduciary matters. Finally, the proposal reserves the authority of the Board to require associations to secure bond coverage for directors, officers, and employees involved in the trust department. This bonding would be in addition to that required by § 563.19 of the Regulations for Insurance of Accounts (12 CFR 563.19). The Board requests comments on whether the bonding requirements for trust personnel should be specified as to dollar amounts and, if so, what those amounts should be.

2. *Books and Accounts:* § *550.6.* A Federal association exercising trust powers would be required to keep records of its fiduciary activities which are separate and distinct from its other records. In addition, the proposal requires association to keep an adequate record of all pending litigation to which it is a party in connection with its fiduciary activities. *See* 12 U.S.C. 1464(n)(3).

3. *Audit of Trust Department:* § *550.7.* Proposed § 550.7 would require a Federal association's trust department to be audited at least once a year in a manner consistent with § 563.17–1 of the Regulations for Insurance of Accounts (12 CFR 563.17–1). Audits of the trust department would be part of the annual audit required by § 563.17–1. Although this requirement is somewhat different from its parallel in Regulation 9, it is more consistent with current savings and loan practice.

4. *Funds Awaiting Investment or Distribution:* § *550.8.* According to § 170 of the Restatement of the Law of Trusts, it would be a breach of trust for a trust department to deposit trust funds in its banking department unless authorized by the trust instrument. The justification for this position is that the bank is engaged in self-dealing by landing trust funds to itself. See Scott on Trusts § 170.18. HOLA section 5(n) specifically permits such deposits of trust funds, however, when the association first sets aside U.S. Bonds or other approved securities as collateral with the trust department. 12 U.S.C. 1464(n)(4). Proposed § 5508 implements this provision and additionally allows such deposits without collateral when the funds deposited are insured by the Federal Savings and Loan Insurance Corporation. Funds placed in such deposits, however, must be invested within a reasonable time as required by paragraph (a) of proposed § 550.8.

5. *Investment of Funds Held as Fiduciary:* § *550.9.* Proposed § 550.9 prescribes the standards that associations must follow in investing funds held in a fiduciary capacity. Trust accounts must be invested in accordance with the trust instrument. When the instrument does not contain specific instructions, investments must be made in accordance with local law. *See* proposed § 550.1(h). When Federal associations are permitted investment discretion as court-appointed trustees, investments must again be in accordance with local law. Collective investment funds must meet the standards of § 550.13 (which requires a written pertaining to investment policy and procedures).

6. *Self-dealing:* § *550.10.* When acting in a fiduciary capacity, an association must place the interests of the beneficiaries above its own. *See* Scott on Trusts § 170. Accordingly, the association must avoid putting itself in a postion in which it would violate this duty of exclusive loyalty to the beneficiary. These conflicts of interest naturally tend to be greatest when the association as fiduciary is dealing with itself. Accordingly, self-dealing has been traditionally considered a breach of trust.

Although proposed § 550.10 contains the traditional prohibitions against self-dealing, it also incorporates the exceptions included in Regulation 9.12. Paragraph (a) forbids the use of trust funds to purchase obligations, stock or other property held by the association, its directors, officers, or employees. Section 550.10(a) would also prescribe such dealings with affiliates of the association and their directors, officers and employees. Finally, the same prohibition would be applied to a purchase from "individuals with whom there exists such a connection, or organizations in which there exists such an interest, as might affect the best judgment of the association in acquiring the property." Any of the above transactions, however, would be authorized if expressly provided for by the trust instrument, local law, or court order.

In a similar manner, paragraph (b) of § 550.10 bars the sale of loan of trust assets to the association, its directors, officers, employees, affiliates, or other closely connected parties. Again, such transactions could be authorized by the instrument, local law, or court order. In addition, sales of trust assets to the association would be sanctioned when, in the opinion of its counsel, the association trustee has incurred a potential or contingent liability that would be relieved by expeditious sale of the trust asset at no loss to the account. The actual transfer could be made only with the appoval of the association's board of directors and the Supervisory Agent. Sales of trust assets to the association pursuant to this exception generally would be made when it has determined that an investment of trust assets was improper or unfair to the account. For example, if the trust department used trust funds to buy an asset at a price in excess of its fair market value, the association could buy the asset at the same price and thereby make the trust account whole. Sales of trust assets to the association would also be allowed when ordered by the Federal Home Loan Bank Board. This form of self-dealing may be necessary to avoid greater liability to the association.

Paragraph (c) of § 550.10 forbids investment of trust funds in stock or obligations of the associations or its affiliates. Although not considered true self-dealing in the sense of a direct purchase or sale, such investments may

put the fiduciary in a position of divided loyalty. *See* Scott on Trusts § 170.15. Proposed § 550.10(c) prohibits this activity unless authorized by law, court order, or the assessment. Even if such investment is authorized, however, the association may not vote its stock held in a fiduciary capacity unless, under the trust instrument, the donor or beneficiary directs how the stock is to be voted. Although Regulation 9 does not contain this prohibition, such activity by national banks would be barred by 12 U.S.C. 61. A similar limitation is necessary with respect to a Federal association holding its own stock in trust to prevent its voting its shares in its own self-interest. When retention of its own shares is authorized, an association may receive stock dividends and exercise conversion rights normally incident to such ownership if not otherwise unlawful.

Proposed paragraph (d) of § 550.10 authorized certain sales and loans between trust accounts when authorized by the instrument and local law and if the transaction is fair to both accounts.

It should be noted that the restrictions on self-dealing cover many situations not addressed in the Board's conflict-of-interest regulations (12 CFR 563.40–563.45). Although purchases and sales of real property involving affiliated persons are proscribed in certain cases by § 563.41, those regulations would not prohibit sales of securities and other personal property. In addition, the definition of affiliated person in 12 CFR 561.29 would not include the association itself. Accordingly, the conflict-of-interest regulations would not reach transfers between the trust department and the association or its service corporations. Finally, by extending the self-dealing prohibition to "individuals with whom there exists such a connection, or organizations in which there exists such an interest as might affect the exercise of best judgment by the association", § 550.10 would reach situations in which a party is not controlled by an affiliated person but still may be deemed to exert influence over the association in this particular situation.

In all events, an association exercising trust powers should adhere to the directive in § 571.7 against the appearance of a conflict of interest.

7. *Custody of investments: § 550.11.* The proposal requires that investments of each account be kept separate from the other assets of the association and be placed in the custody of at least two of the officers or employees designated for that purpose. Investments of each account must be kept separate from those of other accounts unless collectively invested or otherwise adequately identified.

8. *Compensation of the Association: § 550.12.* The proposal provides that a Federal association acting as a fiduciary may deduct reasonable compensation for its services when compensation is not specified in the trust instrument or by local law. Proposed § 550.12 also describes circumstances under which trust officers and employees may act as co-fidiciaries with the association or may accept bequests and gratuities from trust accounts.

Collective Investment of Trust Assets

A trust department may find it advantageous to combine smaller trust accounts into one large investment pool. In *Brooklyn Trust Co. v. Commissioner,* however, such common trust funds were declared separate taxable entities. 80 F. 2d 865 (2d Cir.), *cert. denied,* 298 U.S. 659 (1936). Subsequently, the Internal Revenue Code was amended to lessen the impact of the decision. Common trust funds maintained for the investment and reinvestment of funds held in a fiduciary capacity now may be exempted from taxation under IRC section 584. Section 584 also requires these funds to meet the standards for collective investment in Comptroller's Regulation 9.18, regardless of the identity of the fiduciary. *See* I.R.C. section 584(a)(2). Accordingly, Federal associations maintaining section 584 common trust funds would be bound by Regulation 9.18.

Some common trust funds, however, may become tax-exempt without adhering to Regulation 9. Under section 501 of the Internal Revenue Code, for example, a common employee benefit trust may acquire tax-exempt status by qualifying under I.R.C. section 401. Although section 401 would prevent some abuses associated with trusts, the section does not directly concern the responsibilities of the corporate fiduciary with respect to administering the fund. The Comptroller has made Regulation 9.18 applicable to all common trust funds administered by a national bank. Similarly, the Board's proposal would require Federal associations to observe the requirements of Regulation 9.18 in administering any common fund. This approach ensures that both types of funds are governed by uniform standards and will be administered in the most prudent manner. The basic requirements of Regulation 9.18 are summarized below.

1. *Collective Investment: Section 550.13.* Proposed section 550.13 incorporates Regulation 9.18 by reference. The Comptroller's regulation requires that collective investment funds be established and maintained in accordance with a written plan approved by the board of directors and filed with the Comptroller. Proposed section 550.13 would also require that the plan be filed with the Federal Home Loan Bank Board which would have the right of reviewing the document.

The plan adopted by the board of directors must detail the collective fund's investment powers and contain a general statement of investment policy. Procedures for admission to, and withdrawal from, the fund must be explained. The plan must also address other matters such as valuation of assets and termination procedures. Regulation 9.18 requires annual audits of the fund, the results of which must be made available to participants and prospective customers on request. Other parts of 9.18 regulate self-dealing, limit individual participations and investments, impose liquidity requirements, and provide special rules for mortgages held by the fund. In addition, regulation 9.18 requires the association to have exclusive management of the fund, prohibits the issuance of certificates evidencing an interest in the fund, and provides a good-faith defense to violations.

Termination of Trust Powers

1. *Surrender of Trust Powers: Section 550.14.* The proposal implements the provisions of new HOLA section 5(n)(10), which allow a Federal association to surrender its trust powers by filing a certified copy of a board resolution signifying this intention. When the Board is satisfied that the association has properly wound up its fiduciary affairs, the Board may issue a certificate indicating that the association may no longer exercise trust powers and is entitled to the return of any securities deposited with state authorities or a Federal Home Loan Bank under section 550.4.

2. *Appointment of Receiver or Conservator or Voluntary Dissolution: Section 550.15.* Proposed section 550.15 provides that whenever a receiver or conservator is appointed under Part 547, the receiver or conservator shall be charged with closing all fiduciary accounts held by the association. Similarly, in cases of voluntary dissolution under section 546.4, the liquidating agent shall be obliged to oversee the discharge of the association's fiduciary responsibilities.

3. *Revocation of Trust Powers: Section 550.16.* As provided in HOLA section 5(n)(11), the proposal authorizes the Board to begin revocation proceedings against an association that

has unlawfully or unsoundly exercised its trust powers or that has failed to exercise its powers for five consecutive years. Notice of the intent to initiate revocation proceedings will be sent to the association and a hearing will be held in accordance with the Board's Rules of Practice and Procedure (12 CFR Part 509). This procedure would be used in addition to cease and desist orders and other sanctions available under the Rules and Regulations for the Federal Savings and Loan System.

Effect of Securities Laws

Section 5(n) of the Home Owners' Loan Act authorizes Federal associations, with Board approval, to act in any fiduciary capacity in which state-chartered banks, trust companies, and other corporations may engage. This broad authority would include the power to act as a stock transfer agent. Entities engaged in this activity are normally required to register and submit to the authority of the Securities and Exchange Commission under section 17A of the Securities Exchange Act of 1934, 15 U.S.C. 78q–1. Section 17A(c), however, provides an exception for bank transfer agents, allowing them to register with the "appropriate regulatory agency." Pursuant to this exception, Regulation 9 prescribes procedures for registration of national bank transfer agents with the Comptroller and outlines proceedings for stays and review of sanctions by clearing agencies. *See* 12 CFR 9.20–9.22. At this time, however, the Federal Home Loan Bank Board is not designated as an "appropriate regulatory agency" under section 3(a)(34), 15 U.S.C. 78c(a)(34). As a result, the Board cannot act in a similar role with respect to Federal associations acting as stock transfer agents, and such associations would be required to register with the Securities and Exchange Commission.

Accordingly, the Board hereby proposes to amend the Rules and Regulations for the Federal Savings and Loan System by adding a new Part 550 thereto, and to amend the Rules and Regulations for Insurance of Accounts by adding a new § 571.15 thereto, to read as set forth below.

SUBCHAPTER C—REGULATIONS FOR THE FEDERAL SAVINGS AND LOAN SYSTEM

PART 550—TRUST POWERS OF FEDERAL ASSOCIATIONS

1. Add a new Part 550, to read as follows:

Sec.
550.1 Definitions.
550.2 Applications.
550.3 Consolidation or merger of two or more Federal associations.
550.4 Deposit of securities with state authorities.
550.5 Administration of trust powers.
550.6 Books and accounts.
550.7 Audit of trust department.
550.8 Funds awaiting investment or distribution.
550.9 Investment of funds held as fiduciary.
550.10 Self-dealing.
550.11 Custody of investments.
550.12 Compensation of association.
550.13 Collective investment.
550.14 Surrender of trust powers.
550.15 Receivership or voluntary liquidation of association.
550.16 Revocation of trust powers.

Authority: Sec. 403 of the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. 96–221; 94 Stat. 132, 12 U.S.C. 1464(n); secs. 402, 402, and 407 of the National Housing Act, 48 Stat. 1256, 1257, 1260, as amended, 12 U.S.C. 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 D Fed. Reg. 4981, 3 CFR 1071 (1943–48 Compilation).

§ 550.1 Definitions.

For purposes of this Part:

(a) "Account" means the trust, estate or other fiduciary relationship which has been established with an association;

(b) "Association" shall include two or more associations which are members of the same affiliated group with respect to any fund established pursuant to § 550.13 of this Part of which any of such affiliated associations is trustee, or two or more of such affiliated associations are co-trustees;

(c) "Equity security" means any stock or similar security convertible, with or without consideration, into such a security; or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security which the Board shall deem to be of similar nature and considers necessary or appropriate to treat as an equity security in the public interest;

(d) "Fiduciary" means an association undertaking to act alone or jointly with others primarily for the benefit of another in all matters connected with its undertaking, and includes trustee, executor, administrator, guardian, and any other similar capacity;

(e) "Fiduciary records" means all matters which are written, transcribed, recorded, received or otherwise come into the possession of an association and are necessary to preserve information concerning the actions and events relevant to the fiduciary activities of an association;

(f) "Guardian" means the guardian or committee by whatever name employed by local law, of the estate of an infant, an incompetent individual, an absent individual, or a competent individual over whose estate a court has taken jurisdiction, other than under bankruptcy or insolvency laws;

(g) "Investment authority" means the responsibility conferred by action of law or a provision of an appropriate governing instrument to make, select or change investments, review investment decisions made by others, or to provide investment advice or counsel to others;

(h) "Local law" means the law of the state or other jurisdiction governing the fiduciary relationship;

(i) "State-chartered corporate fiduciary" means any state bank, trust company, or other corporations which come into competition with associations and are permitted to act in a fiduciary capacity under the laws of the state in which the association is located;

(j) "Trust department" means that group or groups of officers and employees of an association organized under the supervision of officers or employees to whom are designated by the board of directors the performance of the fudiciary responsibilities of the association, whether or not the group or groups are so named;

(k) "Trust powers" means the power to act in any fiduciary capacity authorized by § 403 of the Depository Intstitution Deregulation and Monetary Control Act of 1980, Pub. L. 96–221, 94 Stat. 132, 12 U.S.C. § 1464(n). Under that Act, a Federal association may be authorized to act, when not in contravention of local law, as trustee, executor, administrator, guardian, or in any other fiduciary capacity which state-chartered corporate fiduciaries exercise under local law: *provided*, That the granting to, and exercise of, such powers shall not be deemed to be in contravention of state or local law whenever the laws of such state authorize or permit the exercise of any or all of the foregoing powers by state banks, trust companies, or other corporations which compete with Federal associations.

§ 550.2 Applications.

(a) An association desiring to exercise fiduciary powers shall file with the Supervisory Agent an application indicating which trust services it wishes to offer and providing the information necessary to make the determination under paragraph (b).

(b) In addition to any other facts or circumstances deemed proper, the Board, in passing upon an application to exercise trust powers, will give consideration to the following:

(1) whether the association has sufficient capital and surplus to exercise the fudiciary powers applied for, which capital and surplus in no case shall be

less than that required by state laws of state-chartered corporate fiduciaries;

(2) the needs of the community for fiduciary services and the probable volume of such fiduciary business available to the association;

(3) the general condition of the association, including the adequacy of its capital and surplus in relation to the character and condition of its assets and to its deposit liabilities and other corporate responsibilities, including the exercise of fiduciary powers:

(4) The general character and ability of the amendment of the association;

(5) the nature of the supervision to be given to the fudiciary activities, including the qualifications, experience and character of the proposed officer or officers of the trust department;

(6) whether the association has available legal counsel to advise and pass upon fudiciary matters wherever necessary.

(c) The Board may grant such trusts powers as it deems warranted and on the conditions it deems advisable.

§ 550.3 Consolidation or merger of two or more Federal associations.

Where two or more Federal associations consolidate or merge, and any one of such associations has, prior to such consolidation or merger, received a permit from the Board to exercise trust powers which permit is in force at the time of the consolidation or merger, the rights existing under such permit pass to the resulting association, and the resulting association may exercise such trust powers in the same manner and to the same manner and to the same extent as the association to which such permit was originally issued; and no new application to continue to exercise such powers is necesssary. However, when the name or charter number of the resulting association differs from that of the association to which the right to exercise trust powers was originally granted, in order that the records of the resulting association may be complete and that it have convenient evidence of its right to exercise trust powers, the Board will issue a certificate to that association showing its right to exercise the trust powers theretofore granted to any of the associations participating in the consolidation or merger.

§ 550.4 Deposit of securities with state authorities.

Whenever local law requires corporations acting as fiduciary to deposit securities with state authorities for the protection of private or court trusts, associations in that state authorized to exercise trust powers shall, before undertaking to act in any fudiciary capacity, make a similar deposit with the state authorities. If the state authorities refuse to accept such a deposit, the securities shall be deposited with the Federal Home Loan Bank of which the association is a member, and such securities shall be held for the protection of private or court trusts with like effect as though the securities had been deposited with the state authorities.

§ 550.5 Administration of trust powers.

(a)(1) *Responsibility of the board of directors.* The board of directors is responsible for the proper exercise of fiduciary powers by the association. All matters pertinent thereto, including the determination of policies, the investment and disposition of property held in a fiduciary capacity, and the direction and review of the actions of all officers, employees, and committees utilized by the association in the exercise of its fiduciary powers, are the responsibility of the board. In discharging this responsibility, the board of directors may assign, by action duly entered in the minutes, the administration of such of the association's fiduciary powers as it may consider proper to assign to such director(s), officer(s), employee(s), or committee(s) as it may designate.

(2) *Administration of accounts.* No fiduciary account shall be accepted without the prior approval of the board, or of the director(s), officer(s), or committee(s) to whom the board may have assigned the performance of that responsibility. A written record shall be made of such acceptances and of the relinquishment or closing out of all fiduciary accounts. Upon the acceptance of an account for which the association has investment responsibilities, a prompt review of the assets shall be made. The board shall also ensure that at least once during every calendar year thereafter, and within 15 months of the last review, all the assets held in or held for each fiduciary account for which the association has investment responsibilities are reviewed to determined the advisability of retaining or disposing of such assets.

(b) *Compliance with Federal securities laws.* Every association exercising fiduciary powers shall adopt written policies and procedures to ensure that the Federal securities laws are complied with in connection with any decision or recommendation to purchase or sell any security. Such policies and procedures, in particular, shall ensure that the Federal association's trust departments shall not use material inside information in connection with any decision or recommendation to purchase or sell any security.

(c) *Legal counsel.* Every association exercising fiduciary powers shall designate, employ, or retain legal counsel who shall be readily available to pass upon fiduciary matters and to advise the association and its trust department.

(d) *Bonding.* In addition to the minimum bond coverage required by § 563.19 of this Chapter, directors, officers, and employees engaged in the operation of the trust department shall acquire such additional bond coverage as the Board may require.

(e) *Use of other association personnel.* The trust department may utilize personnel and facilities of other departments of the association, and other departments of the association may utilize personnel and facilities of the trust department only to the extent not prohibited by law.

§ 550.6 Books and accounts.

(a) *General.* Every association exercising trust powers shall keep its fiduciary records separate and distinct from other records of the association. All fiduciary records shall be so kept and retained for such time as to enable the association to furnish such information or reports with respect thereto as may be required by the Board. The fiduciary records shall contain full information relative to each account.

(b) *Record of pending litigation.* Every association shall keep an adequate record of all pending litigation to which it is a party in connection with its exercise of fiduciary powers.

§ 550.7 Audit of trust department.

At least once during each calendar year, the association's trust department shall be audited by auditors in a manner consistent with § 563.17–1 of this Chapter. A copy of the report of the audit shall be promptly filed with the Board's District Director-Examinations of the Federal Home Loan Bank District in which the home office of the association is located. Trust department audits may be made as part of the annual audits required by § 563.17–1.

§ 550.8 Funds awaiting investment or distribution.

(a) *General.* Funds held in a fiduciary capacity by an association awaiting investment or distribution shall not be held uninvested or undistributed any longer than is reasonable for the proper management of the account.

(b) *Use by association in regular business.* (1) Funds held in trust by an association awaiting investment or distribution may, unless prohibited by

the instrument creating the trust or by local law, be deposited in other departments of the association, provided that the association shall first set aside under control of the trust department as collateral security:

(i) Direct obligations of the United States, or other obligations fully guaranteed by the United States as to principal and interest;

(ii) Readily marketable securities of the classes in which state-chartered corporate fiduciaries are authorized or permitted to invest trust funds under the laws of the state in which such association is located; or

(iii) Other readily marketable securities as the Board may determine.

The securities so deposited or securities substituted therefor as collateral shall at all times be at least equal in face value to the amount of trust funds so deposited, but such security shall not be required to the extent that the funds so deposited are insured by the Federal Savings and Loan Insurance Corporation. The requirements of this paragraph are met when qualifying assets of the association are pledged to secure a deposit in compliance with local law, and no duplicate pledge shall be required in such case.

(2) Any funds awaiting investment or distribution deposited in other departments of the association shall earn interest at competitive market rates.

§ 550.9 Investment of funds held as fiduciary.

(a) *Private trusts.* Funds held by an association in a fiduciary capacity shall be invested in accordance with the instrument establishing the fiduciary relationship and local law. When such instrument does not specify the character or class of investments to be made and does not vest in the association, its directors, or its officers investment discretion in the matter, funds held pursuant to such instrument shall be invested in any investment in which state-chartered corporate fiduciaries may invest under local law.

(b) *Court trusts.* If, under local law, corporate fiduciaries appointed by a court are permitted to exercise a discretion in investments, or if an association acting as fiduciary under appointment by a court is vested with a discretion in investments by an order of such court, funds of such accounts may be invested in any investments which are permitted by local law. Otherwise, an association acting as fiduciary under appointment by a court must make all investments of funds in such accounts under an order of that court. Such orders in either case shall be preserved with the fiduciary records of the association.

(c) *Collective investment of trust funds.* The collective investment of funds received or held by an association as fiduciary is governed by § 550.13 of this Part.

§ 550.10 Self-dealing.

(a) *Purchase of obligations, etc., from association.* Unless lawfully authorized by the instrument creating the relationship, or by court order or local law, funds held by an association as fiduciary shall not be invested in stock or obligations of, or property acquired from, the association or its directors, officers, or employees, or individuals with whom there exists such a connection, or organizations in which there exists such an interest, as might affect the exercise of the best judgment of the association in acquiring the property, or in stock or obligations of, or property acquired from, affiliates of the association or their directors, officers or employees.

(b) *Sale or transfer of trust assets to association.* Property held by an association as fiduciary shall not be sold or transferred, by loan or otherwise, to the association or its directors, officers, or employees, or to individuals with whom there exists such a connection, or organizations in which there exists such an interest, as might affect the exercise of the best judgment of the association in selling or transferring such property, or to affiliates of the association or their directors, officers or employees, except:

(1) When lawfully authorized by the instrument creating the relationship or by court order or by local law;

(2) In cases in which the association has been advised by its counsel in writing that it has incurred as fiduciary a contingent or potential liability and desires to relieve itself from such liability, in which case such a sale or transfer may be made with the approval of the board of directors and the Supervisory Agent, provided that in all such cases the association, upon the consummation of the sale or transfer, shall make reimbursement in cash at no loss to the account;

(3) As provided in the laws and regulations governing collective investments; and

(4) When required by the Board.

(c) *Investment in stock of association.* Except as provided in § 550.8(b) of this Part, funds held by an association as fudiciary shall not be invested by the purchase of stock or obligations of the association or its affiliates unless authorized by the instrument creating the relationship or by court order or by local law: *provided,* that if the retention of stock or obligations of the association or its affiliates is authorized by the instrument creating the relationship or by court order or by local law, it may exercise rights to purchase its own stock or securities convertible into its own stock when offered pro rata to stockholders, unless such exercise is forbidden by local law. When the exercise of rights or receipt of a stock dividend results in fractional share holdings, additional fractional shares may be purchased to complement the fractional shares so acquired. In no event may an association's share held by the associaton as sole fiduciary, whether in its own name as fudiciary or in the name of its nominee, be voted by the registered owner unless, under the terms of the trust, the manner in which such shares shall be voted may be determined by a donor or beneficiary of the trust and the donor or beneficiary actually directs how the shares will be voted.

(d) *Transactions between accounts.* (1) An association may sell assets held by it as fiduciary in one account to itself as fiduciary in another account if the transaction is fair to both accounts and if such transaction is not prohibited by the terms of any governing instrument or by local law.

(2) An association may make a loan to an account from the funds belonging to another such account, when the making of such loans to a designated account is authorized by the instrument creating the account from which such loans are made, and is not prohibited by local law, and the terms of the transaction are fair to all accounts.

(3) An association may make a loan to an account and may take as security therefor assets of the account, provided such transaction is fair to such account and is not prohibited by local law.

§ 550.11 Custody of investments.

(a) *Segregation of trust assets and joint custody.* The investments of each account shall be kept separate from the assets of the association, and shall be placed in the joint custody or control of not fewer than two of the officers or employees of the association designated for that purpose by the board of directors of the association or by one or more officers designated by the board of directors of the association, and all such officers and employees shall be adequately bonded. To the extent permitted by law, an association may permit the investments of a fiduciary account to be deposited elsewhere.

(b) *Segregation of accounts.* The investments of each account shall be either:

(1) Kept separate from those of all other accounts, except as provided in § 550.15 of this Part; or

(2) Adequately identified as the property of the relevant account.

§ 550.12 Compensation of association.

(a) *General.* If the amount of the compensation for acting in a fiduciary capacity is not regulated by local law or provided for in the instrument creating the fiduciary relationship or otherwise agreed to by the parties, an association acting in such capacity may charge or deduct, a reasonable compensation for its services. When the association is acting in a fiduciary capacity under appointment by a court, it shall receive such compensation as may be allowed or approved by that court or by local law.

(b) *Officer, or employee of association as co-fiduciary.* No association shall, except with the specific approval of its board of directors, permit any of its officers or employees, while serving as such, to retain any compensation for acting as a co-fiduciary with the association in the administration of any account undertaken by it.

(c) *Bequests or gifts to trust officers and employees.* No officer or employee engaged in the operation of the trust department shall accept a bequest or gift of trust assets unless the bequest or gift is directed or made by a relative or is approved by the board of directors of the association.

§ 550.13 Collective investment.

(a) When not in contravention of local law, funds held by an association as fiduciary may be held in:

(1) A common trust fund maintained by the association exclusively for the collective investment and reinvestment of moneys contributed thereto by the association in its capacity as trustee, executor, administrator, guardian, or custodian under a Uniform Gifts to Minors act; or

(2) A fund consisting solely of assets of retirement, pension, profit sharing, stock bonus or other trusts which are exempt from Federal income taxation under the Internal Revenue Code.

(b) Collective investments of funds or other property by an association under paragraph (a) of this section shall be administered in accordance with Comptroller of the Currency Regulation 9.18, 12 CFR 9.18: *provided,* that any documents required to be filed with the Comptroller of the Currency shall also be filed with the Supervisory Agent and that the Board may review such documents for compliance with these and other laws and regulations.

§ 550.14 Surrender of trust powers.

(a) Any association which has been granted the right to exercise trust powers and which desires to surrender such rights shall file with the Board a certified copy of the resolution of its board of directors signifying such desire.

(b) Upon receipt of such resolution, the Board shall make an investigation and if it is satisfied that the association has been discharged from all fiduciary duties which it has undertaken, it shall issue a certificate to such association certifying that it is no longer authorized to exercise fiduciary powers.

(c) Upon issuance of such a certificate by the Board, such association: (1) shall no longer be subject to the provisions of these regulations, (2) shall be entitled to have returned to it any securities which it may have deposited with state authorities or a Federal Home Loan Bank under § 550.4 of this Part, and (3) shall not exercise thereafter any of the powers granted by this Part without first applying for and obtaining new authorization to exercise such powers.

§ 550.15 Effect on trust accounts of appointment of conservator or receiver or voluntary dissolution of association.

(a) *Appointment of conservator or receiver.* Whenever a conservator or receiver is appointed for an association under Part 547 of this title, such receiver or conservator shall, pursuant to the instructions of the Board and the orders of the court having jurisdiction, proceed to close such of the association's trust accounts as can be closed promptly and transfer all other such accounts to substitute fiduciaries.

(b) *Voluntary dissolution.* Whenever an association exercising trust powers is placed in voluntary dissolution, the liquidating agent shall, in accordance with local law, proceed at once to liquidate the affairs of the trust department as follows:

(1) All trusts and estates over which a court is exercising jurisdiction shall be closed or disposed of as soon as practicable in accordance with the order or instructions of such court; and

(2) All other accounts which can be closed promptly shall be closed as soon as practicable and final accounting made therefor, and all remaining accounts shall be transferred by appropriate legal proceedings to substitute fiduciaries.

§ 550.16 Revocation of trust powers.

(a) In addition to the other sanctions available, if, in the opinion of the Board, an association is unlawfully or unsoundly exercising, or has unlawfully or unsoundly exercised, or has failed for a period of five consecutive years to exercise, the powers granted by this Part or otherwise fails or has failed to comply with the requirements of this Part, the Board may issue and serve upon the association a notice of intent to revoke the authority of the association to exercise the powers granted by this part. The notice shall contain a statement of the facts constituting the alleged unlawful or unsound exercise of powers, or failure to exercise powers, or failure to comply, and shall fix a time and place at which a hearing will be held to determine whether an order revoking authority to exercise such powers should issue against the association.

(b) Such hearing shall be conducted in accordance with the provisions of Part 509 of this Chapter, and shall be fixed for a date not earlier than thirty days and not later than sixty days after service of such notice unless an earlier or later date is set by the Board at the request of an association so served.

(c) Unless the association so served shall appear at the hearing by a duly authorized representative, it shall be deemed to have consented to the issuance of the revocation order. In the event of such consent, or if upon the record made at any such hearing, the Board shall find that any allegation specified in the notice of charges has been established, the Board may issue and serve upon the association an order prohibiting it from accepting any new or additional trust accounts and revoking authority to exercise any and all powers granted by this Part except that such order shall permit the association to continue to service all previously accepted trust accounts pending their expeditious divestiture or termination.

(d) A revocation order shall become effective not earlier than the expiration of thirty days after service of such order upon the association so served (except in the case of a revocation order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable, except to such extent as it is stayed, modified, terminated, or set aside by action of the Board or a reviewing court.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 571—STATEMENTS OF POLICY

* * * * *

2. Add a new § 571.17, to read as follows:

§ 571.17 Fiduciary activities of state-chartered insured institutions and service corporations.

Although state law would primarily govern the fiduciary activities of state-chartered insured institutions and service corporations in which insured institutions invest, it must be recognized that these activities may have implications with respect to the Federal interest in the safe and sound operation of insured institutions. Accordingly, insured institutions are urged to follow the standards for the exercise of trust powers contained in Part 550 of this Chapter. Insured institutions are particularly urged not to engage in dealings prohibited by § 550.10. In establishing trust departments, insured institutions should also observe the procedures and policies required by §§ 550.5, 550.6, 550.7, 550.8, 550.9, 550.11, and 550.13. Both Federally-chartered and state-chartered insured institutions should also take whatever steps are necessary to ensure that their service corporation subsidiaries adhere to these standards. The examination staff will monitor the fiduciary activities of all insured institutions and may take exception to practices which deviate materially from the standards of Part 550, and the Corporation may regulate or prohibit such fiduciary activities that threaten the safety or soundness or insured institutions.

(Sec. 403 of the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. No. 96-221, 94 Stat. 132, 12 U.S.C. 1464(n); Secs. 402, 403, & 407 of the National Housing Act, 48 Stat. 1256, 1257, 1260, as amended, 12 U.S.C. 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1071 (1943-48 Compilation)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80-26596 Filed 8-28-80; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 444, 448, and 455

[Docket No. 79N-0341; DESI Nos. 8615, 9152, 9188, and 50168]

Oligosaccharide, Peptide, and Certain Other Antibiotic Drugs

AGENCY: Food and Drug Administration (FDA).

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the antibiotic drug regulations by (1) increasing the minimal level of polymyxin B in the various combinations of steroids and anti-infectives for ophthalmic use currently on the market, and (2) adding two new monographs, and new paragraphs to several existing monographs, to provide for the certification of such products that heretofore have been released.

DATES: Comments by October 28, 1980. Requests for informal conference by September 29, 1980.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Comments received may be seen at the office of the Hearing Clerk.

FOR FURTHER INFORMATION CONTACT: Joan M. Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: In notices appearing elsewhere in this issue of the Federal Register, FDA is revoking the exemption for continued marketing of certain ophthalmic combination products, reclassifying the products, and announcing the conditions for their further marketing, including a revised indication for their use. As part of this action, the agency is proposing herein to amend the antibiotic drug regulations by increasing the minimal level of polymyxin B in various combination products currently on the market. It is also proposing to add provisions for certification of products that heretofore have been released instead of certified.

The level of polymyxin B in the various formulations of anti-infective/steroid combinations for ophthalmic use currently on the market ranges from 5,000 units per milliliter or gram (units/mL or g) to 16,250 units/mL or g. Polymyxin B is present in these formulations because it is active against gram-negative organisms, particularly *Pseudomonas*. None of the other ingredients is active against this organism. *Pseudomonas* constitutes a very great risk to the eye and can produce a proteolytic enzyme that can be destructive to corneal tissue in 24-48 hours. Because of the changes in the labeled indication for the use of these anti-infective/steroid combinations, polymyxin B (in those formulations that contain it) will be utilized as a prophylactic agent when the possible presence of *Pseudomonas* and other gram-negative organisms is suspected. With this labeling change, the agency does not intend to imply that these products can also be used therapeutically, i.e., to treat an obvious *Pseudomonas* infection of the eye. In such cases, other forms of therapy are essential. Topical therapy alone is never used to treat an obvious pseudomonal infection of the eye, although it may be used in combination with a systemic or sub-conjunctival drug. Where the use of a steroid is necessary, the physician will have the choice of using a combination containing the anti-infective agent(s) in addition to the steroid. Since at the time this decision is made, the organisms present in the eye will not have been identified, a variety of organisms must be assumed as a potential hazard for the patient and therefore the antibiotics included should be active against a broad spectrum of microorganisms.

Currently, the lowest level of polymyxin B present in many of the combination drops and ointments on the market is 5,000 units/mL or g. FDA has concluded, for reasons explained below, that this level is too low to provide reliable adequate activity against gram-negative organisms, particularly against *Pseudomonas* and that these products should contain as high a level of polymyxin B as is feasible. The highest level now formulated is 16,250 units/mL or g. Although this high level would be the most desirable for its antibacterial activity, it can be irritating to the eye thereby encouraging a greater possibility of noncompliance. We therefore cannot recomment 16,250 units/mL or g as the lowest concentration permitted. Instead, FDA is recommending that 10,000 units of polymyxin per milliliter or gram be the lowest permitted concentration for formulation in those combination drugs that contain it. The formulations containing 16,250 units/mL or g should of course continue to be available for use by patients who can tolerate them or in situations where the clinician selects it.

A concentration of 10,000 units/mL or g has been selected as the minimal concentration on the basis of an evaluation of the concentrations of polymyxin obtainable in the eye, the tendency of these concentrations to become rapidly diluted, and the concentrations required to kill *Pseudomonas*. In some cases reasonable assumptions were made in the absence of available data.

Five thousand units/mL or g, while seemingly a high concentration, is not an adequate dose when applied to the eye because factors unique for ocular administration tend to reduce rapidly the concentration of available drug from the applied dose and bring it below the level needed to inhibit or kill *Pseudomonas*. Since the polymyxin is present to act on gram negative

organisms, particularly *Pseudomonas*, the concentration of polymyxin should be adequate to eliminate those organisms if they are present.

It is difficult to estimate the actual susceptibility of *Pseudomonas* to polymyxin B sulfate. There is considerable literature dealing with this issue, but much of the data were accumulated before the procedures for antibiotic susceptibility testing were standardized. It has long been recognized that the diffusion of polymyxin B through agar is very slow, and therefore the use of a susceptibility disc and zone of inhibition to measure susceptibility is questionable. Because of the difficulties described, many of the recorded minimal inhibitory concentration (MIC) values are probably not accurate. Probably the most reliable procedure is the tube dilution in broth. It is, in any case, widely recognized that although most *Pseudomonas* species are susceptible to polymyxin B sulfate, resistant strains do occur. In the literature, susceptebilities (minimal inhibitory concentrations, or MIC) of 6–12.5 micrograms/milliliter (mcg/mL) are commonly reported. In the following calculations we have selected an MIC of 25 mcg/mL. This high level, reported recently in the World Health Organization International Collaborative Study for Susceptibility Testing, was chosen so that a concentraion of polymyxin B can be selected that will, so far as possible, eliminate *Pseudomonas* even if relatively resistant strains are present. (A drug concentration effective against a relatively resistant strain would of course be effective against a less resistant organism.)

Since the susceptibility is recorded in mcg/mL or parts-per-million, it is necessary to use the conversion factor for the standard for polymyxin B sulfate, which is one Unit=0.1274 mcg, as translated from the master standard. This converts into a value of 196.23 units. The MIC does not refer to bactericidal activity and is conventionally doubled to obtain the minimal bactericidal concentration (MBC). Bactericidal action is necessary in this context because of the implied prophylactic claim in the labeled indications and the brief exposure time. Therefore, in order to achieve a bactericidal concentration for pseudomonal organisms which might be present in the eye, 400 units/mL would be necessary.

There are several factors which reduce the concentration of drugs applied to the eye. Briefly, these are: (1) Only part of the administered drop of medication can be retained in the cul-de-sac; (2) the tears already present in the cul-de-sac dilute the drug further; (3) polymyxin binds to tear protein which unpredictably reduces the amount of free drug; and (4) the concentration of drug is reduced by washout as the patient blinks and more tears are secreted:

The effect of these factors on the achievable level of polymyxin B when an anti-infective/steroid combination is administered to the eye is illustrated in the following paragraphs, using a product a solution vehicle and the lowest level of plymyxin B currently available 5,000 units per milliliter (units/mL) or gram (units/g):

1. *Volume of the tears in the cul-de-sac of the eye.* If the maximal volume that the cul-de-sac of the eye (the area enclosed by the upper and lower lids) will hold is assumed to be 30 microliters and the volume of tears normally in this space is assumed to be 10 microliters, then at any point in the cul-de-sac after the administration of a single drop, the tears should reduce the concentration of the applied dose by one-third. The maximal retained dose of the 30 microliters administered will be 20 microliters of the drop (assuming that a drop usually contains 50 microliters when administered). If the 5,000 units/mL in the administered dose is diluted one-third when applied to the cul-de-sac, then 3,350 units/mL is the resulting concentration in the eye after a single drop.

2. *Binding to Tear Protein.* Many references note that as with many other antibiotics, there is considerable binding to serum protein of polymyxin B sulfate. The figure generally given for serum binding is 50 percent. It is not known whether the tear protein binds to the same degree as serum protein but in the absence of certain knowledge in this area, we have assumed that the figure for tear protein is at least 50 percent. If this assumption is made, the concentration of free drug in the cul-de-sac immediately after administration is 1,675 units/mL.

3. *Washout.* When drugs are administered to the eye, the concentration decreases as the individual blinks. It is recognized in the literature that the time of exposure to a drug topically administered to the cul-de-sac of the eye in the form of a solution is very short, approximately 30 seconds to 1 minute. The rapid reduction in drug level after application is referred to as "washout" of the drug. As a result of blinking and other mechanical factors, 50 percent of the drug is lost somewhere between 30 seconds and 1 minute after application. At this rate only about 100 units/mL will remain in the eye after 2 (assuming a loss of 50 percent every 30 seconds) to 4 (assuming a loss of 50 percent every minute) minutes. This is a time period far short of the 20 to 30 minutes recorded time required for the bactericidal activity of polymyxin B sulfate.

4. *Drug Multiple.* If the concentration of drug in the cul-de-sac after administration is 1,675 units/mL, and the susceptibility/resistance of the organism which may be present is 400 units/mL, the multiple of drug present in the cul-de-sac compared to the required concentration to kill pseudomonal cells is approximately four. The multiple of the concentration of drug available to the susceptibility of the organism, as recorded in units or mcg/mL, to effectively eradicate an organism is unknown. With topically administered drugs, an exceedingly high multiple is traditionally used. A multiple of four might be considered marginally acceptable provided the concentration could be assured for an adequate time period.

Although no exact figures can be attached to this factor, there is a relationship between the number of cells to be killed and the amount of drug required. The activity of polymyxin B sulfate on the gram negative cell is at the cell surface level. It has been noted in the literature that the concentration of this drug required for activity is inversely proportional to the concentrations of cells present. It may be concluded that for low concentrations of cells to be destroyed fairly high concentrations of durg are required. The level of gram negative organisms present in the cul-de-sac, in the absence of a gram negative ulcer is likely to be low.

When all of the above factors are considered, it is apparent that the concentration of durg in the eye after use of products containing 5,000 units/mL of polymyxin B sulfate is inadequate.

When the vehicle of the formulation is a cream or ointment rather than a solution, the above considerations become complicated by slower or less reliable release of the drug from the vehicle. There is also an increased retention of durgs so that there is more prolonged contact of the antibiotic with the tissue of the eye. Nonetheless, the free drug present even a few minutes after administration will be marginal at best. As the polymyxin B is intended to prevent infection by a dreaded (in the eye) organism, it is obviously prudent to utilize the highest possible concentration.

Therefore, FDA concludes that the level of polymyxin B in the combination

anti-infective/steroid products which contain it should be not less than 10,000 units/mL or g. The calculations given above clearly lead to the conclusion that 16,250 units/mL or g would be an even better selection. There is a problem associated with raising the level of polymyxin B this high, however, because as the level is raised, the formulation tends to become more irritating. Although some degree of irritation may be experienced at a concentration of 10,000 units/mL or g, it is frequently offset by the presence of steroid and there are numerous products currently marketed with this level of polymyxin B sulfate. As noted earlier, a still higher concentration of polymyxin is desirable and should be used, if tolerated.

The agency has carefully considered the potential environmental impacts of this proposal and has concluded that the action will not have a significant effect on the human environment and that an environmental impact statement therefore will not be prepared. The agency's finding of no significant impact and the evidence supporting this finding contained in an environmental assessment (in accordance with 21 CFR 25.31, proposed December 11, 1979, 44 FR 71742) may be seen in the office of the Hearing Clerk, Food and Drug Administration (address given above).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to him (21 CFR 5.78), the Director of the Bureau of Drugs proposes that Chapter I of Title 21 of the Code of Federal Regulations, Parts 444, 448, and 455 be amended as follows:

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

1. In § 444.342a, paragraph (a)(1)(iv) is revised by changing the period to a semicolon and adding the word "or" and new paragraph (a)(1)(v) is added to read as follows:

§ 444.342a Neomycin sulfate-ophthalmic suspension; neomycin sulfate-ophthalmic solution (the blanks being filled in with the established name(s) of the other active ingredient(s) present in accordance with paragraph (a)(1) of this section).

(a) * * *

(1) * * *

(iv) 1 milligram of sodium dexamethasone phosphate; or

(v) 5 milligrams of prednisolone phosphate.

* * * * *

2. In § 444.342b, the first sentence of paragraph (a)(1) is revised to read as follows:

§ 444.342b Neomycin sulfate-polymyxin B sulfate-gramicidin ophthalmic solution.

(a) * * *

(1) * * * Neomycin sulfate-polymyxin B sulfate-gramicidin ophthalmic solution is a solution containing in each milliliter, 1.7 milligrams of neomycin, 10,000 units of polymyxin B and 0.025 milligram of gramicidin, and with one or more suitable and harmless buffers, dispersants, and preservatives in a suitable and harmless isotonic aqueous vehicle. * * *

* * * * *

3. In § 444.342d, paragraph (a)(1)(ii) is revised by changing the period to a semicolon and adding the word "or," and new paragraph (a)(1)(iii) is added to read as follows:

§ 444.342d Neomycin sulfate-polymyxin B sulfate-ophthalmic suspension (the blank being filled in with the established name(s) of the other active ingredient(s) present in accordance with paragraph (a)(1) of this section).

(a) * * *

(1) * * *

(ii) 5 milligrams of neomycin, 15,000 units of polymyxin B, and 2.5 milligrams of hydrocortisone; or

(iii) 3.5 milligrams of neomycin, 10,000 units of polymyxin B, and 10.0 milligrams of hydrocortisone.

* * * * *

4. In § 444.342h, the first sentence of paragraph (a)(1) is revised to read as follows:

§ 444.342h Neomycin sulfate-polymyxin B sulfate ophthalmic ointment.

(a) * * *

(1) * * * Neomycin sulfate-polymyxin B sulfate ophthalmic ointment contains in each gram, neomycin sulfate equivalent to 3.5 milligrams of neomycin and polymyxin B sulfate equivalent to 10,000 units of polymyxin B with suitable preservatives in a suitable and harmless ointment base. * * *

* * * * *

5. In § 444.342i, by revising the second sentence of paragraph (a)(1) to read as follows:

§ 444.342i Neomycin sulfate-polymyxin B sulfate ophthalmic solution.

(a) * * *

(1) * * * Each milliliter contains: (i) Neomycin sulfate equivalent to 3.5 milligrams of neomycin and polymyxin B sulfate equivalent to 10,000 units of polymyxin B; or (ii) Neomycin sulfate equivalent to 3.5 milligrams of neomycin and polymyxin B sulfate equivalent to 16,250 units of polymyxin B.

* * * * *

6. By adding the following new section, § 444.342j to read as follows:

§ 444.342j Neomycin sulfate-polymyxin B sulfate-dexamethasone ophthalmic suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-polymyxin B sulfate-dexamethasone ophthalmic suspension is an aqueous suspension containing in each milliliter 3.5 milligrams of neomycin, 10,000 units of polymyxin B, and 1.0 milligram of dexamethasone. It may contain one or more suitable and harmless irrigants, dispersants, buffers, and preservatives. Its neomycin content is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of neomycin that it is represented to contain. Its polymyxin B content is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of units of polymyxin B that it is represented to contain. It is sterile. Its pH is not less than 5.2 and not more than 5.8. The neomycin sulfate used conforms to the standards prescribed by § 444.42(a)(1). The polymyxin B sulfate used conforms to the standards prescribed by § 448.30(a)(1) of this chapter.

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

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

(i) Results of tests and assays on:

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

(*b*) The polymyxin B sulfate used in making the batch for potency, safety, loss on drying, pH, and identity.

(*c*) The batch for neomycin content, polymyxin B content, sterility, and pH.

(ii) Samples required:

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

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

(*c*) The batch:

(*1*) For all tests except sterility: A minimum of 6 immediate containers.

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

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Neomycin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately measured

representative portion of the sample into an appropriate-sized volumetric flask with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to obtain a stock solution of convenient concentration. Remove an aliquot and further dilute with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(ii) *Polymyxin B content.* Proceed as directed in § 436.105 of this chapter, except add to each concentration of the polymyxin B standard response line a quantity of neomycin to yield the same concentration of neomycin as that present when the sample is diluted to contain 10 units of polymyxin B per milliliter. Prepare the sample for assay as follows: Place an accurately measured representative portion of the sample into an appropriate-sized volumetric flask with sufficient 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to obtain a stock solution of convenient concentration. Remove an aliquot and further dilute with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except use 0.25 milliliter in lieu or 1.0 milliliter.

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

7. By adding the following new section, § 444.342k, to read as follows:

§ 444.342k Neomycin sulfate-polymyxin B sulfate-dexamethasone ophthalmic ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-polymyxin B sulfate-dexamethasone ophthalmic ointment contains in each gram neomycin sulfate equivalent to 3.5 milligrams of neomycin, polymyxin B sulfate equivalent to 10,000 units of polymyxin B and 1.0 milligram of dexamethasone with suitable preservatives in a suitable and harmless ointment base. Its neomycin content is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of neomycin that it is represented to contain. Its polymyxin B content is satisfactory if it is not less than 90 perecent and not more than 125 percent of the number of units of polymyxin B that it is represented to contain. It is sterile. Its moisture content is not more than 0.5 percent. It passes the test for metal particles. The neomycin sulfate used conforms to the standards prescribed by § 444.42(a)(1). The polymyxin B sulfate used conforms to the standards prescribed by § 448.30(a)(1) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 425.5 of this chapter.

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

(i) Results of tests and assays on:

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

(*b*) The polymyxin B sulfate used in making the batch for potency, safety, loss on drying, pH, and identity.

(*c*) The batch for neomycin content, polymyxin B content, moisture, and metal particles.

(ii) Samples required:

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

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

(*c*) The batch:

(*1*) For all tests except sterility: A minimum of 16 immediate containers.

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

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Neomycin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20- to 25-milliter quantities of solution 3. Combine the buffer extractives in a suitable volumetric flask and dilute to volume with solution 3. Remove an aliquot and further dilute with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(ii) Polymyxin B content. Proceed as directed in § 436.105 of this chapter, except add each concentration of the polymyxin B standard response line a quantity of neomycin to yield the same concentration of neomycin as that present when the sample is diluted to contain 10 units of polymyxin B per milliliter. Prepare the sample for assay as follows: Place an accurately weighted representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 10 percent potassium phosphate buffer, pH 6.0 (solution 6), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of solution 6. Combine the buffer extractives in a suitable volumetric flask and dilute to volume with solution 6. Remove an aliquot and further dilute with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(3) of that section.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *Metal particles.* Proceed as directed in § 436.206 of this chapter.

8. In § 444.542a, paragraph (a)(1)(ii)(*f*) is revised by changing the period to a semicolon and adding the word "or," and new paragraph (a)(1)(ii)(*g*) is added to read as follows:

§ 444.542a Neomycin sulfate ointment; neomycin sulfate-ointment (the blank being filled in with the established name(s) of the other active ingredient(s) present in accordance with paragraph (a)(1) of this section).

(a) * * *

(1) * * *

(ii) * * *

(*f*) 2.5 milligrams or 5.0 milligrams of prednisolone acetate; or

(*g*) 15.0 milligrams of cortisone acetate.

* * * * *

PART 448—PEPTIDE ANTIBIOTIC DRUGS

9. In § 448.310b, the second sentence in paragraph (a)(1) is revised to read as follows:

§ 448.310b Bacitracin-neomycin sulfate-polymyxin B sulfate ophthalmic ointment.

(a) * * *

(1) * * * Each gram contains 500 units of bacitracin, 3.5 milligrams of neomycin, and 10,000 units of polymyxin B. * * *

* * * * *

10. In § 448.313b, paragraph (a)(1)(i) is revised to read as follows:

§ 448.313b Bacitracin zinc-neomycin sulfate-polymyxin B sulfate opthalmic ointment; bacitracin zinc-neomycin sulfate-polymyxin B sulfate-hydrocortisone ophthalmic ointment.

(a) * * *

(1) * * *

(i) 400 units of bacitracin, 3.5 milligrams of neomycin, 10,000 units of polymyxin B with or without 10 milligrams of hydrocortisone acetate; or

* * * * *

PART 455—CERTAIN OTHER ANTIBIOTIC DRUGS

11. In § 455.310d, the first sentence of paragraph (a)(1) is revised by changing the figure "5,000" to read "10,000" as follows:

§ 455.310d Chloramphenicol-polymyxin ointment.

* * * * *

(a) * * *

(1) It contains not less than 10,000 units of polymyxin B per gram. * * *

* * * * *

Interested persons may on or before October 28, 1980, submit to the Hearing Clerk (HFA–305) (address given above), written comments on this proposal. Four copies of all comments shall be submitted, except that individuals may submit one copy. Comments are to be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Comments received may be seen in the office of the Hearing Clerk between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Interested persons may also, on or before September 29, 1980 submit to the Hearing Clerk a request for an informal conference. The participants in an informal conference, if one is held, will have until the end of the comment period, or 30 days from the date of the conference, whichever is later, to submit comments.

In accordance with Executive Order 12044, the economic effects of this rule have been carefully analyzed, and it has been determined that the rulemaking does not involve major economic consequences as defined by that order. A copy of the regulatory analysis supporting this assessment is on file with the Hearing Clerk.

Dated: July 24, 1980.

Jerome A. Halperin,

Acting Director, Bureau of Drugs.

[FR Doc. 80-26520 Filed 8-28-80; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-221-78]

Imputed Interest Rates; Notice of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the interest rate used to impute interest on loans between related entities and on deferred payments in the case of certain sales of property. These provisions would affect any taxpayer involved in such transactions, and would provide guidance for the public in complying with the law.

DATE: Written comments and requests for a public hearing must be delivered or mailed by October 28, 1980. The proposed regulations under section 482 are proposed to be effective with respect to transactions entered into on or after August 29, 1980. The proposed regulations under section 483 are proposed to be effective with respect to transactions entered into on or after September 29, 1980.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–221–78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: John G. Schmalz of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202–566–3432, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document gives notice that the Treasury Department is issuing proposed regulations under sections 482 and 483 of the Internal Revenue Code of 1954 in the form of proposed amendments to the existing regulations under those sections.

These proposed amendments are necessary so that the interest rates imputed under the two sections will more accurately reflect the market interest rates in effect when transactions affected by those sections are entered into. The safe haven rule for loans and advances under section 482 will consist of a range from 11 percent to 13 percent per annum simple interest. If the rate actually charged does not fall within this range, and the taxpayer does not establish a more appropriate rate, the interest rate imputed under section 482 will be 12 percent per annum simple interest. A new rule provides that section 482 does not apply to loans or advances, the interest or principal amount of which is expressed in a foreign currency.

The interest rate imputed on transactions involving deferred payments will be 10 percent compounded semiannually. The test rate used to determine whether the imputed rate will be applied is changed to 9 percent per annum simple interest. A new set of tables is being added to provide present value factors for the new higher interest rates.

The difference between the interest rates under sections 482 and 483 is explained by the fact that the 10 percent rate in section 483 is absolutely binding whereas the range of interest rates in section 482 is only a safe harbor. Therefore, it was decided that the proposed regulations should take a more lenient approach under section 483 than under section 482.

The Treasury Department is presently considering the possibility of adopting a self-adjusting interest rate under these two sections at some time in the future.

The amendments are being issued under the authority contained in sections 482, 483 (b) and (c)(1)(B), and 7805 of the Internal Revenue Code of 1954 (26 U.S.C. 482, 483 (b) and (c)(1)(B), and 7805).

Comments and Requests for Public Hearing

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

Drafting Information

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

Proposed Amendments to the Regulations

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

Paragraph 1. Section 1.482–2 is amended by making the following changes to paragraph (a) of § 1.482–2:

1. Paragraph (1)(2)(ii) of § 1.482–2 is amended to read as set forth below.

2. Paragraph (a)(2)(iii) of § 1.482–2 is amended to read as set forth below.

3. Paragraph (a)(2)(iv) of § 1.482–2 is deleted.

§ 1.482–2 Determination of taxable income in specific situations.

(a) *Loans or advances* * * *

(2) *Arm's length interest rate* * * *

(ii) *Funds obtained at situs of borrower.* Notwithstanding the other provisions of paragraph (a)(2) of this section, if the loan or advance represents the proceeds of a loan obtained by the lender at the situs of the borrower, the arm's length rate for any taxable year shall be equal to the rate actually paid by the lender increased by an amount which reflects the costs or deductions incurred by the lender in borrowing such amounts and making such loans, unless the taxpayer establishes a more appropriate rate under the standards set forth in paragraph (a)(2)(i) of this section.

(iii) *Safe haven rule for certain loans and advances.* (A) Paragraph (a)(2)(iii) of this section applies to interest paid or accrued—

(*1*) Pursuant to a loan or advance (other than a loan or advance entered into pursuant to a binding contract entered into prior to August 29, 1980), which was entered into on or after such date; and

(*2*) On or after August 29, 1980, pursuant to a demand loan or advance.

(B) If a creditor was not regularly engaged in the business of making loans or advances of the same general type as the loan or advance in question to unrelated parties, the arm's length rate of interest to which paragraph (a)(2)(iii) of this section applies shall be for purposes of this paragraph—

(*1*) The rate of interest actually charged if at least 11, but not in excess of 13, percent per annum simple interest, or

(*2*) 12 percent per annum simple interest if no interest was charged or if the rate of interest charged was less than 11, or in excess of 13 percent per annum simple interest,

unless the taxpayer establishes a more appropriate rate under the standards set forth in paragraph (a)(2)(i) of this section. For purposes of the preceding sentence, if the rate actually charged is greater than 13 percent per annum simple interest and less than the rate determined under the standards set forth in paragraph (a)(2)(i) of this section, or if the rate actually charged is less than 11 percent per annum simple interest and greater than the rate determined under the standards set forth in paragraph (a)(2)(i) of the section, then the rate actually charged shall be deemed to be a more appropriate rate under the standards set forth in paragraph (a)(2)(i) of this section.

(C) In order to determine the safe haven interest rate for other loans or advances, see 26 CFR 1.482–2(a)(2) (revised as of April 1, 1980).

(D) Paragraph (a)(2)(iii) of this section does not apply to any loan or advance, the interest or principal amount of which is expressed in a currency other than U.S. dollars.

Par. 2. Section 1.483–1 is amended as follows:

1. Paragraph (c)(2)(ii) is revised to read as set forth below.

2. That part of paragraph (c)(3) that precedes example (1) is revised to read as set forth below.

3. Example (7) is added to paragraph (c)(3).

4. Paragraph (c)(4) is revised to read as set forth below.

5. A new paragraph (c)(5) is added to read as set forth below.

6. Paragraph (d)(1)(ii) is revised to read as set forth below.

7. That part of paragraph (d)(4) that precedes example (1) is revised to read as set forth below.

8. Example (7) is added to paragraph (d)(4).

9. That part of paragraph (e)(3) that precedes example (1) is revised to read as set forth below.

10. Example (8) is added to paragraph (e)(3).

11. That part of paragraph (f)(5) that precedes example (1) is revised to read as set forth below.

12. That part of paragraph (f)(6)(iv) that precedes example (1) is revised to read as set forth below.

13. Paragraph (g) (9), (10), and (11) is added to paragraph (g); paragraph (g) (6), (7)(i), and (8) is revised; that part of paragraph (g)(7)(ii) that precedes paragraph (g)(7)(ii)(*a*) is revised; and in paragraph (g)(2) the headings of tables IV through VI are revised and tables VII through IX are added to read as set forth below.

§ 1.483–1 Computation of interest on certain deferred payments.

* * * * *

(c) *Total unstated interest* * * *

(2) *Present value of payment*—(i) *In general.* * * *

(ii) *Prescribed interest rates.*

(A) For payments on account of a sale or exchange of property entered into before July 24, 1975, as well as a sale or exchange of property pursuant to a binding written contract (including an irrevocable written option) entered into before such date, the interest rate prescribed by paragraph (c)(2)(ii)(A) shall be 5 percent per annum compounded semiannually. (See paragraph (c)(4) of this section for special rules where there has been a substantial change in the terms of a binding written contract entered into before July 24, 1975.)

(B) For payments on account of a sale or exchange of property entered into on or after July 24, 1975, and before September 29, 1980, except a sale or exchange entered into pursuant to a binding written contract (including an irrevocable written option) entered into before July 24, 1975, the interest rate prescribed by paragraph (c)(2)(ii)(B) of this section shall be 7 percent per annum compounded semiannually. For payments on account of a sale or exchange of property entered into on or after September 29, 1980, pursuant to a binding written contract (including an irrevocable written option) entered into after July 23, 1975, and before September 29, 1980, the interest rate prescribed by paragraph (c)(2)(ii)(B) of this section shall be 7 percent per annum compounded semiannually. (See paragraph (c)(5) of this section for special rules where there has been a substantial change in the terms of a binding written contract entered into after July 23, 1975 and before September 29, 1980.)

(C) For payments on account of a sale or exchange of property entered into on or after September 29, 1980, except a sale or exchange entered into pursuant to a binding written contract (including an irrevocable written option) entered into before such date, the interest rate described by paragraph (c)(2)(ii)(C) of this section shall be 10 percent per annum compounded semiannually. (See paragraph (c)(5) of this section for special rules where there has been a substantial change in the terms of a binding written contract entered into before September 29, 1980.)

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples: (Note that examples (1) through (6) use Tables I through VI because such tables generally apply to transactions entered into before September 29, 1980, and that the principles illustrated by such examples would apply for transactions entered into on or after September 29,

1980, in which case Tables VII through IX would generally be applied.):

* * * * *

Example (7). On December 31, 1980, A sells property to B under a contract which provides that B is to make two payments of $1,000 each, payable August 1, 1981, and November 1, 1981, and a third payment of $2,000, payable March 1, 1982. No interest is provided for in the contract. For purposes of paragraph (a) of this section, the total unstated interest under the contract is $326.53 computed as follows:

Sum of payments to which sec. 483 applies		$4,000.00
Less:		
Present value of $1,000 due August 1, 1981 ($1,000 × .95238 (factor for 6 to 9 months, col. (b), Table VII))	$952.38	
Present value of $1,000 due November 1, 1981 ($1,000 × .90703 (factor for 9 to 15 months, col. (b), Table VII))	907.03	
Present value of $2,000 due March 1, 1982 ($2,000 × .90703 (factor for 9 to 15 months, col. (b), Table VII))	1,814.06	3,673.47
Total unstated interest		326.53

(4) *Special rules for binding contracts entered into before July 24, 1975.* (i) Payments made pursuant to a sale or exchange occurring before July 24, 1975, shall continue to be subject to the 5 percent prescribed interest rate of paragraph (c)(2)(ii)(A) of this section and the 4 percent prescribed test rate of paragraph (d)(1)(ii)(A) of this section even though there has been a change in the terms of the contract.

(ii) Where payments are made pursuant to the sale or exchange of property on or after July 24, 1975, and before September 29, 1980, but under the terms of a binding written contract (including an irrevocable written option) entered into before July 24, 1975, and there has been a substantial change (within the meaning of paragraph (b)(4) of this section) in terms of such contract, then if the change occurs on or after July 24, 1975, the 7 percent prescribed interest rate of paragraph (c)(2)(ii)(B) of this section and the 6 percent prescribed test rate of paragraph (d)(1)(ii)(B) of this section shall be applied to payments made after the occurrence of such substantial change. If the change occurs before July 24, 1975, the payments shall continue to be subject to the 5 percent prescribed interest rate of paragraph (c)(2)(ii)(A) of this section and the 4 percent prescribed prescribed test rate of paragraph (d)(1)(ii)(A) of this section.

(iii) Where payments are made pursuant to a sale or exchange occurring on or after September 29, 1980, but under the terms of a binding written contract (including an irrevocable written option) entered into before July 24, 1975, and there has been a substantial change (within the meaning of paragraph (b)(4) of this section) in the terms of such contract on or after July 24, 1975, then the prescribed interest rate and the prescribed test rate applied to payments made after the occurrence of the substantial change shall be the rates applicable to payments made pursuant to a sale or exchange entered into at the time of the change and not entered into pursuant to a binding written contract. If the change occurs before July 24, 1975, the payments shall continue to be subject to the 5 percent prescribed interest rate of paragraph (c)(2)(ii)(A) of this section and the 4 percent prescribed test rate of paragraph (d)(1)(ii)(A) of this section.

(5) *Special rule for binding contracts entered into on or after July 24, 1975, and before September 29, 1980.* Payments made pursuant to a sale or exchange occurring after July 23, 1975, and before September 29, 1980, except a sale or exchange entered into pursuant to a binding written contract (including an irrevocable written option) entered into before July 24, 1975, shall continue to be subject to the 7 percent prescribed interest rate of paragraph (c)(2)(ii)(B) of this section and the 6 percent prescribed test rate of paragraph (d)(1)(ii)(B) of this section even though there has been a change in the terms of the contract. However, where payments are made pursuant to a sale or exchange occurring on or after September 29, 1980, but under the terms of a binding written contract entered into after July 24, 1975 and before September 29, 1980, and there has been a substantial change (within the meaning of paragraph (b)(4) of this section) in the terms of such contract on or after September 29, 1980, then the 10 percent prescribed interest rate of paragraph (c)(2)(ii)(C) of this section and the 9 percent prescribed test rate of paragraph (d)(1)(ii)(C) of this section shall be applied to payments made after the occurrence of such substantial change. If the substantial change occurs before September 29, 1980, then the payments shall continue to be subject to the 7 percent interest rate of paragraph (c)(2)(ii)(B) of this section and the 6 percent test rate of paragraph (d)(1)(ii)(B) of this section.

(d) *Test of whether there is total unstated interest under a contract*—(1) *In general.* * * *

(ii) *Prescribed test rates.* (A) For payments on account of a sale or exchange of property entered into before July 24, 1975, as well as a sale or exchange of property entered into pursuant to a binding written contract (including an irrevocable written option) entered into before such date, the test prescribed by paragraph (d)(1)(ii)(A) of this section shall be 4 percent per annum simple interest. (See paragraph (c)(4) of this section for special rules where there has been a substantial change in the terms of a binding written contract entered into before July 24, 1975.)

(B) For payments on account of a sale or exchange of property entered into on or after July 24, 1975, and before September 29, 1980, except a sale or exchange entered into pursuant to a binding written contract (including an irrevocable written option) entered into before July 24, 1975, the test rate prescribed by paragraph (d)(1)(ii)(B) of this section shall be 6 percent per annum simple interest. For payments on account of a sale or exchange of property entered into on or after September 29, 1980, pursuant to a binding written contract (including an irrevocable written option) entered into after July 23, 1975, and before September 29, 1980, the test rate prescribed by paragraph (d)(1)(ii)(B) of this section shall be 6 percent per annum simple interest. (See paragraph (c)(5) of this section for special rules where there has been a substantial change in the terms of a contract entered into after July 23, 1975 and before September 29, 1980.

(C) For payments on account of a sale or exchange of property entered into on or after September 29, 1980, except a sale or exchange entered into pursuant to a binding written contract (including an irrevocable written option) entered into before such date, the test rate prescribed by paragraph (d)(1)(ii)(C) of this section shall be 9 percent per annum simple interest. (See paragraph (c)(5) of this section for special rules where there has been a substantial change in terms of a contract entered into before September 29, 1980.

* * * * *

(4) *Examples.* The provisions of this paragraph may be illustrated by the following examples (Note that examples (1) through (6) use Tables I through VI, because such tables apply generally to transactions entered into before September 29, 1980, and that the principles illustrated by such examples would apply for transactions entered into on or after September 29, 1980, in which case Tables VII through IX would generally be applied.):

* * * * *

Example (7). On December 31, 1980, A sells property to B under a contract which provides that B is to make payments of $2,040 ($2,000 sales price plus $40 interest), $2,080 ($2,000 sales price plus $80 interest), and $2,120 ($2,000 sales price plus $120 interest),

such payments being due, respectively, 1, 2, and 3 years from the date of sale. Because the contract was entered into after September 29, 1980, the determination of whether there is total unstated interest under the contract is made using Table VII in the following manner:

(i) Sum of payments to which sec. 483 applies		$6,000.00
(ii) Sum of:		
Present value of $2.040 due 1 yr. from date of sale ($2.040×.91743 (factor for 9 to 15 months, col. (a), Table VII))	$1,871.56	
Present value of $2,080 due 2 yrs. from date of sale ($2,080×.84746 (factor for 21 to 27 months, col. (a), Table VII))	1,762.72	
Present value of $2,120 due 3 yrs. from date of sale ($2,120×.78740 (factor for 33 to 39 months, col. (a), Table VII))	1,669.29	5,303.57
Total unstated interest		696.43

Since the sum of the payments to which section 483 applies ($6,000) exceeds the sum of the present values of such payments and the present values of the stated interest payments ($5,303.57), there is total unstated interest under the contract, and the provisions of section 483 apply to the payments of sales price due under the contract. For the method of computing the amount of total unstated interest which is includible in or deductible from income, see paragraph (c) of this section.

(e) *Payments that are indefinite as to time, liability, or amount.* * * *

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples (Note that examples (1) through (7) use Tables I through VI, because such tables generally apply to transactions entered into before September 29, 1980, and that the principles illustrated by such examples would apply for transactions entered into on or after September 29, 1980, in which case Tables VII through IX would generally be applied.):

* * * * *

Example (8). M Corporation and N Corporation each own one-half of the stock of O Corporation. On December 31, 1980, pursuant to a reorganization qualifying under section 368(a)(1)(b), M contracts to acquire the one-half interest held by N for an initial distribution on such date of 30,000 shares of M voting stock, and a non-assignable right to receive up to 10,000 additional shares of M's voting stock during the next 3 years provided the net profits of O Corporation exceed certain amounts specified in the contract. No interest is provided for in the contract. No additional shares are received in 1981 or 1982, but in 1983 the annual earnings of O Corporation exceed the specified amount and on December 31, 1983, an additional 3,000 voting shares are transferred to N. The fair market value of such shares on the date of transfer is $60,000 ($20 per share). The total unstated interest applicable to the indefinite payment is computed as follows:

Indefinite payment to which sec. 483 applies		$60,000.00
Less:		
Present value of such payment ($60,000×.74622 (factor for 33 to 39 months, col. (b), Table VII))		44,773.20
Total unstated interest		$15,226.80

See paragraph (a)(2) of § 1.483–2 for the effect on a reorganization defined in section 368 (a)(1) of treating a portion of voting stock as interst under section 483.

(f) *Changes in terms of contract.* * * *

(5) *Examples.* The provisions of paragraph (f) (1) through (5) of this section may be illustrated by the following examples (Note that the examples use Tables I through III because the examples deal with transactions to which these tables apply. These tables generally apply to transactions entered into after July 30, 1963, and before July 24, 1975. The principles illustrated by the examples also apply to all other transactions to which section 483 applies. However, Tables IV through VI are used for transactions to which those tables apply, generally transactions entered into after July 23, 1975, and before September 29, 1980. In addition, Tables VII through IX are used for transactions to which those tables apply, generally transactions entered into on or after September 29, 1980.):

* * * * *

(6) *Transfer of obligation to make or contract right to receive deferred payments.* * * *

(iv) The provisions of paragraph (f)(6) of this section may be illustrated by the following examples (Note that the examples use Tables I through III because the examples deal with transactions to which these tables apply. These tables apply generally to transactions entered into after July 30, 1963, and before July 24, 1975. The principles illustrated by the examples also apply to all other transactions to which section 483 applies. However, Tables IV and VI are used for transactions to which these tables apply, generally transations entered into after July 23, 1975, and before September 29, 1980. In addition, Tables VI through IX are used for transactions to which those tables apply, generally transactions entered into on or after September 29, 1980.):

* * * * *

(g) *Present value tables.* * * *

(2) *Tables.* * * *

Table IV—Present Value of Deferred Payment. (Applicable to contracts entered into after July 23, 1975, and before September 29, 1980, to which paragraphs (c)(2)(ii)(B) and (d)(1)(ii)(B) of this section apply.)

* * * * *

Table V—Present Value of Annuity Certain: $1 Every 6 Months

(Applicable to contracts entered into after July 23, 1975, and before September 29, 1980, to which paragraphs (c)(2)(ii)(B) and (d)(1)(ii)(B) of this section apply.)

* * * * *

Table VI—Present Value of Annuity Certain: $1 Every 12 Months

(Applicable to contracts entered into after July 23, 1975, and before September 29, 1980, to which paragraphs (c)(2)(ii)(B) and (d)(1)(ii)(B) of this section apply.)

* * * * *

Table VII—Present Value of Deferred Payment

(Applicable to contracts entered into on or after September 29, 1980, to which paragraphs (c)(2)(ii)(C) and (d)(1)(ii)(C) of this section apply.)

[Col. (a) 9 percent simple interest; Col. (b) 10 percent, compounded semiannually.]

Number of months deferred			
More than	But not more than	Col. (a)[1]	Col. (b)[2]
0	6	1.00000	1.00000
6	9	.95694	.95238
9	15	.91743	.90703
15	21	.88106	.86384
21	27	.84746	.82270
27	33	.81633	.78353
33	39	.78740	.74622
39	45	.76046	.71068
45	51	.73529	.67684
51	57	.71174	.64461
57	63	.68966	.61391
63	69	.66890	.58468
69	75	.64935	.55684
75	81	.63091	.53032
81	87	.61350	.50507
87	93	.59701	.48102
93	99	.58140	.45811
99	105	.56657	.43630
105	111	.55249	.41552
111	117	.53908	.39573
117	123	.52632	.37689
123	129	.51414	.35894
129	135	.50251	.34185
135	141	.49140	.32557
141	147	.48077	.31007
147	153	.47059	.29530
153	159	.46083	.28124
159	165	.45147	.26785
165	171	.44248	.25509
171	177	.43384	.24295
177	183	.42553	.23138
183	189	.41754	.22036
189	195	.40984	.20987
195	201	.40241	.19987
201	207	.39526	.19035
207	213	.38835	.18129
213	219	.38168	.17266
219	225	.37523	.16444
225	231	.36900	.15661
231	237	.36298	.14915
237	243	.35714	.14205
243	249	.35149	.13520
249	255	.34602	.12884
255	261	.34072	.12270
261	267	.33557	.11686
267	273	.33058	.11130
273	279	.32573	.10600

Number of months deferred			
More than	But not more than	Col. (a)[1]	Col. (b)[2]
279	285	.32103	.10095
285	291	.31646	.09614
291	297	.31201	.09156
297	303	.30769	.08720
303	309	.30349	.08305
309	315	.29940	.07910
315	321	.29542	.07533
321	327	.29155	.07174
327	333	.28777	.06833
333	339	.28409	.06507
339	345	.28050	.06197
345	351	.27701	.05902
351	357	.27360	.05621
357	363	.27027	.05354
363	369	.26702	.05099
369	375	.26385	.04856
375	381	.26076	.04625
381	387	.25773	.04404
387	393	.25478	.04195
393	399	.25189	.03995
399	405	.24907	.03805
405	411	.24631	.03623
411	417	.24361	.03451
417	423	.24096	.03287
423	429	.23838	.03130
429	435	.23585	.02981
435	441	.23337	.02839
441	447	.23095	.02704
447	453	.22857	.02575
453	459	.22624	.02453
459	465	.22396	.02336
465	471	.22173	.02225
471	477	.21954	.02119
477	483	.21739	.02018
483	489	.21529	.01922
489	495	.21322	.01830
495	501	.21119	.01743
501	507	.20921	.01660
507	513	.20725	.01581
513	519	.20534	.01506
519	525	.20346	.01434
525	531	.20161	.01366
531	537	.19980	.01301
537	543	.19802	.01239
543	549	.19627	.01180
549	555	.19455	.01124
555	561	.19286	.01070
561	567	.19120	.01019
567	573	.18957	.00971
573	579	.18797	.00924
579	585	.18639	.00880
585	591	.18484	.00838
591	597	.18332	.00798
597	603	.18182	.00760
603	609	.18034	.00724
609	615	.17889	.00690
615	621	.17746	.00657
621	627	.17606	.00626
627	633	.17467	.00596
633	639	.17331	.00567
639	645	.17197	.00540
645	651	.17065	.00515
651	657	.16935	.00490
657	663	.16807	.00467
663	669	.16681	.00445
669	675	.16556	.00423
675	581	.16434	.00403
681	687	.16313	.00384
687	693	.16194	.00366
693	699	.16077	.00348
699	705	.15962	.00332
605	711	.15848	.00316
711	717	.15736	.00301
717	723	.15625	.00287

[1] Present value of $1 at 9 percent simple interest.
[2] Present value of $1 at 10 percent compounded semiannually.

Table VIII.—*Present Value of Annuity Certain: $1 Every 6 Mo.*

[Applicable to contracts entered into on or after September 29, 1980, to which pars. (c)(2)(ii)(C) and (d)(1)(ii)(C) of this section apply]

[Col. (a) 9 pct simple interest; Col. (b) 10 pct, compounded semiannually]

Number of years final payment deferred	Col. (a)[1]	Col. (b)[2]
.5	.95694	.95238
1.0	1.87437	1.85941
1.5	2.75543	2.72325
2.0	3.60289	3.54595
2.5	4.41922	4.32948
3.0	5.20682	5.07569
3.5	5.96708	5.78637
4.0	6.70237	6.46321
4.5	7.41411	7.10782
5.0	8.10377	7.72173
5.5	8.77267	8.30641
6.0	9.42202	8.86325
6.5	10.05293	9.39357
7.0	10.66643	9.89864
7.5	11.26344	10.37966
8.0	11.84484	10.83777
8.5	12.41141	11.27407
9.0	12.96390	11.68959
9.5	13.50298	12.08532
10.0	14.02930	12.46221
10.5	14.54344	12.82115
11.0	15.04595	13.16300
11.5	15.53735	13.48857
12.0	16.01812	13.79864
12.5	16.48871	14.09394
13.0	16.94954	14.37519
13.5	17.40101	14.64303
14.0	17.84349	14.89813
14.5	18.27733	15.14107
15.0	18.70286	15.37245
15.5	19.12040	15.59281
16.0	19.53024	15.80268
16.5	19.93265	16.00255
17.0	20.32791	16.19290
17.5	20.71626	16.37419
18.0	21.09794	16.54685
18.5	21.47317	16.71129
19.0	21.84217	16.86789
19.5	22.20515	17.01704
20.0	22.56229	17.15909
20.5	22.91378	17.29437
21.0	23.25980	17.42321
21.5	23.60052	17.54591
22.0	23.93609	17.66277
22.5	24.26667	17.77407
23.0	24.59240	17.88007
23.5	24.91343	17.98102
24.0	25.22999	18.07716
24.5	25.54190	18.16872
25.0	25.84959	18.25593
25.5	26.15306	18.33898
26.0	26.45248	18.41807
26.5	26.74790	18.49340
27.0	27.03945	18.56515
27.5	27.32722	18.63347
28.0	27.61131	18.69854
28.5	27.89181	18.76052
29.0	28.16882	18.81954
29.5	28.44242	18.87575
30.0	28.71269	18.92929
30.5	28.97971	18.98028
31.0	29.24356	19.02883
31.5	29.50432	19.07506
32.0	29.76205	19.11912
32.5	30.01683	19.16107
33.0	30.26872	19.20102
33.5	30.51779	19.23907
34.0	30.76410	19.27530
34.5	31.00771	19.30981
35.0	31.24867	19.34268
35.5	31.48705	19.37398
36.0	31.72290	19.40379
36.5	31.95627	19.43218
37.0	32.18722	19.45922
37.5	32.41579	19.48497
38.0	32.64203	19.50950
38.5	32.86599	19.53285
39.0	33.08772	19.55510
39.5	33.30726	19.57628
40.0	33.52465	19.59646
40.5	33.73994	19.61568
41.0	33.95316	19.63396
41.5	34.16435	19.65141

Table VIII.—*Present Value of Annuity Certain: $1 every 6 months*—Continued

Number of years final payment deferred	Col. (a)[1]	Col. (b)[2]
42.0	34.37358	19.66801
42.5	34.58081	19.68382
43.0	34.78615	19.69887
43.5	34.98961	19.71321
44.0	35.19122	19.72687
44.5	35.39102	19.73987
45.0	35.58904	19.75226
45.5	35.78531	19.76406
46.0	35.97986	19.77529
46.5	36.17272	19.78599
47.0	36.36392	19.79619
47.5	36.55349	19.80589
48.0	36.74146	19.81513
48.5	36.92785	19.82394
49.0	37.11269	19.83232
49.5	37.29601	19.84031
50.0	37.47783	19.84791
50.5	37.65817	19.85515
51.0	37.83706	19.86205
51.5	38.01452	19.86862
52.0	38.19058	19.87488
52.5	38.36525	19.88063
53.0	38.53856	19.88651
53.5	38.71053	19.89191
54.0	38.88118	19.89706
54.5	39.05053	19.90196
55.0	39.21860	19.90663
55.5	39.38541	19.91108
56.0	39.55097	19.91531
56.5	39.71531	19.91934
57.0	39.87844	19.92318
57.5	40.04038	19.92684
58.0	40.20115	19.93033
58.5	40.36077	19.93364
59.0	40.51925	19.93680
59.5	40.67661	19.93981
60.0	40.83286	19.94268

[1] Present value of $1 at 9 percent simple interest.
[2] Present value of $1 at 10 percent compounded semiannually.

Table IX—*Present Value of Annuity Certain: $1 every 12 months*

(Applicable to contracts entered into on or after Sept. 29, 1980, to which paragraphs (c)(2)(ii)(C) and (d)(1)(ii)(C) of this section apply)

[Col. (a) 9 percent simple interest; Col. (b) 10 percent, compounded semiannually]

Number of years final payment deferred	Col. (a)[1]	Col. (b)[2]
1.0	0.91743	0.90703
2.0	1.76489	1.72973
3.0	2.55229	2.47595
4.0	3.28758	3.15279
5.0	3.97724	3.76670
6.0	4.62658	4.32354
7.0	5.24009	4.82861
8.0	5.82149	5.28672
9.0	6.37398	5.70224
10.0	6.90030	6.07913
11.0	7.40281	6.42098
12.0	7.88358	6.73104
13.0	8.34441	7.01229
14.0	8.78689	7.26738
15.0	9.21242	7.49876
16.0	9.62226	7.70862
17.0	10.01752	7.89898
18.0	10.39920	8.07163
19.0	10.76820	8.22824
20.0	11.12534	8.37029
21.0	11.47136	8.49913
22.0	11.80663	8.61599
23.0	12.13266	8.72198
24.0	12.44912	8.81813
25.0	12.75681	8.90533
26.0	13.05621	8.98443
27.0	13.34776	9.05617
28.0	13.63185	9.12124
29.0	13.90886	9.18026
30.0	14.17913	9.23380
31.0	14.44298	9.28236
32.0	14.70071	9.32640
33.0	14.95260	9.36635
34.0	15.19891	9.40259

Table IX—*Present Value of Annuity Certain: $1 every 12 months*—Continued

Number of years final payment deferred	Col. (a)[1]	Col. (b)[2]
35.0	15.43987	9.43545
36.0	15.67572	9.46526
37.0	15.90667	9.49230
38.0	16.13291	9.51683
39.0	16.35464	9.53907
40.0	16.57203	9.55925
41.0	16.78525	9.57755
42.0	16.99446	9.59415
43.0	17.19980	9.60921
44.0	17.40141	9.62286
45.0	17.59943	9.63525
46.0	17.79398	9.64648
47.0	17.98518	9.65668
48.0	18.17315	9.66592
49.0	18.35799	9.67430
50.0	18.53981	9.68191
51.0	18.71870	9.68880
52.0	18.89476	9.69506
53.0	19.06807	9.70074
54.0	19.23872	9.70588
55.0	19.40679	9.71055
56.0	19.57235	9.71479
57.0	19.73548	9.71863
58.0	19.89625	9.72211
59.0	20.05473	9.72527
60.0	20.21098	9.72814

[1] Present value of $1 at 9 percent simple interest.
[2] Present value of $1 at 10 percent compounded semiannually.

* * * * *

(6) *Instructions for Table IV.* In general, the instructions for Table I are applicable to Table IV, taking into account the change in the rate of imputed interest for contracts entered into after July 23, 1975, and before September 29, 1980, to which paragraphs (c)(2)(ii)(B) and (d)(1)(ii)(B) of this section apply.

(7) *Instructions for Table V.* (i) In general, the instructions for Table II are applicable to Table V, taking into account the change in the rate of imputed interest for contracts entered into after July 23, 1975, and before September 29, 1980, to which paragraphs (c)(2)(ii)(B) and (d)(1)(ii)(B) of this section apply.

(ii) Notwithstanding the preceding subdivision, where a contract entered into after July 23, 1975, and before September 29, 1980, is otherwise described in paragraph (g)(4)(iii) of this section, then the present value of a series of equal payments described in that subsection shall be computed under Table V as follows:

* * * * *

(8) *Instruction for Table VI.* In general, the instructions for Table III are applicable to Table VI, taking into account the change in the rate of imputed interest for contracts entered into after July 23, 1975, and before September 29, 1980, to which paragraphs (c)(2)(ii)(B) and (d)(1)(ii)(B) of this section apply.

(9) *Instructions for Table VII.* In general, the instructions for Table I are applicable to Table VII, taking into account the change in the rate of imputed interest for contracts entered into on or after September 29, 1980, to which paragraphs (c)(2)(ii)(C) and (d)(1)(ii)(C) of this section apply.

(10) *Instructions for Table VIII.* In general, the instructions for Table II are applicable to Table VIII, taking into account the change in the rate of imputed interest for contracts entered into on or after September 29, 1980, to which paragraphs (c)(2)(ii)(C) and (d)(1)(ii)(C) of this section apply.

(ii) Notwithstanding the preceding subdivision, where a contract entered into on or after September 29, 1980, is otherwise described in paragraph (g)(4)(iii) of this section, then the present value of a series of equal payments described in that subsection shall be computed under Table VIII as follows:

(*a*) Determine the factor contained in the applicable present rate column (that is, col. (a) or col. (b)) for the appropriate number of years the final payment under the contract is deferred;

(*b*) Adjust the factor determined under (*a*) of this subdivision by increasing such factor either by .04306 (1 minus the column (a) factor for deferral of payment for 0.5 years; in this case .95694) if the present value computation is made under column (a), or by .04762 (1 minus the column (b) factor for deferral of payment for 0.5 years; in this case .95238) if the present value computation is made under column (b); and

(*c*) Multiply the amount of a single payment under the contract by the adjusted factor determined under paragraph (g)(10)(ii) of this section.

For example, the present value, using a rate of 9 percent per annum simple interest, of a series of eight $1,000 payments, the first payment being due exactly 6 months from the date of sale and the remaining seven payments being due, respectively, every 6 months thereafter (so that under the rule of paragraph (g)(10)(i) of this section the final payment is deferred 4 years), is $6,745.43 ($1,000 x (6.70237 plus .04306)).

(11) *Instructions for Table IX.* In general, the instructions for Table III are applicable to Table IX, taking into account the change in the rate of imputed interest for contracts entered into on or after September 29, 1980, to which paragraphs (c)(2)(ii)(C) and (d)(1)(ii)(C) of this section apply.

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 80-26287 filed 8-28-80; 8:45 am]

BILLING CODE 4830-01-M

[LR-234-79]

26 CFR Part 26

Generation-Skipping Transfer Tax Regulations Under the Tax Reform Act of 1976; Return Requirements; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the filing of returns for the tax on generation-skipping transfers.

DATES: The public hearing will be held on November 5, 1980, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by October 22, 1980.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-234-79), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 2621 of the Internal Revenue Code of 1954. The proposed regulations appeared in the Federal Register for Tuesday, August 5, 1980 (45 FR 51771, 51840).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by October 22, 1980. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the Federal Register for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue.

Robert A. Bley,

Director, Legislation and Regulations Division.

[FR Doc. 80-26602 Filed 8-28-80; 8:45 am]

BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 252

[Notice No. 348]

Export Markings

AGENCY: Bureau of Alcohol, Tobacco and Firearms.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing to amend regulations relating to markings on cases and bulk containers of distilled spirits, wine or beer for export. Under these amended regulations, export markings for all products will read simply "Export" or "Export—Drawback Claimed." Requirements for the additional markings "Without Payment of Tax", "Use on Vessels (or Aircraft)", "Deposit in C.M.B.W.—Cl. 6", "Export via F.T.Z. No.", or "Deposit in C.B.W." are eliminated. This amendment is intended to give exporters greater flexibility when bottling or shipping distilled spirits, wine, or beer for export.

DATE: Written comments must be received by October 28, 1980.

ADDRESS: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226. Telephone: 202-566-7626.

SUPPLEMENTARY INFORMATION:

Markings on Containers for Export

ATF is proposing to liberalize markings required to be placed on packages or cases of wine, distilled spirits, or beer being exported. Present regulations in Part 252 require that the type of exportation be indicated on the package or case when exported. Thus, under § 252.103, distilled spirits being directly exported to a foreign country, or to the armed services, must be marked with the word "Export." Similarly, distilled spirits being removed to a customs bonded warehouse must be marked "Deposit in C.B.W." or "Deposit in C.B.W.—Cl. 6" for removal to a manufacturing bonded warehouse. Other markings show removal to a foreign trade zone, "Export via F.T.Z." and withdrawals for ship or aircraft supplies, "Use on Vessels (or Aircraft)." To the extent that these types of exportation are allowed by law, similar requirements exist for marking wine or malt beverages for export.

ATF believes that markings indicating the type of exportation are unnecessary to protect Federal revenues, and that one simplified mark, "Export" would be sufficient to denote the status of alcoholic beverages being exported. Marking the word "Export" on all packages or cases of alcoholic beverages will differentiate these products from those entering domestic markets, and will indicate they are to be used only beyond the jurisdiction of the internal revenue laws, and thus not subject to tax. At the same time, by using only one marking, distillers, vintners, brewers, and wholesalers who export will be relieved of marking cases of containers with different marks for each type of exportation. Thus, inventories of products for export may be reduced since it will be unnecessary to maintain separate inventories for products being exported by different means. It is believed this will result in some cost savings to the affected industry, and will allow industry members more flexibility in their bottling and warehouse operations.

Although ATF is proposing to delete the markings denoting the method of exportation, we feel it remains necessary to differentiate between those products which are exported without payment of tax or free of tax, and those which are exported with benefit of drawback or refund of taxes paid. Therefore, ATF proposes that all exportations made without payment of tax or free of tax, §§ 252.103, 252.123, 252.143, 252.150e, and 252.154, be marked simply "Export." Those exportations with benefit of drawback, §§ 252.193, 252.216, and 252.223, would be marked "Export—Drawback Claimed" to show that taxes had been paid on those products. Upon exportation, taxes paid would be refunded to the exporter or bottler.

Other Conforming Changes

It is proposed to change the title of all sections which prescribe markings on export containers in Part 252 to read "Export marks." This title more accurately describes the content of those sections, and makes the titles uniform. Sections affected are §§ 252.103, 252.123, 252.143, 252.150e, 252.154, 252.216, and 252.223.

Other editorial changes are made throughout the affected sections to make them easier to read and understand. Statutory citations are updated to conform with Federal Register requirements.

Finally, requirements relating to the size and placement of the export marks have been deleted from §§ 252.123, 252.143, 252.150e, 252.154, 252.193, 252.216, and 252.223. These requirements are unnecessary.

Public Participation

Copies of the proposed regulations and any written comments will be available for public inspection during normal business hours at the:

ATF Reading Room, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC 20226.

ATF requests comments from all interested persons concerning this proposal. All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be as inappropriate for disclosure to the public should not be included in comments. The name of the person submitting comments is not exempt from disclosure.

Drafting Information

The principal author of this document is Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Compliance With Executive Order 12044

This proposed regulation does not meet the Department's criteria for significant regulations as set forth in the Federal Register of November 8, 1978.

Authority and Issuance

This notice of proposed rulemaking is issued under the authority of 26 U.S.C. 7805 (68A Stat. 917, as amended).

Accordingly, 27 CFR Part 252 is amended as follows:

PART 252—EXPORTATION OF LIQUORS

Paragraph 1. Amend the table of sections to read as follows:

* * * * *

Sec.
252.103 Export marks.
* * * * *
252.123 Export marks.
* * * * *
252.143 Export marks.
* * * * *
252.150e Export marks.
* * * * *
252.154 Export marks.
* * * * *
252.216 Export marks.
* * * * *
252.223 Export marks.
* * * * *

Par. 2. Section 252.103 is amended by (1) deleting the requirement to mark packages or cases of distilled spirits withdrawn for exportation with the words "Without Payment of Tax" or with words denoting the type of exportation; (2) updating the statutory citation; and (3) changing the title of the section. As amended, § 252.103 reads as follows:

§ 252.103 Export marks.

(a) *General.* In addition to the marks and brands required to be placed on packages and cases of distilled spirits at the time they are filled under the provisions of Part 19 of this chapter, the proprietor shall mark the word "Export" on the Government side of each case or Government head of each container before removal from the bonded premises for any exportation authorized under this subpart.

(b) *Exception.* When containers are being removed to a contiguous manufacturing bonded warehouse, the proprietor need not place the word "Export" on the containers if the regional regulatory administrator finds the omission will not jeopardize the revenue.

(Sec. 309, Tariff Act of 1930, 46 Stat. 690, as amended (19 U.S.C. 1309); sec. 3, Act of June 18, 1934, 48 Stat. 999, as amended (19 U.S.C. 81c); sec. 201, Pub. L. 85–859, 72 Stat. 1362, as amended (26 U.S.C. 5214); sec. 3, Pub. L. 91–659, 84 Stat. 1965, as amended (26 U.S.C. 5066))

Par. 3. Section 252.123 is amended by (1) deleting the requirement to mark packages or cases of wine withdrawn for exportation with the words "Without Payment of Tax" or with words denoting the type of exportation; (2) updating the statutory citation; and (3) changing the title of the section. As amended, § 252.123 reads as follows:

§ 252.123 Export marks.

(a) *General.* In addition to the marks and brands required to be placed on packages or cases of wine at the time they are filled under the provision of Part 240 of this chapter, the proprietor shall mark the work "Export" on the Government side of each case or Government head of each container before removal from the bonded premises for any exportation authorized under this subpart.

(b) *Exception.* When containers are being removed to a contiguous manufacturing bonded warehouse, the proprietor need not place the word "Export" on the containers if the regional regulatory administrator finds the omission will not jeopardize the revenue.

(Sec. 309, Tariff Act of 1930, 46 Stat. 690, as amended (19 U.S.C. 1309); sec. 3, Act of June 18, 1934, 48 Stat. 999, as amended (19 U.S.C. 81c); sec. 201, Pub. L. 85–859, 72 Stat. 1380, as amended (26 U.S.C. 5362))

Par. 4. Section 252.143 is amended by deleting the requirement to mark containers or cases of beer withdrawn for exportation with the words "Without Payment of Tax", or with words denoting the type of exportation, and by changing the title of the section. As amended, § 252.143 reads as follows:

§ 252.143 Export marks.

In addition to the marks and brands required to be placed on each shipping tank or package (including crates) of beer at the time they are filled under the provisions of Part 245 of this chapter, the brewer shall mark the word "Export" on each container or case before removal from the brewery for any exportation authorized under this subpart.

(Sec. 309, Tariff Act of 1930, 46 Stat. 690, as amended (19 U.S.C. 1309); sec. 3, Act of June 18, 1934, 48 Stat. 999, as amended (19 U.S.C. 81c); sec. 201, Pub. L. 85–859, 72 Stat. 1334, as amended (26 U.S.C. 5053))

Par. 5. Section 252.150e is amended by deleting the requirement to mark containers of beer concentrate withdrawn for exportation with the words "Without Payment of Tax", or with words describing the type of exportation, and by changing the title of the section. As amended, § 252.150e reads as follows:

252.150e Export marks.

In addition to the marks and brands required to be placed on containers of beer concentrate under the provisions of Part 245 of this chapter, the brewer shall mark the words "Beer concentrate for Export" on each container before removal from the brewery for any exportation authorized under this subpart.

Par. 6. Section 252.154 is amended by (1) deleting the requirement to mark containers of specially denatured spirits withdrawn for exportation with the words "Tax-Free" or with words denoting the type of exportation; (2) changing the title of the section; and (3) updating the statutory citation. As amended, § 252.154 reads as follows:

§ 252.154 Export marks.

In addition to the marks and brands required to be placed on packages and cases at the time they are filled under the provisions of Part 19 of this chapter, the proprietor shall mark the word "Export" on the Government side of each case or Government head of each container before removal from the bonded premises for any exportation authorized under this subpart.

(Sec. 3, Act of June 18, 1934, 48 Stat. 999, as amended (19 U.S.C. 81c); sec. 201, Pub. L. 85–859, 72 Stat. 1362, as amended (26 U.S.C. 5214))

Par. 7. Section 252.193 is amended by deleting the requirement to mark packages or cases of distilled spirits exported with words denoting the type of exportation. As amended, § 252.193 reads as follows:

§ 252.193 Export marks.

* * * * *

In addition to the marks and brands required to be placed on packages or other bulk containers and cases at the time they are filled under the provisions of Part 19 of this chapter, the exporter shall mark the words "Export—Drawback Claimed" on the Government side of each case or Government head of each container before removal for export, for use on vessels or aircraft, or for transfer to a foreign-trade zone or a customs bonded warehouse.

(Sec. 309, Tariff Act of 1930, * * *)

Par 8. Section 252.216 is amended by deleting the requirement to mark containers or cases of wine exported with words denoting the type of exportation, and by changing the title of the section. As amended, § 252.216 reads as follows:

§ 252.216 Export marks.

In addition to the marks and brands required to be placed on packages or other bulk containers and cases under the provisions of Parts 231 or 240 of this chapter, the exporter shall mark the words "Export—Drawback Claimed" on the Government side of each case or Government head of each container

before removal for export, for use on vessels or aircraft, or for transfer to a foreign-trade zone.

(Sec. 309, Tariff Act of 1930, * * *)

Par. 9. Section 252.223 is amended by (1) deleting the requirement to mark containers or cases of beer exported with words denoting the type of exportation; (2) changing the title of the section; and (3) updating the statutory citation. As amended, § 252.223 reads as follows:

§ 252.223 Export marks.

In addition to the marks and brands required to be placed on kegs, barrels, cases, crates or other packages under the provisions of Part 245 of this chapter, the exporter shall mark the words "Export—Drawback Claimed" on each container or case before removal for export, for use on vessels or aircraft, or for transfer to a foreign-trade zone.

(Sec. 309, Tariff Act of 1930, 46 Stat. 690, as amended (19 U.S.C. 1309); sec. 3, Act of June 18, 1934, 48 Stat. 999, as amended (19 U.S.C. 81c); sec. 201, Pub. L. 85-859, 72 Stat. 1335, as amended (26 U.S.C. 5055))

Signed: August 7, 1980.

Stephen E. Higgins,

Acting Director.

Approved: August 25, 1980.

Richard J. Davis,

Assistant Secretary (Enforcement and Operations)

[FR Doc. 80-26557 Filed 8-28-80; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

29 CFR Parts 2520 and 2530

Rules and Regulations for Reporting and Disclosure and Minimum Standards for Employee Pension Benefit Plans; Individual Benefit Reporting and Recordkeeping for Multiple Employer Plans

Correction

In FR Doc. 80-23855, appearing in the issue of Friday, August 8, 1980, make the following corrections:

(1) On page 52825, first column, the 23rd line should have read: "implement Executive Order 12044 (44 FR".

(2) Or page 52828, second column, the eighth line from the bottom of the page should have read: "described in section 6057(a)(2)(C) (i.e., to".

(3) On page 52830, first column, the seventh line in paragraph "E. Effective Dates" should have read: "regulations, the Department contemplates providing that these regulations would not become effective".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

31 CFR Part 344

Regulations Governing U.S. Treasury Certificates of Indebtedness, Treasury Notes and Bonds—State and Local Government Series

AGENCY: Fiscal Service, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: The Department of the Treasury proposes to revise the regulations governing United States Treasury Certificates of Indebtedness, Notes and Bonds—State and Local Government Series, in Department of the Treasury Circular No. 3-72, Revised (31 CFR, Part 344). Under the new revision, the class of entities eligible to invest in the above securities will be slightly expanded; advance notice of the intention to invest in the obligations, as well as to redeem them prior to maturity, will be required; and, the previously announced prohibition on reinvestment of the proceeds of SLG securities redeemed prior to maturity will be implemented.

DATES: Comments will be received on or before September 30, 1980.

ADDRESS: Send comments to Calvin Ninomiya, Chief Counsel, Bureau of the Public Debt, Washington, D.C. 20226.

FOR FURTHER INFORMATION CONTACT: Calvin Ninomiya, Chief Counsel, Bureau of the Public Debt, Washington, D.C. 20226 (202-376-0244).

SUPPLEMENTARY INFORMATION: Department of the Treasury Circular No. 3-72, Revised, governs the offering of a special series of public debt securities to State and local government investors. The purpose of this offering is to make available securities that would enable these investors to avoid the arbitrage restrictions prescribed in the Internal Revenue Service regulations at 26 CFR 1.103.

Specifically, the changes being proposed are as follows:

(1) Section 344.0 is being changed to expand the definition of the term "government body" to include entities which, by virtue of their involvement in a State and local governmental financing, hold funds subject to yield restriction.

(2) Section 344.2 is being amended to prescribe an advance notice of twenty (20) days of the intent to invest in the securities being offered under this circular. The notice will enable the Treasury to better administer its cash management program.

(3) Section 344.2 is being further amended to incorporate into the regulations the decision announced by the Treasury on February 28, 1980, that it would not sell SLG securities to investors using funds obtained from the early redemption of other such securities.

(4) Section 344.4 is being amended to require owners to provide a twenty (20) calendar day notice of their intention to redeem securities prior to maturity. A one week's notice is presently prescribed. Although the new notice requirement would be mandatory only as to securities hereafter issued, owners of SLG obligations previously issued are encouraged whenever possible to observe the new notice.

* * * * *

The offering of Treasury securities relates to the fiscal policy of the United States, and, accordingly, is not subject to notice and public procedures. In this case, however, the Fiscal Service seeks to give investors eligible to participate in this offering, and other interested parties, an opportunity to comment on the proposed rules. The Treasury has also previously consulted, on an informal basis, about the effect and acceptability of some of these changes, with representatives of firms that provide investment and financing counsel to State and local government entities. As this offering is a continuous one, the changes described shall generally apply to all purchases of these securities made during the period between this publication and the adoption of the final regulations. Interested parties are invited to file written comments on these regulations. If appropriate, a public hearing will be held.

Dated: August 26, 1980.

Paul H. Taylor,

Fiscal Assistant Secretary.

Part 344 of Title 31, CFR, is proposed to be revised as follows:

PART 344—REGULATIONS GOVERNING U.S. TREASURY CERTIFICATES OF INDEBTEDNESS—STATE AND LOCAL GOVERNMENT SERIES; U.S. TREASURY NOTES—STATE AND LOCAL GOVERNMENT SERIES; AND U.S. TREASURY BONDS—STATE AND LOCAL GOVERNMENT SERIES

Sec.
344.0 Offering of securities.
344.1 Description of securities.
344.2 Subscription for purchase.
344.3 Issue date and payment.
344.4 Redemption.
344.5 General provisions.

Authority: Sections 1, 5, 18, 19, and 20 of the Second Liberty Bond Act, as amended, 40 Stat. 288, 290, and 1309, as amended, 48 Stat. 343, as amended (31 U.S.C. 752, 753, 754, 754a, and 754b); Section 601 of the Tax Reform Act of 1969, 83 Stat. 656 (26 U.S.C. 103(c)); and 5 U.S.C. 301.

§ 344.0 Offering of securities.

In order to provide States, municipalities and other government bodies described in Section 103(a)(1) of the Internal Revenue Code, and the regulations issued under Section 103, with investments tailored to their needs under those provisions, the Secretary of the Treasury offers for sale thereto, under the authority of the Second Liberty Bond Act, as amended:

(a) United States Treasury Certificates of Indebtedness—State and Local Government Series,

(b) United States Treasury Notes—State and Local Government Series, and

(c) United States Treasury bonds—State and Local Government Series.

The term "government body", as used herein, refers to any one of the entities described in Section 103(a)(1), as well as to any other entity, holding funds to which the yield restrictions in Section 103(c) apply, as provided by Internal Revenue Service regulations. This offering will continue until terminated by the Secretary of the Treasury.

§ 344.1 Description of securities.

(a) *General.* The securities will be issued in book-entry form on the books of the Department of the Treasury, Bureau of the Public Debt, Washington, D.C. 20226. They may not be transferred by sale, exchange, assignment or pledge, or otherwise.

(b) *Terms.* (1) *Certificates of Indebtedness.* The certificates will be issued in a minimum of $1,000, or in any larger amount in multiples of $100, with maturity periods fixed, at the option of the government body, from 45 days up to one year, or for any intervening period.

(2) *Notes.* The notes will be issued in the minimum amount of $1,000, or in any larger amount in multiples of $100, with maturity periods fixed, at the option of the government body, from one year and one day up to and including ten years, or for any intervening period.

(3) *Bonds.* The bonds will be issued in the minimum amount of $1,000, or in any larger amount in multiples of $100, with maturity periods fixed, at the option of the government body from ten years and one day or for any longer period specified by year, month and day, not to exceed 40 years.

(c) *Rates of interest.* Each certificate, note or bond will bear such rate of interest as the government body shall designate, provided, however, that it shall not be more than one-eighth of 1 percent below a then current Treasury rate on a security of comparable maturity. Interest on certificates will be computed on an annual basis and will be payable at maturity with the principal amount. Interest on notes and on bonds will be paid beginning on any interest payment date requested in the subscription form, and on a semiannual basis thereafter to maturity.[1] If the date requested for the first interest payment is less than forty-five (45) days from the date of issue, no assurance can be given that such payment will be timely made. The final semiannual interest payment of notes and bonds shall coincide with their maturity and will be paid with the principal. The applicable maximum interest rates for each week may be determined from tables which will be generally available no earlier than the first business day of that week at Federal Reserve Banks and Branches. The rate tables will be effective for all subscriptions actually received by the Banks and Branches during the week to which the tables apply, or, where mailed, by the stamp date. All subscriptions submitted by mail must be sent by certified or registered mail.

§ 344.2 Subscription for purchase.

(a) *Subscription requirements.* A government body may purchase securities under this offering by submitting a subscription to a Federal Reserve Bank or Branch, completed to provide payment thereon no earlier than twenty (20) calendar days after the date on which the subscription is tendered and received. The subscription, dated and signed by an official authorized to make the purchase, must show the amounts, issue dates, maturities, and, on the basis of the applicable table, specify the interest rates of the securities desired; the semiannual interest payment dates (in the case of notes and bonds); and, the title(s) of the designated official(s) authorized to request early redemption of such securities. Subscriptions submitted for certificates, notes and bonds must separately itemize securities of each maturity and each interest rate. Each subscriber will be required to certify as follows:

(1) that the total investment consists only of the proceeds of obligations described in Section 103(a) of the Internal Revenue Code, or certain other proceeds treated as such and restricted as in (2) below;

(2) that the total investment is not more nor less, within authorized multiples ($1,000 minimum and increments of $100 over such amount) of such proceeds, subject to yield restrictions under Section 103(c) of the Code, and the regulations issued thereunder, except for any portion thereof required for payment due less than 45 days from the date settlement is made for the securities subscribed for; and

(3) that none of the proceeds submitted in payment are derived from the redemption prior to maturity of other securities of the State and Local Government Series.

(b) *Authority of subscriber.* Where a commercial bank submits a subscription on behalf of a government body, it must certify that it is acting under the latter's specific authorization; ordinarily, evidence of such authority will not be required. Subscriptions submitted by an agent other than a commercial bank must be accompanied by evidence of the agent's authority to act. Such evidence must describe the nature and scope of the agent's authorization, the legal authority under which the agent was designated, and relate by its terms to the investment action being undertaken. Subscriptons unsupported by such evidence will not be accepted.

§ 344.3 Issue date and payment.

The subscriber shall fix the issue date of each security for which a subscription has been submitted, but in no case may such date exceed by more than sixty (60) calendar days either the date of receipt of the subscription at the Federal Reserve Bank or Branch to which it was submitted or, where mailed, the stamp date thereof. Full payment for each subscription in immediately available funds must be made on the date of issue, or at any time prior thereto. Except in cases where failure to complete a subscription is established to have been

[1] If the first interest payment date on a note or bond is March 31, May 31, August 29, 30 and 31, October 31, or December 31, the alternate semiannual interest payment date will be September 30, November 30, February 28 (February 29 in leap year), April 30 or June 30, respectively. Otherwise, interest payment will be made on numerically corresponding dates at six-month intervals.

due to circumstances not foreseen or contemplated, any subscriber which fails to make timely payment for its subscription will be ineligible thereafter to subscribe for securities under this offering for a period of not less than six (6) months. A subscriber may cancel a paid subscription within thirty (30) days of the issue date, in which event the purchase price, without interest, will be refunded. No substitute subscription therefor will be accepted for a period of six (6) months.

§ 344.4 Redemption.

(a) *At maturity.* A security may not be called for redemption by the Secretary of the Treasury prior to maturity. Upon the maturity of a security, the Treasury will make payment of the principal amount and interest to the owner thereof (1) by a direct credit for its account through a member bank of the Federal Reserve System, (2) by Treasury check, or (3) in accordance with other prior arrangements made by the subscriber with the Bureau of the Public Debt.

(b) *Prior to maturity.* A security may be redeemed at the owner's option on twenty (20) calendar days' notice after forty-five (45) days from the issue date in the case of a certificate, and after one (1) year from the issue date in the case of a note or bond. Where redemption prior to maturity occurs, the interest for the entire period the security was outstanding shall be calculated on the basis of the lesser of (1) the original interest rate at which the security was issued, or (2) the interest rate that would have applied had the term for the security actually been for the shorter period. There shall be deducted from the redemption proceeds, if necessary, any overpayment of interest resulting from previous payments at a higher rate based on the original longer period to maturity. In addition, a penalty shall be assessed in all cases where the current borrowing costs to the Department of the Treasury for the remaining period to original maturity of the security prematurely redeemed exceeds the rate of interest originally fixed for such security. The difference between the two rates shall be the applicable penalty. It shall be assessed by deducting from the redemption proceeds the amount required to offset the increased costs to finance the amount being redeemed. Where a note or bond is being redeemed prior to maturity, its redemption will be effected only as of an interest payment date; no interest will be paid for any fractional part of an interest period. A notice to redeem a security prior to the maturity date must be given by the official(s) authorized to redeem it, as shown on the subscription form, to the Bureau of the Public Debt, Division of Investor Accounts, Detailed Accounts Branch, Washington, D.C. 20226, by letter or wire. A complete description of the securities being redeemed, as set out in the owner's statement of account, should be provided.

§ 344.5 General provisions.

(a) *Regulations.* United States Treasury Certificates of Indebtedness—State and Local Government Series, United States Treasury Notes—State and Local Government Series, United States Treasury Bonds—State and Local Government Series, shall be subject to the general regulations with respect to United States securities, which are set forth in the Department of the Treasury Circular No. 300, current revision (31 CFR, Part 306), to the extent applicable. Copies of the circular may be obtained from the Bureau of the Public Debt, Washington, D.C. 20226, or a Federal Reserve Bank or Branch.

(b) *Fiscal Agents.* Federal Reserve Banks and Branches, as fiscal agents of the United States, are authorized to perform such services as may be requested of them by the Secretary of the Treasury in connection with the purchase of, and transactions, in, the securities being offered hereunder.

(c) *Reservations.* The Secretary of the Treasury reserves the right to reject any application for the purchase of securities hereunder, in whole or in part, and to refuse to issue or permit to be issued any such securities in any case or any class or classes of cases if he deems such action to be in the public interest, and his action in any such respect shall be final. The Secretary of the Treasury may also at any time, or from time to time, supplement or amend the terms of these regulations, or of any amendments or supplements thereto.

[FR Doc. 80-26646 Filed 8-28-80; 8:45 am]
BILLING CODE 4810-40-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 162

[FRL 1593-3; OPP-00127A]

FIFRA Scientific Advisory Panel Meeting; Change in Agenda

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule related notice.

SUMMARY: The agenda for the two-day meeting in September of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel has been changed. The Panel will discuss Subpart N: Chemistry Requirements: Environmental Fate, of the Guidelines for Registering Pesticides in the United States. The meeting will be open to the public.

DATE: Thursday and Friday, September 4 and 5, 1980, from 9:00 a.m. to 5:00 p.m. each day.

ADDRESS: The meeting will be held at: Marriott Hotel, 1999 Jefferson Davis Highway, Arlington, VA, 703-421-5500.

FOR FURTHER INFORMATION CONTACT: H. Wade Fowler, Jr., Executive Secretary, FIFRA Scientific Advisory Panel (TS-766), Office of Pesticide Programs, Rm. 803, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703-557-7560.

SUPPLEMENTARY INFORMATION: In the Federal Register of Thursday, August 14, 1980 (45 FR 54094), notice of the September 4-5, 1980, meeting of the FIFRA Scientific Advisory Panel was published. At the request of the Agency, item 1, review by the Panel on proposed rulemaking on Subpart M: Data Requirements for Biorational Pesticides of the Guidelines for Registering Pesticides in the United States, has been dropped from the agenda. The Agency has asked that it be postponed for a future meeting. The remaining items on the agenda are unchanged.

(Sec. 25(d), as amended, 92 Stat. 891; (7 U.S.C. 136); sec. 10(a)(2), 86 Stat. 770 (5 U.S.C. App.))

Dated: August 26, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-26707 Filed 8-28-80; 8:45 am]
BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 408

Entitlement to Medicare Benefits Based on Disability Entitlement

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of decision to develop regulations.

SUMMARY: Pub. L. 96-265, effective 12/1/80, modifies the conditions and duration of entitlement to hospital insurance under Medicare that is based on entitlement to disability benefits under either the Social Security Act or Railroad Retirement Act.

The modifications (1) eliminate the requirement that the 24 months in the qualifying period for entitlement to Medicare be consecutive, and (2) permit Medicare entitlement to continue for 24 months beyond the termination of disability benefit entitlement, if the termination occurred because the individual demonstrated the ability to engage in substantial gainful activity although still suffering from a disability.

On May 30, 1980, we published a notice of proposed rulemaking (45 FR 36443) that recodified 42 CFR Part 405, Subpart A, which is the portion of HCFA regulations appropriate for incorporating these legislative changes. Since the changes mandated by P.L. 96-265 are technical and require no HHS policy decisions, we plan to incorporate those changes when we publish the final regulations for the May 30 proposed recodification.

FOR FURTHER INFORMATION CONTACT: Harold Fishman (301) 594-9077.

Dated: August 2, 1980.

Howard Newman,

Administrator, Health Care Financing Administration.

[FR Doc. 80-26619 Filed 8-28-80; 8:45 am]

BILLING CODE 4110-35-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3800

Final Environmental Impact Statement—Surface Management of Public Lands Under the U.S. Mining Laws—43 CFR 3809

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of final environmental impact statement (FEIS)

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), notice is hereby given that the Bureau of Land Management, U.S. Department of the Interior, has prepared a final environmental impact statement on the proposed 43 CFR 3809 Regulations—Surface Management of Public Lands under the U.S. Mining Laws (45 FR 13956, March 3, 1980).

The final statement analyzes environmental impacts that may result from implementation of the proposed regulations on prospecting, exploration and development of mining claims on approximately 60% of the 447,000,000 acres of public lands managed by the Bureau of Land Management, primarily in the Western States and Alaska.

ADDRESSES: Single copies of the final statement are available at the following Bureau of Land Management Offices:

Alaska State Office: 701 C Street, Box 13, Anchorage, Alaska 99513.

Arizona State Office: 2400 Valley Bank Center, Phoenix, Arizona 85073.

California State Office: Federal Office Bldg., Rm. E-2841, 2800 Cottage Way, Sacramento, California 95825.

Montana State Office: Granite Tower, 222 N. 32nd Street, P.O. Box 30157, Billings, Montana 59107.

Nevada State Office: Federal Bldg., Rm. 3008, 300 Booth Street, Reno, Nevada 89509.

New Mexico State Office: U.S. P.O. and Federal Bldg., South Federal Place, P.O. Box 1449, Santa Fe, New Mexico 87501.

Colorado State Office: Colorado State Bank Bldg., Rm. 700, 1600 Broadway, Denver, Colorado 80202

Eastern States Office: 350 South Pickett Street, Alexandria, Virginia 22304.

Idaho State Office: Federal Bldg., Rm. 398, 550 West Fort Street, Box 042, Boise, Idaho 83724.

Washington Office: Director (520), Bureau of Land Management, U.S. Department of the Interior, 18th and C Streets N.W., Washington, D.C. 20240.

Oregon State Office: 729 NE Oregon Street, P.O. Box 2965, Portland, Oregon, 97208.

Utah State Office: University Club Bldg., 136 East South Temple, Salt Lake City, Utah 84111.

Wyoming State Office: 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001.

In addition, copies may be examined at any of the 56 Bureau of Land Management District Offices located in key cities and towns of the Western United States. Copies of the final statement may also be found in the public libraries of those cities and towns where the offices are located.

No final action will be taken until 30 days after this document has been filed with EPA.

FOR FURTHER INFORMATION CONTACT: Bob Anderson, Vincent J. Hecker, or Zareh Mozian, Telephone (202) 343-8537.

Ed Hastey,

Associate Director, Bureau of Land Management.

Approved: August 25, 1980.

Daniel P. Beard,

Acting Assistant Secretary of the Interior.

[FR Doc. 80-26554 Filed 8-28-80; 8:45 am]

BILLING CODE 4310-84-M

Notices

Federal Register
Vol. 45, No. 170
Friday, August 29, 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

Public Information Meeting

Notice is hereby given pursuant to § 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that on Wednesday, September 10, 1980, at 7 p.m., a public information meeting will be held at the Orpheum Room, Five Flags Civic Center, Fourth and Main Streets, Dubuque, Iowa.

The meeting is being called by the Executive Director of the Council in accordance with § 800.6(b)(3) of the Council's regulations. The purpose of the meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed 561 Freeway, an undertaking assisted by the Federal Highway Administration that will adversely affect cultural properties in Dubuque, Iowa, included in or eligible for the National Register of Historic Places. Consideration will be given to the undertaking, its effects on National Register or eligible properties, and alternate courses of action that could avoid, mitigate, or minimize any adverse effects on such properties.

The following is a summary of the agenda of the meeting.

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the undertaking and an evaluation of its effects on the properties by the Federal Highway Administration.

III. A statement by the Iowa State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the properties.

V. A general question period.

Speakers should limit their statements to 5 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005; 202-254-3495; attention: Patrick H. Steele.

Dated: August 25, 1980.

Robert R. Garvey, Jr.

Executive Director.

[FR Doc. 80-26522 Filed 8-28-80; 8:45 am]
BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Cotton: Proposed Determinations Regarding 1981—Crop Loan and Payment Programs

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed determination.

SUMMARY: The Secretary of Agriculture proposes to make the following determinations with respect to the 1981 crops of upland and extra long staple cotton (referred to as "ELS cotton"):

a. Loan level for upland lint cotton.

b. Loan level and payment rate for ELS lint cotton.

c. Specifications for bale packaging materials.

d. Whether a seed cotton loan program should be offered and, if so, the loan levels for such seed cotton.

The above determinations are authorized by the Agricultural Act of 1949, as amended, and the Commodity Credit Corporation Charter Act, as amended. This notice invites written comments on these proposed determinations.

DATES: Comments must be received on or before October 28, 1980.

ADDRESS: Mail comments to Mr. Jeffress A. Wells, Director, Production Adjustment Division, ASCS, USDA, Room 3630 South Building, P.O. Box 2415, Washington, D.C. 20013

FOR FURTHER INFORMATION CONTACT: Charles V. Cunningham Chief, Program Analysis Branch, Production Adjustment Division USDA-ASCS, P.O. Box 2415, Washington, D.C. 20013, 202-447-7873. The Draft Impact Analysis describing the options considering in developing this proposed rule and the impact of implementing each option is available from the above named individual.

SUPPLEMENTARY INFORMATION: This proposed determination has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 to implement Executive Order 12044, and has been classified "not significant".

In compliance with Secretary's Memorandum No. 1955 and "Improving Government Regulations" (43 FR 50988), it is determined after review of these regulations contained in 7 CFR 1427 for need, currency, clarity and effectiveness that no additional changes be proposed at this time. Any comments which are offered during the public comment period on any of these regulations, however, will be evaluated in the development of the final rule.

The title and number of the federal assistance programs that this notice applies to are: Title-Commodity Loans and Purchases; Number 10.051; as found in the Catalog of Federal Domestic Assistance.

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

Proposed Determinations

1. The following determinations with respect to the 1981 crops are to be made pursuant to the Agricultural Act of 1949 (63 Stat. 1051, 7 U.S.C. 1421), as amended (hereinafter referred to as the "Act"):

(a) *Loan Level for upland lint cotton.* Section 103(f)(1) of the Act requires the Secretary to determine and announce the loan level for the 1981 crop by November 1, 1980. Such loan level must reflect for Strict Low Middling (SLM) 1 1/16-inch upland cotton (micronaire 3.5 through 4.9), at average location in the United States the smaller of (1) 85 percent of the average price (weighted by market and month) of such quality of cotton as quoted in the designated United States spot markets during the five year period ending July 31, 1980, excluding the year with the highest and

the year with the lowest average price, or (2) 90 percent of the average, for the fifteen-week period beginning July 1, 1980, of the five lowest priced growths of the growths quoted for Strict Middling (SM) 1 1/16-inch cotton, C.I.F. Northern Europe (adjusted downward by the average difference during the period April 15, 1980, through October 15, 1980, between such average Northern Europe price quotation for such quality of cotton and the market quotations in the designated United States spot markets for SLM 1/16-inch cotton [micronaire 3.5 through 4.9]).

In no event, however, shall such loan level be less than 48 cents per pound. Further, if the Northern Europe calculation results in a loan level less than that derived from the spot market calculation, the Secretary may increase the loan level up to that level provided by the spot market calculation.

The spot market calculation is as follows: (1) Weighted average spot market prices for SLM 1 1/16 inch upland cotton, micronaire 3.5 through 4.9:

August 1975 through July 1976—55.29 cents.
August 1976 through July 1977—71.59 cents.
August 1977 through July 1978—51.15 cents.
August 1978 through July 1979—61.01 cents.
August 1979 through July 1980—68.87 cents.

(2) Average of the five years, excluding the highest and lowest years: 55.29+61.01+68.87/3=61.72 cents.

(3) Loan rate based on U.S. spot market calculation: 61.72×0.85=52.46 cents.

The Northern Europe calculation cannot be completed until after October 15. Based on quotations to date, it appears that the Northern Europe calculation will be higher than the spot market calculation. If this turns out to be the case, the Northern Europe calculation will not be applicable and the 1981 loan rate would be 52.46 cents per pound.

(b) *Loan level and payment rate for ELS lint cotton.* Section 101(f) of the Act requires that price support shall be made available to cooperators for the 1968 and each subsequent crop of ELS cotton, if producers have not disapproved marketing quotas therefor, through loans at a level which is not less than 85 percent or more than 135 percent in excess of the loan level established for Strict Low Middling 1 1/16 inch upland cotton of such crop at average location in the United States (except that such loan level for ELS cotton shall in no event be less than 35 cents per pound). Section 101(f) also provides for price support payments at a rate which, together with the loan level established for such crop, shall be not less than 55 percent or more than 90 percent of the parity price for ELS cotton as of the month in which the payment rate provided for is announced. Section 401 of the Act requires that, in determining the level of support in excess of the minimum level prescribed for ELS cotton, consideration shall be given to the supply of the commodity in relation to the demand therefor, the price levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through a price support operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand.

The anticipated loan rate of 52.46 cents per pound for upland cotton is basis 3.5 through 4.9 micronaire. This rate must be converted to average micronaire by deducting 0.85 cents—the estimated premium included in the upland rate for 3.5 through 4.9 micronaire—before it can serve as the basis for the ELS loan rate. The possible range of the loan rate for ELS cotton would be 95.48 to 121.28 cents.

The August 1980 parity price for ELS cotton is $1.76 per pound. If the total support (loan rate plus payment rate) were being determined during August, the minimum support would be 96.8 cents per pound, or 55 percent of parity. Total support could be set as high as 158.0 cents per pound, or 90 percent of parity. If the ELS loan rate for 1981 is established at less than the total support, the difference would be paid directly to ELS producers as support payments.

c. *Specifications for bale packaging materials.* The specifications for bale packaging materials used for cotton tendered to the Commodity Credit Corporation under its cotton loan program are being reviewed for 1981. The latest revision of the bale packaging specifications was published in the Federal Register on June 7, 1979, (44 FR 32637). Consideration will be given to amending the specifications as recommended by the Cotton Industry Bale Packaging Committee.

2. The following determinations are to be made pursuant to Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c): a. *Whether a seed cotton loan program should be offered.* The Department is not required to offer a seed cotton loan program. However, such a program—providing for recourse-type loans—was instituted by the Commodity Credit Corporation for 1971-crop seed cotton and has been renewed each crop year since. The program is being reviewed to determine whether it should be continued for 1981. Recourse loans are offered under this program as a means of affording interim financing to producers until their cotton is ginned in the form in which it can be marketed and eligible for regular loans under the Agricultural Act of 1949, as amended.

b. *Loan levels for seed cotton if program is offered.* Consideration is being given to the levels at which loans should be made available for seed cotton under the 1981 program.

Prior to determining these provisions, consideration will be given to all views and recommendations received.

Comments will be made available for public inspection in room 3623 of the USDA's South Building during regular business hours (8:15 a.m. to 4:45 p.m.).

Signed at Washington, D.C. on August 26, 1980.

John W. Goodwin,

Acting Administrator, Agricultural Stabilization and Conservation Service, and Executive Vice President, Commodity Credit Corporation.

[FR Doc. 80-26550 Filed 8-28-80, 8:45 am]
BILLING CODE 3410-05-M

Farmers Home Administration

[FCDA No. 10.415]

Rural Rental Housing Loan Policies, Procedures, and Authorizations; Memorandum of Understanding Between Farmers Home Administration and Administration on Aging

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice.

SUMMARY: On May 18, 1979, the Farmers Home Administration (FmHA) published in the Federal Register (44 FR 29131) the 10 counties selected for a congregate housing demonstration effort and invited interested parties to participate in the pilot project as applicants under FmHA's Section 515 Rural Rental Housing Program. The pilot project is a joint FmHA and Administration on Aging (AoA) demonstration effort. Applications were reviewed, evaluated, and selections made by the Administrator, Farmers Home Administration.

On June 20, 1980, (45 FIC 41684) the Farmers Home Administration (FmHA) published a notice of intent to include two congregate housing facilities for older Indians in the joint FmHA and

Administration on Aging (AoA) demonstration effort. The intended effect of the action was to provide needed housing for older Indians. The action was taken as a result of an administrative decision.

Concurrent with the publication on June 20, 1980, FmHA forwarded letters of notification to tribes on ten Indian Reservations which were selected based on their total population and the percentage of persons 65 years of age and older. The letters were sent to determine the tribes' intent for participation and to request information related to criteria that will be used in the selection of the two tribes to participate in the demonstration effort. Letters of intent with supporting information related to the selection criteria will be reviewed by FmHA and AoA. Such letters were to be received by FmHA no later than August 1, 1980.

This is to provide notice that the deadline for receipt of letters of intent with supporting information is extended to September 17, 1980. The information should be forwarded to the FmHA State Office so that it can be forwarded to the FmHA National Office as soon as possible after September 17, 1980.

FOR FURTHER INFORMATION CONTACT: Lawrence D. Hammond, Acting Director Rural Rental Housing Loan Division, FmHA, Room 5331, S. Agriculture Building, 14th St. and Independence Avenue, SW, Washington, D.C. 20250. Telephone: (202) 447-7207.

Dated: August 21, 1980.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 80-26526 Filed 8-28-80; 8:45 am]

BILLING CODE 3410-07-M

Rural Electrification Administration

Intent To Prepare a Draft Environmental Impact Statement and Conduct Public Scoping Meetings

Notice is hereby given that the Rural Electrification Administration (REA), if lead agency, intends to prepare a Draft Environmental Impact Statement (DEIS) and conduct public scoping meetings in order to fulfill its requirements under the National Environmental Policy Act of 1969 in connection with a possible loan guarantee commitment to Soyland Power Cooperative, Inc., (Soyland), P.O. Box A1606, Decatur, Illinois 62525, for the construction of certain generation and related transmission facilities. Soyland tentatively proposes that the generating facilities be located in the state of Illinois and is investigating possible sites in the counties of Pike, Randolph, and Wabash.

The sites are being investigated for a possible 450 MW coal-fired generating station. Associated with the proposed generating station will be coal transportation and handling facilities, bulk transmission, pollution control equipment, cooling towers, waste disposal areas, retention ponds, water supply facilities, and other ancillary facilities.

Alternatives to be considered by REA are described in REA Bulletin 20-21:320-21 and may include among other options: (1) no project, (2) conservation and load management, (3) purchase power from other utilities, (4) shared generating units with other utilities, (5) alternative sites for the proposed generating plant and transmission lines, (6) alternative fuels, and (7) alternative methods of generation.

REA will hold public scoping meetings in each affected county in accordance with the following schedule: on October 7, 1980, at the Pike County Courthouse, Washington Street, in Pittsfield, Illinois, at 7:00 p.m.; on October 8, 1980, at the Knights of Columbus Hall, Liberty and Broad Streets, in Evansville, Illinois, at 7:00 p.m.; and an October 9, 1980, at Brubeck Auditorium, on the campus of Wabash Valley College, 2200 College Drive, in Mt. Carmel, Illinois, at 7:00 p.m.

The public scoping meetings will be conducted by representatives of REA. These public scoping meetings will be held in order to solicit public input and comments including but not limited to the nature of the proposed project, its possible location, alternatives, and any significant issues and environmental concerns that should be addressed in the REA environmental impact statement. A record will be made of the meetings and comments made will be addressed in the DEIS.

All agencies, groups, and individuals are invited to attend and participate in this series of public scoping meetings. All interested parties are invited to submit written comments to REA prior to, at, or within 30 days after the scoping meetings, if they desire to have their comments as part of the formal record for these scoping meetings. Comments may be sent to Joe S. Zoller, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Requests for additional information concerning the scoping meetings may also be directed to Soyland at the address given above.

REA financing assistance to Soyland will be subject to, and release of funds thereunder will be contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects and final action will be taken only after compliance with environmental impact statement procedures required by the National Environmental Policy Act of 1969.

Dated at Washington, D.C. this 20th day of August, 1980.

Robert W. Feragen,

Administrator, Rural Electrification Administration.

[FR Doc. 80-26528 Filed 8-28-80; 8:45 am]

BILLING CODE 3410-5-M

Soil Conservation Service

Stevens Brook Watershed, Maine

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of deauthorization of Federal funding.

FOR FURTHER INFORMATION CONTACT: James W. Mitchell, Associate Deputy Chief for Natural Resource Projects, Soil Conservation Service, Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013 (202-447-3587).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Stevens Brook Watershed project, Cumberland and Oxford Counties, Maine, effective on August 4, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: August 18, 1980.

James W. Mitchell,

Associate Deputy Chief for Natural Resource Projects.

[FR Doc. 80-26529 Filed 8-29-80; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Dockets 33361 and 38495]

Former Large Irregular Air Service Investigation and Universal Airlines, Inc. Fitness Investigation; Postponement of Prehearing Conference

At the request of counsel for the Bureau of Domestic Aviation, the prehearing conference in this proceeding now scheduled for August 27, 1980 (45 FR 44402, dated August 20, 1980), is

hereby postponed until August 28, 1980, at 9:30 a.m. in Hearing Room 1003A, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C.

The Bureau of Domestic Aviation is directed to notify counsel for the applicant, the Bureau of Consumer Protection, and the Dockets Section of the Civil Aeronautics Board.

Accordingly, there being no objections by the applicant or the Bureau of Consumer Protection to the one day postponement, the request is hereby granted.

Dated at Washington, D.C., August 25, 1980.

Alexander N. Argerakis,

Administrative Law Judge.

[FR Doc. 80-26585 Filed 8-28-80; 8:45 am]

BILLING CODE 6320-01-M

[Order 80-8-123; Docket 34802]

Wien Air Alaska, Inc.; Petition for Estblishment of Fair and Reasonable Service Mail Rates; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of August, 1980.

By Order 80-4-53 the Board adopted a review procedure and updating formula for establishing final intra-Alaska service mail rates for Wien Air Alaska, Inc. for future periods on a semi-annual basis.[1] The present order to show-cause implements the procedure for establishing future final mail rates for the first time.

It was necessary to modify slightly our usual updating technique for determining the nonfuel cost escalation factors. In normal circumstances, these are based on comparisons of data for the most current four-quarter period with data for the identical period of the prior year. However, nonfuel unit costs for the year ended March 31, 1980, are lower than those of a year ago. This increased efficiency is due to the retirement of older, less efficient equipment, improved utilization, and longer average stage lengths. We do not believe that it is appropriate to project a continued decline in unit costs in view of the current trends of continually rising prices. For this reason we have elected to compare data for the year ended March 31, 1980, withdata for the year ended September 30, 1979. This comparison showedthat unit costs had revesed their temporary downward trend and resumed their longterm upward trend, increasing by 0.49 percent over the six-month period. We have applied this six-month escalation factor to the year ended March 31, 1980, unit costs to project the estimated unit costs as at March 31, 1980. This six-month rate ofescalation was compounded to arrive at the 0.98 percent cost escalation factor used to project unit costs as at September 30, 1980.

The fuel cost escalation factor used to estimate unit costs at March 31, 1980, reflects the average cost per gallon for the first six months of 1980. The cost per gallon as at September 30, 1980, is estimated by (a) computing the average monthly increase in proce over the latest four months; (b) projecting the average monthly increase for a period of three and one-half months; and (c) adding the three-and-one-half month increase to the June 1980 average cost per gallon. (see Appendix (C).[1A]

The rates for the first half of 1980 reflects a decrease of 2.99 percent, while the rates for the last half of 1980 represent an increase of 1.01 percent over the currently effective temporary rates.

Inasmuch as the temporary rates of compensation paid to Great Northern Airlines, Inc. (GNA) are based upon rates for Wien,[2] the establishment of new final rates for Wien will result in the fixing of new temporary rates for GNA.

Accordingly, the Board tentatively finds and concludes that:

(1) The fair and reasonable final rates of compensation to be paid in their entirety by the Postmaster General to Wien Air Alaska, Inc., for the period January 1 through June 30, 1980, pursuant to the provisins of section 406 of the Federal Aviation Act of 1958, as amended, for the transportation of mail by aircraft over its intra-Alaska routes, the faiclities used and useful therefor, and the services connected therewith are $2.263 per great-circle mail ton-mile for priority mail and $0.9228 per great-circle mail ton-mile for nonpriority mail.

(2) The fair and reasonable final rates of compensation to be paid in their entirety by the Postmaster General to Wien Air Alaska, Inc., for the period July 1 through December 31, 1980, pursuant to Wien Air Alaska, Inc., for the period July 1 through December 31, 1980, pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, as amended, for the transportation of mail by aircraft over its intra-Alaska routes, te facilities used and useful therfor, and the services connected therewith are $2.3181 per great/circle mail ton-mile for priority mail and $0.9608 per great-circle mail ton-mile for nonpriority mail.

(3) The fair and reasonable temporary rates of compensation to be paid in their entirety by the Postmaster General to Wien Air Alaska, Inc. for the transportation of mail by aircraft in intra-Alaska service on and after January 1, 1981, until further Board order are the final rates established for the period July 1 through December 31, 1980.

Accordingly, pursuant to the Federal Aviation Act of 1958 as amended, particularly sections 204(a) and 406, and the Board's Procedural Regulations promulgated in 14 CFR, Part 302,

1. We direct all interested persons to show cause why the Board should not adopt the foregoing tentative findings and conclusions, and fix, determine and publixh the final rates specified above.

2. We direct all interested persons having objections to the rates or to the tentaive findings and conslusions proposed here to file with the Board a notice of objection within ten (10) days after the date of service of this order, and, if notice is filed, to file a written answer and any supporting documents with 30 days after service of this order.

3. If no notice is filed, or, if after notice, no answer is filed within the designated time, or if an answer timely filed raises no material issue of fact, we will deem all further procedural steps waived and we may enter an order incorporating the tentative findings and conclusions set forth here and fixing the final rates set forth in the attached Appendix A.

A. We shall serve this order upon the Postmaster General, Wien Air Alaska, Inc. and Great Northern Airlines, Inc.

We shall publish this order in the Federal Register.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-26583 Filed 8-28-80; 8:45 am]

BILLING CODE 6320-01-M

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[1] See also Order 79-11-22.

[1A] Appendices A, B, and C filed as part of the origianl document.

[2] See orders 79-11-203, 79-12-84, 80-1-51, and 80-4-53.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1980; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to Procurement List 1980 commodities to be produced by and services to be provided

by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: August 29, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557–1145.

SUPPLEMENTARY INFORMATION: On May 23, 1980, May 9, 1980, and July 3, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (45 FR 34949, 45 FR 30667, and 45 FR 45342) of proposed additions to Procurement List 1980, November 27, 1979 (44 FR 67925).

After consideration of the relevant matter presented, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodities and services are hereby added to Procurement List 1980:

Class 6530

Bag, Urine Collection, 6530–00–761–0932, 6530–00–761–0936.

SIC 7349

Janitorial/Custodial Service for the following buildings: Administration Building, U.S. Post Office, GSA Motor Pool Building, The Charles Building, The Maurice Building, Executive Terminal Building, Salt Lake City, Utah.

SIC 7349

Elevator Service, Federal Building, 35 Ryerson Street, Brooklyn, New York.

C. W. Fletcher,

Executive Director

[FR Doc. 80-26530 Filed 8-28-80; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1980; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1980 commodities to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: October 1, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested parties an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and service to Procurement List 1980, November 27, 1979 (44 FR 67925):

Class 7920

Sponge, Plastic, 7920–00–633–9908, 7920–00–633–9911, 7920–00–633–9915, 7920–00–685–4152.

SIC 7349

Janitorial/Custodial Service, Federal Building, 801 I Street, Sacramento, California.

C. W. Fletcher,

Executive Director.

[FR Doc. 80-26531 Filed 8-28-80; 8:45 am]

BILLING CODE 6820-33-M

DELAWARE RIVER BASIN COMMISSION

North Branch Water Treatment Plant and Related Components; Negative Declaration

On February 15, 1980 public notice was given that the Delaware River Basin Commission had prepared an environmental assessment on the proposal by the Neshaminy Water Resources Authority for the North Branch Water Treatment Plant and associated components, including the Point Pleasant Pumping Station on the Delaware River and force main to the Bradshaw Reservoir. The environmental assessment also included the proposal by the Philadelphia Electric Company for the Bradshaw Reservoir and force main to the East Branch of Perkiomen Creek. The assessment concluded that an environmental impact statement on the North Branch Water Treatment Plant, and a supplemental environmental impact statement on the Point Pleasant Diversion Plan, were not necessary. Accordingly, the Executive Director gave notice of his intention to issue a negative declaration, based upon the environmental assessment, in accordance with the Commission's Rules of Practice and Procedure. Numerous comments were received from public agencies, civic organizations and private parties in response to the Executive Director's notice of intent.

The Executive Director has reviewed and considered: 1. Three previous environmental impact statements on the Point Pleasant Pumping Station and its related components;

2. The Commission's environmental assessment of February 1980 of the Authority's water supply proposal;

3. The public and agency comments received since February 15, 1980;

4. Commission staff responses to that public comment; and

5. A final Commission environmental assessment of the Authority's water supply proposal coupled with a reappraisal of the overall Point Pleasant project.

The Executive Director finds that circumstances have not changed concerning the Authority's water supply system and the overall Point Pleasant project to such an extent as would require the preparation of another environmental impact statement. Accordingly, this negative declaration is issued pursuant to Article 4 of the Commission's Rules of Practice and Procedure on this 25th day of August, 1980.

The final environmental assessment of the Neshaminy Water Resources Authority proposed water supply project, and a reappraisal of the Point Pleasant Pumping Station and related components, dated August 1980, is available from the Commission upon request to the Commission's Environmental Unit. A brief description of the project and discussion of the categories of environmental impact issues, together with a summary of DRBC staff responses to objections, is also available from the Commission. Copies of these documents may also be examined at the following locations:

Library, Bucks County Planning Commission, Cross Keys Office Center, 4259 Swamp Road, Doylestown, Pa.

Montgomery County Planning Commission, 1 Montgomery Plaza, Swede and Airy Streets, Norristown, Pa.

Water Resources Association, Valley Forge Office Colony, Building No. 2, Valley Forge, Pa. (off Route 23 west of Valley Forge Park.)

August 15, 1980.

Gerald M. Hansler,

Executive Director.

[FR Doc. 80-26486 Filed 8-28-80; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF EDUCATION

Women's Educational Programs National Advisory Council Meeting

AGENCY: National Advisory Council on Women's Educational Programs.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Women's Educational Programs and its Executive, Federal Policies, Practices, and Programs, Civil Rights and WEEA Program Committees. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: September 15, 1980, 7:30 p.m. to 9:30 p.m.; September 16, 1980, 8:30 a.m. to 4:30 p.m.; and September 17, 1980, 8:30 a.m. to 5:00 p.m.

ADDRESS: 1832 M Street, NW., Suite 821, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Kathleen M. Dauito, Administrative Assistant, National Advisory Council on Women's Educational Programs, 1832 M Street, NW., Suite 821, Washington, D.C. 20036, (202) 653-5846.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Women's Educational Programs is established pursuant to Public Law 95-561. The Council is mandated to (a) advise the Secretary on matters relating to equal education opportunities for women and policy matters relating to the administration of the Women's Educational Equity Act of 1978; (b) make recommendations to the Secretary with respect to the allocation of any funds pursuant to the Act, including criteria developed to insure an appropriate geographical distribution of approved programs and projects throughout the Nation; (c) recommend criteria for the establishment of program priorities; (d) make such reports as the Council determines appropriate to the President and Congress on the activities of the Council; and (e) disseminate information concerning the activities of the Council.

The meeting of the Executive Committee will take place on September 15, 1980 from 7:30 p.m. to 9:30 p.m. The agenda will include plans for the Council meeting as well as a discussion of current activities and future plans.

The meeting of the Federal Policies, Practices, and Programs Committee, the Civil Rights Committee, and the WEEA Program Committee will take place on September 16, 1980 from 9:30 a.m. to 4:30 p.m.

The agenda for the Federal Policies, Practices, and Programs Committee will include a review of the status of pending legislation on higher education, review of the progress of the study of implementation of the sex equity provisions in vocational education programs, and the election of the Committee Chair.

The agenda for the Civil Rights Committee will include discussion of matters concerning the implementation of Title IX, 1972 Education Amendments, and other non-discrimination initiatives, as well as the election of Committee Chair.

The agenda for the Program Committee will include a review of draft evaluation report on the Women's Educational Equity Program for fiscal year 1979 and a status report from WEEAP Director.

The meeting of the National Advisory Council on Women's Educational Programs will take place from 8:30 a.m. to 9:30 a.m. on September 16 and from 8:30 a.m. to 5:00 p.m. on September 17, 1980. The agenda will include reports of the Executive Director and the Women's Educational Equity Act Program, recommendations of the Council's standing Committees; and plans for future Council meetings.

The meetings of the Council will be open to the public. Records will be kept of the proceedings and will be available for public inspection at the office of the National Advisory Council on Women's Educational Programs, 1832 M Street, NW., Suite 821, Washington, D.C. 20036.

Signed at Washington, D.C. on August 26, 1980.

Joy R. Simonson,

Executive Director.

[FR Doc. 80-26598 Filed 8-28-80; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Energy Financial Assistance Solicitations Availability and Public Conference

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: The Department of Energy has been appropriated a total of $5 billion to provide financial assistance for synthetic fuels projects under Pub. L. 96-126 and Pub. L 96-304. The Department is issuing two draft solicitations for applications against this funding for projects requiring Government financial assistance in the form of purchase commitments, price guarantees, or loan guarantees to construct and operate commercial-scale plants. The public is invited to comment on these draft solicitations.

COMMENTS BY: September 12, 1980. Comments should be submitted to the address below.

FOR FURTHER INFORMATION CONTACT: Ray Davis, U.S. Department of Energy, Resource Applications, Room 3500, Mail Station 3344, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, Attention: Alternative Fuels Task Force Office 9202) 633-8365 or 633-8377.

SUPPLEMENTARY INFORMATION: Two solicitations are available in draft form, one pursuant to the Defense Production Act of 1950, as amended, and the second under the Authority of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended. The Department plans to seek proposals for financial assistance under these solicitations for projects which are essentially ready to begin the construction of commercial synthetic fuels production facilities.

Specified liquid fuels for Department of Defense needs which can be derived from coal (including lignite and peat), oil shale, tar sands and certain heavy oil reserves, may be proposed under the Defense Production Act solicitation. Proposals are sought under the Federal Nonnuclear Energy Research and Development Act for financial assistance for the production of alternative fuels (gases, liquids and chemical feedstocks) derived from the following domestic resources: coal (including lignite and peat), oil shale, tar sands, unconventional natural gas, and other minerals. Heavy oil is not currently eligible, but legislation to amend the existing definition of eligible fuels is under Congressional consideration.

Please note that fuels from biomass, including alcohol fuels and municipal and solid wastes are *not* eligible under either of these solicitations. The Department has received separate funding for these technologies and is implementing its financial assistance through separate mechanisms. (See 45 FR 54264, August 14, 1980.)

The solicitations are available in draft form for public comment prior to issuance in September. Any party wishing to comment on these draft solicitations can obtain copies from the U.S. Department of Energy, Resource Applications, Room 3500, Mail Station 3344, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, or DOE Regional Offices as follows:

Regional Contacts
Boston (Region I)
Bob Ruttenberg, Analex Building, Room 700, 150 Causeway Street, Boston, MA 02114, 617/223-5207 ext. 23.
New York (Region II)
Edward Fedak, 26 Federal Plaza, Room 3200, New York, NY 10278, 212/264-4834.
Philadelphia (Region III)
Ed Gray, 1421 Cherry Street, 10th Floor, Philadelphia, PA 19102, 215/597-3606.
Atlanta (Region IV)
Bill Rankin, 655 Peachtree Street, NE, 8th Floor, Atlanta, GA 30367, 404/881-2390.
Chicago (Region V)
Gary Pitchford, 175 W. Jackson Blvd., Room A-1136, Chicago, IL 60604, 312/353-5769.
Dallas (Region VI)
Gene Campbell, Post Office Box 35228, 2626 W. Mockingbird Lane, Dallas, TX 75235, 214/767-7736.
Kansas City (Region VII)
Winfield Hull, 324 East 11th Street, Kansas City, MO 64106, 816/374-3116.
Denver (Region VIII))
Jack Hallowell, P.O. Box 26247, Belmar Branch, 1075 South Yukon Street, Lakewood, CO 80226, 303/234-2420.
San Francisco (Region IX)
Energy Resources Center, 7th Floor, 333 Market Street, San Francisco, CA 94105, 415/764-7035.
Seattle (Region X)
Lee Johnson, 1992 Federal Building, 915 Second Avenue, Seattle, WA 98174, 206/442-7285.

Comments should only be mailed to the Alternative Fuels Task Force Office at the address below. DOE encourages public comments on these solicitations and will hold a presolicitation conference for this purpose on September 8 at the Departmental Auditorium, between 12th and 14th Streets on Constitution Avenue, N.W., Washington, D.C., at 9:00 a.m. The chairperson of the conference is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Any member of the public wishing to file a written statement may do so either before or after the meeting but prior to final issuance of the solicitations. Any party wishing to make an oral statement (not to exceed five minutes in length) should inform the Alternative Fuels Task Force Office, U.S. Department of Energy (202/633-8365) before the meeting, and reasonable provision will be made for the appearance of such party on the agenda.

Transcripts of the conference will be available for public review at the Freedom of Information Public Reading Room, 5B-180, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays, and at DOE Regional Offices in San Francisco, Chicago, Denver, Boston, and Atlanta.

Persons wishing to be on the mailing list for the final solicitations should so indicate in writing only to Alternative Fuels Task Force Office, U.S. Department of Energy, Resource Applications, Mail Station 3344, Room 3500, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461. Issued at Washington, D.C., on August 26, 1980.

Ruth M. Davis,
Assistant Secretary, Resource Applications.

[FR Doc. 80-26712 Filed 8-29-80; 8:45 am]
BILLING CODE 6450-01-M

Office of the Secretary

International Energy Agency; Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), notice is hereby provided of the following meetings:

I. A meeting of the International Energy Agency (IEA) Group of Reporting Companies will be held on September 9, 1980, at the offices of Exxon Corporation, 1251 Avenue of the Americas, New York, New York, beginning at 9:30 a.m. The agenda for the meeting is as follows:

1. Opening remarks.
2. Background on the IEA and the International Energy Program.
3. Review emergency sharing system.
4. Review AST-3 Test Guide:
A. Objectives and scope.
B. Scenario and timing.
C. Organizational structure.
D. NESO participation including European Economic Community interaction.
E. Data base and use.
F. Communications, including description of voluntary offer submission system.
5. Test appraisal.
6. Legal considerations and clearances.
7. Closing remarks.
8. Supplemental discussion for new Reporting Companies on questionnaire reporting instructions.

II. The meeting of the Industry Advisory Board (IAB) to the IEA, to be held on September 4 and 5, at the offices of the Ministry of energy, Mines and Resources, 580 Booth Street, Ottawa, Canada, previously noticed for 9:30 AM, September 4 (45 FR 55804, August 21, 1980), will begin at 9:00 AM on September 4. The purpose of this meeting is to permit attendance by representatives of Subcommittee A at a meeting of an IEA Standing Group on Emergency Questions (SEQ) Special Subgroup to design the third IEA Allocations Systems Test (AST-3), which is being held at Ottawa on those dates.

The agenda for the meeting is under the control of the SEQ Special Subgroup. It is expected that the following agenda will be followed:

1. Opening remarks.
2. Discussion and review of AST-3 Test Guide draft.
3. Completion of AST-3 Test Guide.
4. Other matters pertaining to AST-3.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public.

Pursuant to section 252(c)(3) of the Energy Policy and Conservation Act, verbatim transcripts of these meetings will be made; the transcripts, with such deletions as are determined to be necessary or appropriate pursuant to E.O. 12065 (43 FR 28949, July 3, 1978), E.O. 11932 (41 FR 32691, August 5, 1976) and 22 CFR 9a.1-9a.8, will be available in the Reading Room of the Department of Energy, Room 5B-180, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, between the hours of 8:00 AM and 4:00 PM weekdays, except Federal holidays.

Issued in Washington, D.C., August 26, 1980.

Craig S. Bamberger,
Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 80-26593 Filed 8-28-80; 8:45 am]
BILLING CODE 6450-01-M

Economic Regulatory Administration

Good Hope Industries, Inc., Final Action on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of final action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces final action to accept a Consent Order after consideration of a comment received from the public.

DATE: Effective date: August 20, 1980.

FOR FURTHER INFORMATION CONTACT: James J. Dowd, Audit Director, Enforcement, Department of Energy, Northeast District (Economic Regulatory Administration), Room 700, 150 Causeway Street, Boston, MA 02114, 617-223-3728.

SUPPLEMENTARY INFORMATION: On August 20, 1979 the Office of Enforcement of the ERA published Notice of a Consent Order which had

been executed between Good Hope Industries, Inc. (Good Hope) and DOE on July 31, 1979 (44 FR 48745, August 20, 1979). With that Notice, and in accordance with 10 CFR Section 205.199J(c), the Office of Enforcement invited interested persons to comment on the Consent Order. Under the terms of 10 CFR 204.199J(b), no Consent Order involving sums in excess of $500,000 shall become effective until DOE publishes Notice of its execution and solicits and considers public comments with respect to its terms. Pursuant to 10 CFR 205.199J, the Office of Enforcement of the ERA hereby given Notice of final action taken on the Consent Order.

Subsequent to the Publication of August 20, 1979, the Plan of Reorganization which was incorporated by reference in the Consent Order was amended, and the amended plan approved by the District Court in the District of Massachusetts on May 9, 1980, as of No. 75-2741-G. In connection therewith and because of Good Hope's status as a debtor in proceedings under Chapter 11 of the bankruptcy code, Department of Justice approval was also requested and obtained to the amendment as well as to the Consent Order and Plan of Reorganization.

The amended Plan of Reorganization changed, and in view of the Office of Enforcement of the Department of Energy improved the security position of the Department of Energy in connection with the payment of its claim. The original security, a subordinated interest in the assets of Good Hope Industries, has been replaced by a bank letter of credit satisfactory to the Department of Energy. In the opinion of the Economic Regulatory Administration, no new initial Consent Order pursuant to the provisions of 10 CFR 205.199J(c) need be published inasmuch as (a) the Consent Order has remained unchanged, (b) the Consent Order contemplated amendments to the Plan of Arrangement which would not adversely affect the treatment provided for the DOE claim and which would be approved by the District Court for the District of Massachusetts and (c) in any event, the new security arrangement did not significantly change the terms of the impact of the original order, but rather improved the security provided for the Department of Energy.

DETERMINATIONS: In response to its publication of Notice of Proposed Consent Order, the Office of Enforcement of the ERA received only one comment. That comment sought: (i) an extension of the comment period to permit DOE response to a pending. Freedom of Information Act (FOIA) request for Good Hope case file documents; (ii) DOE neutrality on regulatory issues which might prejudice pending litigation between the Commentor and Good Hope and, in particular deletion of Section V, page 15 of the Consent Order to assure that such provision would not preclude DOE's voluntary participation as a party adverse to Good Hope in other proceedings, and; (iii) justification for the fractional settlement of the DOE claim and the failure of DOE to assert a position as a preferred creditor under the pending Chapter XI proceedings with Good Hope.

With respect to comment (i), supra, seeking an extension of the comment period to permit response to the commentor's pending FOIA request, as a result of a negotiated stipulation between the requesting commentor and the cognizant DOE Information Access Officer, an index responsive to the DOIA request was prepared and directed to the commentor by the DOE Region I Information Access Officer on February 22, 1980. No further request has been received from the commentor, so that his request may be assumed to be satisfied.

With respect to comment (ii), supra, the Office of Enforcement considered and determined the compromise of overcharges as described in the Consent Order to be both a proper and appropriate disposition within the scope of its statutory and regulatory powers under 10 CFR Chapter II. The Office of Enforcement of ERA further notes that the commentor did not assert any rights under the Consent Order and concluded that retention of Section V, page 16 of the Consent Order would not in any event preclude DOE's voluntary participation as a party adverse to Good Hope in other proceedings for periods of matters not encompassed by the Consent Order.

Finally, with respect to comment (iii), the Office of Enforcement of ERA considered and predicated the compromise of overcharges upon an assessment of litigation risks for this case, and analysis of Good Hope's ability to pay and Good Hope's status as a debtor-in-possession under Chapter XI of the Federal Bankruptcy Code. On these bases, the Office of Enforcement of ERA determined that the settlement contained in its negotiated Consent Order was both appropriate and reflective of the best terms obtainable by the Government under the circumstances. As to the commentor's assertion concerning DOE's status as subordinated creditor, as already noted, DOE has obtained a new security agreement which in the opinion of the Economic Regulatory Administration provides appropriate and adequate security for payment of the obligation to the Department of Energy.

Therefore, after due consideration, the Office of Enforcement has concluded that the Consent Order as proposed and as executed between DOE and Good Hope is an appropriate resolution of the compliance proceedings described in the Notice published on August 20, 1979 and hereby given Notice that the Consent Order is made effective on this date.

Issued in Philadelphia, Pa., on this 7th day of August 1980.

Edward F. Momorella,

District Manager of Enforcement, Northeast District.

[FR Doc. 80-26592 Filed 8-28-80; 8:45 am]

BILLING CODE 6450-01-M

Domestic Crude Oil Allocation Program; Entitlements Notice for June 1980

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: June 1980 entitlements notice.

SUMMARY: Under the Department of Energy's (DOE) Domestic Crude Oil Allocation (Entitlements) Program, this is the monthly Entitlements Notice which sets forth the entitlements purchase or sale requirements of domestic refiners and eligible firms for June 1980.

DATES: Payments for entitlements required to be purchased under this notice must be made by August 31, 1980. The monthly transaction report specified in § 211.66(i) shall be filed with the DOE by September 10, 1980.

FOR FURTHER INFORMATION CONTACT:

David A. Welsh (Entitlements Program Office), Economic Regulatory Administration, 2000 M Street, NW., Room 6128Q, Washington, D.C. 20461, (202) 653-3459.

Jeffrey Stoermer (Officer of General Counsel), Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Room 6A-127, Washington, D.C. 20585, (202) 252-6911.

SUPPLEMENTAL INFORMATION: In accordance with the provisions of 10 CFR § 211.67 relating to the Domestic Crude Oil Allocation Program of the Department of Energy (DOE), administered by the Economic Regulatory Administration (ERA), the monthly notice specified in § 211.67(i) is hereby published.

Based on reports for June 1980 submitted to the DOE by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports, eligible petroleum substitutes, and imported naphtha utilized as a petrochemical feedstock in Puerto Rico; application of the entitlements adjustment for residual fuel oil production shipped in foreign flag tankers for sale in the East Coast market and Michigan provided in § 211.67(d)(4); application of the entitlement adjustments for California lower tier and upper tier crude oil provided in § 211.67(a)(4), the national domestic crude oil supply ratio for June is calculated to be .198908.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of June 1980 each barrel of old oil is equal to one barrel of deemed old oil, each barrel of upper tier crude (excluding ANS upper tier) oil is equal to .713412 of a barrel of deemed old oil and each barrel of ANS upper tier crude oil is equal to .386136 of a barrel of deemed old oil.

The issuance of entitlements for the month of June 1980 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR 211.67(i)(4), the price at which entitlements shall be sold and purchased for the month of June 1980 is hereby fixed at $27.32 which is the exact differential as reported for the month of June 1980 between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of June 1980 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of June 1980 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of June 1980 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for the month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements.

The listing of refiner's old oil receipts contained in the Appendix reflects any adjustments made by ERA pursuant to § 211.67(h).

Included in the Appendix are entitlements issued pursuant to the provisions of 10 CFR 211.67(a)(5) under which ERA may approve a firm's application for designation as a producer of a petroleum substitute.

The listing contained in the Appendix identifies, in a separate column labeled "Exceptions and Corrections", additional entitlements issued to refiners pursuant to relief granted by the Office of Hearings and Appeals (prior to March 30, 1978, the Office of Administrative Review of the Economic Regulatory Administration). Also set forth in this column are adjustments for relief granted by the Office of Hearings and Appeals for 1975 and 1976, which adjustments are reflected in monthly installments. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, see *Beacon Oil Company, et al.*, 4 FEA par. 87,024 (November 5, 1976).

The listing contained in the Appendix continues the "Consolidated Sales" entry initiated in the October 1977 entitlements notice. The "Consolidated Sales" entry is equal to the June 1980 entitlements purchase requirement of Arizona Fuels. The purpose of providing for the "Consolidated Sales" entry is to ensure that Arizona Fuels is not relieved of its June entitlements purchase requirement and that no one firm will be unable to sell its entitlements by reason of a default by Arizona Fuels. For a full discussion of the issues involved, see *Entitlements Notice for October 1977* (42 FR 64401, December 23, 1977).

For purposes of § 211.67(d) (6) and (7), which provide for entitlement issuances to refiners or other firms for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve, the Government made no purchases of imported crude oil.

For the month of June 1980 imports of residual fuel oil eligible for entitlement issuances totaled 16,673,270 barrels.

In accordance with § 211.67(a)(4), the number of barrels of California lower tier and upper tier crude oil as reported by refiners to the DOE, and the weighted average gravity thereof are as follows:

	Volumes	Weighted average gravity
California lower tier crude oil	1,320,423	26
California upper tier crude oil	2,110,184	27

The total number of entitlements required to be purchased and sold under this notice is 17,470,299.

Based on reports submitted to the DOE by refiners as to their adjusted crude oil receipts for June 1980 the pricing composition and weighted average costs thereof are as follows:

	Volumes in thousands of barrels per day	Weighted average cost	Percent of total volumes [1]
Lower tier	1,320	7.20	9.0
Upper tier (excluding ANS)	1,901	15.03	13.0
ANS upper tier	987	23.97	6.8
Exempt Domestic:			
Other ANS	376	34.41	2.6
Heavy and market tier	1,306	33.51	8.9
Naval petroleum reserve	168	33.46	1.2
Newly discovered	410	37.69	2.8
Stripper	1,781	34.96	12.2
Tertiary	51	27.49	0.3
Total domestic	8,300	24.48	56.9
Imported	6,299	34.48	43.1
Total uncontrolled (exempt domestic and imported)	10,391	34.52	71.2
Total reported crude oil receipts	14,599	28.80	
Total reported crude oil runs to stills	14,165		

[1] Volumes may not total 100 percent due to rounding.

Payment for entitlements required to be purchased under 10 CFR § 211.67(b) for June 1980 must be made by August 31, 1980.

On or prior to September 10, 1980 each firm which is required to purchase or sell entitlements for the month of June 1980 shall file with the DOE the monthly transaction report specified in 10 CFR § 211.66(i) certifying its purchases and sales of entitlements for the month of June 1980. The monthly transaction report forms (ERA–116) for the month of June 1980 have been mailed to all reporting firms. Firms that have been unable to locate other firms for the required entitlements transactions by August 31, 1980 are requested to contact the ERA at (202) 653–3873 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to August 31, 1980, the ERA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR § 211.67(k).

This notice is issued pursuant to Subpart G, 10 CFR Part 205. Any person

aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before September 18, 1980.

Issued in Washington, D.C. on August 22, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

Notice of Entitlements for Domestic Crude Oil [August 1980]

Reporting firm short name	Deemed old oil adjusted receipts	Total issued	Exceptions and corrections	Entitlement position			
				Entitlements		Required to buy	Required to sell
				Product	California		
Consol'd-Sales	−38,842	0	0	0	0	0	[10]38,842
A-Johnson	0	73,585	0	0	0	0	73,585
Adm	0	15,074	0	0	0	0	15,074
Akron-Ohio	0	1,550	0	0	0	0	1,550
Alexandria-Va	0	546	0	0	0	0	546
Allied	56,304	37,826	0	0	0	18,478	0
Amer-Petrofina	328,499	769,040	0	0	0	0	440,541
Amerada-Hess	2,435,196	2,079,675	0	100,988	0	355,521	0
American-Can-Co	0	2,413	0	0	0	0	2,413
Ames-Iowa	0	392	0	0	0	0	392
Amoco	8,285,712	5,130,128	0	0	0	3,155,584	0
Anchor	0	43,653	0	0	0	0	43,653
Arco	5,301,428	4,166,328	0	0	2,704	1,135,100	0
Arizona	63,241	24,399	0	0	357	[10]8,8420	0
Arizona-Chem	0	2,796	0	0	0	0	2,796
Asamepa	70,078	127,289	0	0	0	0	57,211
Ashland	685,293	2,114,841	0	0	0	0	1,429,548
Bayou	10,156	18,535	0	0	0	0	8,379
Beacon	137,335	95,962	0	0	5,114	41,373	0
Belcher	0	143,319	0	143,319	0	0	143,319
Bergen-County	0	1,031	0	0	0	0	1,031
Bronco	0	12,462	0	0	0	0	12,462
Bruin	31,734	75,914	0	0	0	0	44,180
C&H	0	368	0	0	0	0	368
Cadence-Chem	0	2,746	0	0	0	0	2,746
Calcasieu	2,782	38,947	0	0	0	0	36,165
Calumet	12,716	9,263	0	0	0	3,453	0
Canal	98,528	37,870	0	0	0	60,658	0
Carbonit	0	33,455	0	0	0	0	33,455
Caribu	73,057	57,127	[5]14,486	0	0	15,930	0
Castle	0	16,838	0	16,838	0	0	16,838
CEA	0	276	0	0	0	0	276
Central	0	16,550	0	16,550	0	0	16,550
Champlin	875,557	888,270	0	0	22,122	0	12,713
Charter	0	369,702	0	0	0	0	369,702
Chevron	5,702,187	7,280,027	0	0	27,467	0	1,577,840
Cibro	0	103,228	0	37,782	0	0	103,228
Citgo	2,338,127	1,428,555	0	0	0	909,572	0
City-of-Wichita	0	1,152	0	0	0	0	1,152
Claiborne	16,330	27,463	0	0	0	0	11,133
Clark	304,287	652,754	0	0	0	0	348,467
Coastal	321,523	931,637	0	78,256	0	0	610,114
Coastal-Petro	0	32,285	0	0	0	0	32,285
Coldwater	0	1,794	0	0	0	0	1,794
Colonial	0	32,946	0	32,946	0	0	32,946
Columbus-Ohio	0	2	0	0	0	0	2
Conoco	2,246,666	1,654,854	0	10,966	10,935	591,812	0
Consumers-Power	0	49,977	0	49,977	0	0	49,977
Copano	0	29,139	0	0	0	0	29,139
Coral	0	275,366	0	0	0	0	275,366
Corco	257,625	566,584	[6]−270,540	576,712	0	0	[9]308,959
Cra-Farmland	218,902	459,898	0	0	0	0	240,996
Cross	18,338	40,543	0	0	0	0	22,205
Crown	256,840	465,036	0	0	0	0	208,196
Crystal-Oil	78,649	69,723	0	0	0	8,926	0
Crystal-Ref	0	7,651	0	0	0	0	7,651
Deepwater	0	17,778	0	17,778	0	0	17,778
Delta	142,977	72,675	0	0	0	70,302	0
Demenno	0	33,673	0	0	0	0	33,673
Detroit-Ed	0	36,903	0	36,903	0	0	36,903
DFSC	0	18,348	0	18,348	0	0	18,348
Diamond	361,120	360,656	0	0	0	464	0
Dillman	0	75	0	0	0	0	75
Dorchester	7,975	64,563	0	0	0	0	56,588
Dow	31,168	372,735	0	0	0	0	341,567
E-Seaboard	0	31,958	0	31,958	0	0	31,958
East-Bay-Mud	0	172	0	0	0	0	172
Eco	0	3,329	0	0	0	0	3,329
Eddy	71,757	22,818	0	0	0	48,939	0
Elgin-Il	0	18	0	0	0	0	18
Energy-Coop	0	310,358	0	0	0	0	310,358
Erickson	2,854	124,393	0	0	0	0	121,539
Essex-Union	0	253	0	0	0	0	253
Evangeline	32,086	15,456	0	0	0	16,630	0
Exxon	9,666,480	7,900,800	0	288,655	0	1,765,680	0
Ez-Serve	4,619	47,828	0	0	0	0	43,209
Farmers-Un	223,294	157,543	0	0	0	65,751	0
Fletcher	90,163	161,870	0	0	0	0	71,707
Flint	5,127	3,889	0	0	0	1,238	0
Friendswood	7,677	69,865	0	0	0	0	62,188
Funding	76,598	30,158	0	0	0	46,440	0

Notice of Entitlements for Domestic Crude Oil [August 1980]—Continued

Reporting firm short name	Deemed old oil adjusted receipts	Total issued	Exceptions and corrections	Entitlement position: Entitlements: Product	Entitlement position: Entitlements: California	Entitlement position: Required to buy	Entitlement position: Required to sell
Gary	107,475	59,939	0	0	0	47,536	0
Getty	787,352	1,346,967	0	0	5,462	0	559,615
Getty-Syn	0	917	0	0	0	0	917
Giant	10,172	34,579	0	0	0	0	24,407
Gibson	0	2,704	0	0	0	0	2,704
Glacier-Park	−307	0	0	0	0	0	307
Gladieux	−10,156	65,802	0	0	0	0	75,958
Glenrock	0	2,281	0	0	0	0	2,281
Golden-Eagle	0	41,380	0	0	0	0	41,380
Goldking	31,531	138,720	0	0	0	0	107,189
Good-Hope	52,823	412,468	0	0	0	0	359,645
Guam	0	181,321	[6] −30,820	0	0	0	181,321
Gulf	6,646,415	4,588,501	0	40,345	5,451	2,057,914	0
Gulf-Energy	−41,530	10,649	0	0	0	0	52,179
Gulf-Sts	89,647	0	0	0	0	89,647	0
Harrisburg-Pa	0	4,433	0	0	0	0	4,433
Health-Care	0	78	0	0	0	0	78
Hempstead-Town	0	2,693	0	0	0	0	2,693
Hiri	0	283,187	0	0	0	0	283,187
Howell	499,120	207,321	0	0	0	291,799	0
Hudson-Oil	25,491	81,187	0	0	0	0	55,696
Hunt	196,391	171,699	0	0	0	24,692	0
Huntway	0	33,625	0	0	0	0	33,625
Husky	372,846	372,846	[3] 110,248	0	0	0	0
Independent-Ref	0	96,337	0	0	0	0	96,337
Indiana-Farm	17,157	119,158	0	0	0	0	102,001
Indust-Fuel	14,026	24,513	0	0	0	0	10,487
Inter-Process	−155	86,793	0	0	0	0	86,948
Irving	0	21,750	0	21,750	0	0	21,750
Kenco	52,112	21,707	0	0	0	30,405	0
Kentucky	14,107	13,924	[5] 6,632	0	0	183	0
Kern	11,176	85,044	0	0	606	0	73,868
Kerr-McGee	815,077	624,113	0	0	0	190,964	0
Koch	507,184	738,389	0	44,500	0	0	231,205
La-County	0	4,469	0	0	0	0	4,469
Lagloria	267,559	231,839	0	0	0	0	24,280
Lake-Charles	−1,872	104,237	0	0	0	0	106,109
Lakeside	15,392	13,017	0	0	0	2,375	0
Laketon	64,535	58,418	[3] 27,983	0	0	6,117	0
Liquid-Energy	−242	47,874	0	0	0	0	48,116
Little-Amer	725,064	721,861	[3] 263,222	0	0	3,203	0
Los-Angeles-Ca	0	3,792	0	0	0	0	3,792
Louisiana-Land	551,659	286,690	0	0	0	264,969	0
Macmillan	14,403	92,264	0	0	−383	0	77,861
Madison-Chatham	0	14	0	0	0	0	14
Madison-City-Wi	0	877	0	0	0	0	877
Madison-Wi	0	208	0	0	0	0	208
Mallard	0	32,038	0	0	0	0	32,038
Marathon	3,167,559	2,479,075	0	0	0	688,484	0
Marion	−232	140,149	0	0	0	0	140,381
Marlex	543	70,752	0	0	42	0	70,209
Metro-Seattle	0	754	0	0	0	0	754
Metropolitan	0	26,257	[4] 485	25,792	0	0	26,257
Mid-Amer	351	25,453	[3] 8,629	0	0	0	25,102
Midwest-Solv	0	679	0	0	0	0	679
Milwaukee-Wi	0	796	0	0	0	0	796
Mobil	4,839,022	4,051,382	0	20,440	937	787,640	0
Mobile-Bay	1,653	56,045	0	0	0	0	54,392
Monoco	0	5,015	0	5,015	0	0	[6] 5,015
Monroe-Wi	0	148	0	0	0	0	148
Monsanto	180,761	138,486	0	0	0	42,275	0
Morrison	33,938	13,281	0	0	0	20,657	0
Mountaineer	0	1,010	0	0	0	0	1,010
MSDGC	0	1,664	0	0	0	0	1,664
Mt-Airy	17,551	88,229	0	0	0	0	70,678
Murphy	839,014	538,219	0	0	0	300,795	0
N-Amer-Petro	337	113,300	0	0	0	0	112,963
Nashville-Tenn	0	2,719	0	0	0	0	2,719
Nassau-County	0	3,428	0	0	0	0	3,428
Natl-Coop	151,491	314,647	0	0	0	0	163,156
Navajo	270,327	233,972	[3] 51,702	0	0	36,355	0
Nevada	2,266	14,004	0	0	0	0	11,738
New-Edglington	63,969	178,389	0	0	5,345	0	114,420
New-Engl-Petro	0	142,709	0	142,709	0	0	142,709
New-Engl-Power	0	37,175	0	37,175	0	0	37,175
New-York-Ep	0	4,030	0	0	0	0	4,030
Newhall	1,221	101,530	0	0	94	0	100 309
Northeast-Petro	0	13,732	0	13,732	0	0	13,732
Northland	5,906	5,906	[3] 4,139	0	0	0	0
Northville	0	1,684	[4] 1,684	0	0	0	1,684
Occoquan	0	352	0	0	0	0	352
Ocean-Township	0	19	0	0	0	0	13
Ocean-Utilities	0	178	0	0	0	0	178
OKC	−15,467	146,004	0	0	0	0	161,471
Okla-Ref	17,392	83,766	0	0	0	0	66,374
Orange-County	0	1,647	0	0	0	0	1,647
Osceola-AR	0	162	0	0	0	0	162

Notice of Entitlements for Domestic Crude Oil [August 1980]—Continued

Reporting firm short name	Deemed old oil adjusted receipts	Entitlement position					
		Total issued	Exceptions and corrections	Entitlements		Required to buy	Required to sell
				Product	California		
Oxnard	0	17,854	0	0	0	0	17,854
Pennzoil	222,628	324,304	0	0	0	0	101,676
Peoria-IL	0	220	0	0	0	0	220
Pester	81,159	118,002	0	0	0	0	36,843
Petro-Heat-Pa	0	7,829	0	7,829	0	0	7,829
Phillips	1,432,735	1,636,293	0	0	0	0	203,558
Phillips-Pr	0	206,489	0	206,489	0	0	206,489
Pioneer	47,232	38,203	0	0	0	9,029	0
Placid	555,605	1,271,023	0	0	0	284,582	0
Plateau	81,409	160,371	[5]42,554	0	0	0	78,962
Port	0	41,166	0	0	0	0	41,166
Powerine	43,680	194,739	0	0	1,919	0	151,059
Pride	0	177,373	0	0	0	0	177,373
Quaker-St	11,169	140,504	0	0	0	0	129,335
Quitman	0	40,264	0	0	0	0	40,264
Racine-Waste-UT	0	65	0	0	0	0	65
Rahway	0	148	0	0	0	0	148
Rancho-Ref	197	17,004	0	0	0	0	16,807
Resco	0	8,616	0	0	0	0	8,616
Richards	0	250	0	0	0	0	250
Road-Oil	0	18,122	0	0	0	0	18,122
Rock-Island	73,681	218,492	0	0	0	0	144,811
Saber-Tex	27,330	4,989	0	0	0	22,341	0
Saber-Cal	0	37,389	[5]−1,497	0	0	0	37,389
Sage-Creek	4,930	1,403	[5]1,403	0	0	3,527	0
San-Joaquin	0	94,239	0	0	0	0	94,239
Scallop	0	127,188	0	127,188	0	0	127,188
Scanoil	0	72,414	0	72,414	0	0	72,414
Schulze	0	1,281	0	0	0	0	1,281
Seaview	0	97,034	0	0	0	0	97,034
Seminole	7,660	79,983	0	0	0	0	72,323
Sentry	0	64,694	0	0	0	0	64,694
Shell	8,436,883	5,375,164	0	0	5,354	3,061,719	0
Shepherd	1,827	26,961	0	0	0	0	25,134
Sigmor	10,351	151,402	0	0	0	0	141,051
Silver-Eagle	3,159	1,728	0	0	0	1,431	0
Slapco	17,273	70,843	0	0	0	0	53,570
Smrsa	0	22	0	0	0	0	22
So-Hampton	23,206	79,855	0	0	0	0	56,649
Sohio	1,406,975	2,302,265	0	0	0	0	895,290
Somerset	10,163	29,959	0	0	0	0	19,796
Sooner	−3,123	41,437	0	0	0	0	44,560
Sound	46,616	42,856	0	0	0	3,760	0
Southern-Union	137,713	186,768	0	0	0	0	49,055
Southland	258,262	176,872	[5]44,486	0	0	81,390	0
Southwestern	5,353	5,691	[5]1,112	0	0	0	338
Sprague	0	92,731	0	92,731	0	0	92,731
St & San-Chicago	0	9,330	0	0	0	0	9,330
St-Cloud-Minn	0	62	0	0	0	0	62
Steuart	0	3,978	0	3,978	0	0	3,978
Stinnes-Inter	0	29,153	[4]29,153	0	0	0	29,153
Sunland	147	72,513	0	0	−138	0	72,366
Sunoco	2,452,785	2,535,708	0	0	0	0	82,923
Swann	0	40,703	0	40,703	0	0	40,703
T&S	226	0	0	0	0	226	0
Tarco	27,655	6,434	0	0	0	[5]21,221	0
Tenneco	867,647	573,695	0	0	2,637	293,952	0
Tesoro	359,484	282,695	0	0	0	76,789	0
Texaco	5,543,472	5,694,950	0	59,225	3,424	0	151,478
Texas-American	40,734	39,664	0	0	0	1,070	0
Texas-City	372,818	509,330	0	0	0	0	136,512
Thagard	32,042	47,553	0	0	1,139	0	15,511
Thorn-Creek	0	32	0	0	0	0	32
Thriftway	36,824	22,612	[5]6,700	0	0	14,212	0
Thunderbird	41,200	54,130	0	0	0	0	12,930
Tipperary	4,473	61,968	0	0	0	0	57,495
Tonkawa	−12,321	72,103	0	0	0	0	84,424
Tosco	1,351,112	1,021,905	0	0	15,743	329,207	0
Total-Petroleum	21,592	498,613	0	0	0	0	477,021
UCC-Caribe	0	164,876	0	164,876	0	0	[6]164,876
Uni-Ref	0	49,448	0	0	0	0	49,448
Union-Carbide	0	426	[4]426	0	0	0	426
Union-Oil	2,285,452	2,321,039	0	0	13,864	0	35,587
Untd-Ref	110,250	178,254	0	0	0	0	68,004
US-Oil	11,504	46,259	0	0	651	0	34,755
USA-Petroleum	25,091	137,114	0	0	731	0	112,023
Val-Verde	0	2,603	0	0	0	0	2,603
Vickers	103,319	359,579	0	0	0	0	256,260
Vicksburg	614	36,270	0	0	0	0	35,656
Warrior	59,029	29,889	[5]10,309	0	0	29,140	0
Watson	0	582	0	0	0	0	592
West-Coast	3,446	108,590	0	0	154	0	105,144
West-Monmouth	0	29	0	0	0	0	29
Western	−89	45,180	0	0	0	0	45,269
Winston	58,295	77,347	0	0	0	0	19,052

Notice of Entitlements for Domestic Crude Oil [August 1980]—Continued

Reporting firm short name	Deemed old oil adjusted receipts	Entitlement position					
		Total issued	Exceptions and corrections	Entitlements		Required to buy	Required to sell
				Product	California		
Wireback	0	284	0	0	0	0	284
Wilco	2,815	120,721	0	0	42	0	117,906
Wyatt	0	21,435	0	21,435	0	0	21,435
Wyoming	10,095	48,299	0	0	0	0	38,204
Young	31,022	34,861	[5]13,267	0	0	0	3,839
Total	89,109,003	89,109,003	335,741	2,506,302	131,780	17,470,299	17,470,299

[1] See discussion in Notice.
[2] This is consistent with the court's order prohibiting any further entitlement purchase requirements by this firm pursuant to the terms of the court's judgment in *Husky Oil Co. v. DOE, et al.*, Civ. Action No. C77-190-B (D. Wyo., filed March 14, 1978), *remanded* 582 F.2D 644 (TECA, August 10, 1978).
[3] This does not include the purchase obligation stayed by court order in *Texas Asphalt & Refinery Co. v. FEA*, 1975).
[4] Correction of prior month.
[5] Exception from Office of Hearings and Appeals.
[6] Includes exception relief.

[FR Doc. 80-26555 Filed 8-28-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Proposed Decisions and Orders; Week of July 14 Through July 18, 1980

During the week of July 14 through July 18, 1980, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

August 26, 1980.

Proposed Decisions and Orders

City of Long Beach, California, Long Beach, California, BXE-1149 crude oil

City of Long Beach, California filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to sell a certain portion of the crude oil which it produces from the Fault Block II Unit for the benefit of the working interest owners at upper tier ceiling prices. On July 17, 1980, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be granted.

Darsey Oil Co., Albany, Georgia, BEE-0755 gasohol

Darsey Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 211. The exception request, if granted, would permit Darsey to receive an increased allocation of unleaded motor gasoline to produce gasohol. On July 18, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Energy Cooperation, Inc., Phoenix, Oregon, BEE-0952 gasohol

Energy Cooperation, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 211. The exception request, if granted, would permit Energy Cooperation to receive an increased allocation of unleaded gasoline to produce gasohol. On July 15, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Husky Oil Company, Denver, Colorado, BEE-1248 gasohol

Husky Oil Company filed an Application for Exception from the provisions of 10 CFR § 212.83. The exception request, if granted, would permit Husky to treat gasohol as a separate category and grade of gasoline for cost pass through purposes. On July 17, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Industrial Fuel and Asphalt of Indiana, Inc., Hammond, Indiana, BEE-0962 crude oil

Industrial Fuel and Asphalt of Indiana, Inc. (IFAI) filed an Application for Exception from the provisions of 10 CFR, § 211.65(c)(2). The exception request, if granted, would treat as IFAI's own crude oil the crude oil which it processed for another refiner in determining the firm's eligibility for emergency allocations of crude oil. On July 15, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

South Florida Gasohol, Inc., Delray Beach, Florida, BEE-0932 gasohol

South Florida Gasohol, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 211. The exception request, if granted, would permit South Florida Gasohol to obtain an allocation of unleaded gasoline for the purpose of commencing gasohol operations. On July 14, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Webber Oil Company, Fort Walton Beach, Florida, BEE-0804 gasohol

Webber Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 211. The exception request, if granted, would permit Webber to receive an increased allocation of motor gasoline for the purpose of producing gasohol. On July 18, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be granted.

Company Name, Case No., and Location

Allison Oil Co., DEE-3034, Ardmore, OK.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued proposed Decisions and Orders which determined that the exception requests be denied.

Company name	Case	Location
Blackwell Oil Co.	DDE-5887	Idaho Springs, Co.
Draper Fuel Co., Inc.	DDE-3919	Wilton, NH.
Fireline Pet, Inc.	BBE-0650	Wash., DC.
McWirter Dist. Co., Inc.	DDE-6506	San Fran., CA.
Polpet, Inc.	DDE-6506	
J. E. Dewitt Inc.	DDE-6508	
Mike Monahan d.b.a. Dixie Automotive Service	DDE-4380	ClearlakeOaks,CA.
Tomales Garage & Machine Shop	DDE-5862	Tomales, CA.
Weiss Oil Co., Inc.	DDE-7608	Danville, IL.
Wood Oil Co.	DDE-7168	Mena, AR.

[FR Doc. 80-26591 Filed 8-28-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1578-6]

Commonwealth of Virginia, Marine Sanitation Device Standard; Receipt of Supplemental Information in Support of Petition

Correction

In FR Doc. 80-25302, published on page 55526, on Wednesday, August 20, 1980, in the second column, in the DATES: paragraph, in the second line, "comments on the petition October 6," should be corrected to read "comments on the petition until October 6,".

BILLING CODE: 1505-01-M

[FRL 1591-6]

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review (A-104), U.S. Environmental Protection Agency.

PURPOSE: This notice lists the environmental impact statements (EIS's) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9).

PERIOD COVERED: This notice includes EIS's filed during the week of August 18, 1980 to August 22, 1980.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this notice is calculated from August 29, 1980 and will end on October 13, 1980. The 30-day review period for final EIS's as calculated from August 29, 1980 will end on September 29, 1980.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. This notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA, for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following sources:

FOR PUBLIC AVAILABILITY AND/OR HARD COPY REPRODUCTION OF EIS'S FILED PRIOR TO MARCH 1980: Environmental Law Institute, 1346 Connecticut Avenue, NW., Washington, D.C. 20036.

FOR HARD COPY REPRODUCTION OR MICROFICHE: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Environmental Review (A-104), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 245-3006.

SUMMARY OF NOTICE: On July 30, 1979, the CEQ regulations became effective. Pursuant to section 1506.10(a), the 30-day review period for final EIS's received during a given week will now be calculated from Friday of the following week. Therefore, for all final EIS's received during the week of August 18, 1980 to August 22, 1980 the 30-day review period will be calculated from August 29, 1980. The review period will end on September 29, 1980.

Appendix I sets forth a list of EIS's filed with EPA during the week of August 18, 1980 to August 22, 1980. The Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and county(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number, if available, is listed in this notice. Commenting entities on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or EPA has approved a waiver from the prescribed review period. The appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and county(ies) of the EIS, the date EPA announced availability of the EIS in the Federal Register and the newly established date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS retractions concerning previous notices of availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agency.

Appendix V sets forth a list of reports or additional supplemental information relating to previously filed EIS's which have been made available to EPA by Federal agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: August 26, 1980.

William N. Hedeman, Jr.,

Director, Office of Environmental Review (A-104).

Appendix I—EIS's Filed With EPA During the Week of August 18 Through 22, 1980

U.S. ARMY CORPS OF ENGINEERS

Contact: Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, (202) 272-0121.

Draft

Metropolitan Atlanta Water Resources Mgmt. Study, several counties, Georgia, August 18: Proposed is a water resources plan for the metropolitan Atlanta area of Cobb, Fulton, Gwinnet, Clayton, De Kalb, Douglas, and Rockdale Counties, Georgia. The major water resource for this area is Lake Lanier and the Chattahoochee River. All

alternative plans were developed to provide for future average annual water supply demands of 431 MGD from the river and withdrawals of 53 MGD from the lake. Plan A involves the construction of a 4,100 arce-foot reregulation reservoir. Plan B involves reallocation of storage at Lake Lanier. Plan C involves dredging of Morgan Falls Reservoir and reallocation of storage at Lake Lanier (Savannah District). (EIS Order No. 800611.)

Final

Allegheny River Sand and Gravel Dredging, several counties, Pennsylvania, August 19: The proposed action is the issuance of permits to allow continued commercial sand and gravel dredging from the lower Allegheny River within the reach extending from mile 0 to mile 72, in western Pennsylvania. These permits are required under section 10 of the River and Harbor Act of 1899 and section 404 of the Federal Water Pollution Control Act Amendments of 1972. Two firms currently maintain four commercial dredging operations under permit which operate at various points within or adjoining the lower Allegheny River, below mile 72 (Pittsburgh District). Comments made by: USDA, DOT, DOI, EPA, ORBC, State and local agencies, groups, and individuals. (EIS Order No. 800612.)

Final

Kenmore Navigation Channel, Lake Washington, King County, Wash., August 22: Proposed is the construction of channel improvements in Lake Washington for the Kenmore Industrial Park, King County, Washington. The project would involve dredging about 123,000 cubic yards of material for the channel and 3,000 cubic yards for the berthing channel area. The alternatives consider: (1) no action, (2) three different channel depths, (3) four upland sites, and (4) two open-water disposal sites (Seattle District). Comments made by: AHP, USDA, DOC, DOE, EPA, HEW, HUD, DOI, DOT, State and local agencies, groups, and businesses. (EIS Order No. 800623.)

DEPARTMENT OF ENERGY

Contact: Dr. Robert Stern, Acting Director, NEPA Affairs Division, Department of Energy, Mail Station 4G-064, Forrestal Bldg., Washington, D.C. 20585, (202) 252-4600.

Draft

Anvil Points Oil Shale Facility, Rifle, Garfield County, Colo., August 22: Proposed is the mining of oil shale from the naval oil shale reserves at Anvil Points in Rifle, Garfield County, Colorado. The mining operations will require the construction and operation of an experimental full-size shale retort module on a 365 acre lease tract having a 4,700 bbl/day production capacity. The proposal also considers modification or new leasing of the facility. Programmatic, site and process alternatives are considered (DOE/EIS-0700). (EIS Order No. 800629.)

DEPARTMENT OF COMMERCE

Contact: Dr. Robert T. Miki, Acting Deputy Assistant Secretary for Regulatory Policy, Room 7614, Department of Commerce, Washington, D.C. 20230, (202) 377-2482.

National Oceanic and Atmospheric Administration

Final

Connecticut Coastal Management Program, CZM, Connecticut, August 21: Proposed is a coastal management program for the State of Connecticut. The major components of the program include: (1) Management of coastal land and water resources, (2) Management of coastal uses, and (3) Management of governmental programs that effect the coastal area. Other features will include: (1) Implementation of special management techniques for certain areas; and (2) Implementation of special planning procedures in the areas of shoreline erosion, shore front access and protection, energy facilities, and dredging and disposal of dredged materials. Comments made by: USDA, COE, EPA, FERC, GSA, HUD, DOT, USN, State and local agencies, businesses. (EIS Order No. 800620.)

New Jersey Coastal Management Program, several counties, New Jersey, August 22: Proposed is the New Jersey coastal zone management program. The program would enhance governance of the coastal land and water area and uses according to the coastal policies and standards. The effect of these policies would be to condition, restrict or prohibit some uses in parts of the coastal zone, while encouraging development and other uses in other parts. Comments made by: USDA, COE, DOE, DOI, USN, EPA, FERC, State and local agencies, groups and businesses. (EIS Order No. 800633.)

Final

American Samoa Coastal Management Program, CZM, US territory, August 22: Proposed is a coastal management program for the American Samoa Islands. Approval would allow program administrative grants to be awarded to the territory and require that federal actions be consistent with the program. Implementation of the program will enhance governance of the territory's coastal land and water areas and uses according to the coastal policies. The effect of these policies is to condition, restrict or prohibit various uses in parts of the coastal zone, while encouraging development and other uses in other parts. Comments made by: DOI, FERC, AHP, USDA, HUD, COE, EPA, State agencies, groups. (EIS Order No. 800627.)

Mississippi Coastal Management Program, CZM, Mississippi, August 22: proposed is approval of the Mississippi coastal management program. Approval would allow program administrative grants to be awarded to the state, require that federal actions be consistent with the program, and enhance management of the state's coastal resources according to the coastal policies and standards. The effect of these policies is to condition, restrict or prohibit various activities in parts of the coastal area, while encouraging development and other uses in other parts. Comments made by: USDA, COE, DOD, DOE, FERC, HUD, DOI, DOT, EPA, State and local agencies, groups, individuals and businesses. (EIS Order No. 800625.)

Final

Pennsylvania Coastal Management Program, CZM, Pennsylvania, August 22: Proposed is the state of Pennsylvania coastal zone management program. Approval would allow program administrative grants to be awarded to the state, and require that federal actions be consistent with the program. Implementation of the program will enhance governance of the state's coastal land and water areas and uses according to the coastal policies and standards. The effect of these policies is to condition, restrict or prohibit various uses in parts of the coastal zone, while encouraging development and other uses in other parts. Comment made by: USDA, FERC, COE, USN, DOC, EPA, DOI, State and local agencies, groups, individuals and businesses. (EIS Order No. 800628.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Carl W. Penland, Acting Director, Environmental Affairs Division, General Services Administration, 18th and F Streets, N.W., Washington, D.C. 20405, (202) 566-1416.

Draft

Smithsonian institution quadrangle development, District of Columbia, August 22: Proposed is development of the Smithsonian Institution quadrangle located in the District of Columbia. The development consists of a 480,000 square foot structure principally housing underground museum programs including an extension to the freer gallery of art and new Center for Eastern Art, an education center, and the Museum of African Art. Also to be included will e related program functions, facilities, officies, and a small above-ground pavilion for each museum. (EIS Order No. 800631.)

Frankford Arsenal Disposal, Philadelphia, Philadelphia County, Philadelphia, Pennsylvania, August 22: Proposed is the disposal of surplus Federal real property at the Frankfort Arsenal in the city of and County of Philadelphia, Pennsylvania. Several uses for the property are being considered which include: (1) conveyance to a Federal agency, (2) public sale for unrestricted use, (3) use by the State as a waterfront park and marina, and (4) others. (EIS Order No. 800630.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-6300.

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104 (H) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Draft

Rincon Point-South Beach Redevelopment, CDBG, San Francisco County, California, August 22: proposed is a redevelopment plan for the Rincon Point-South Beach area of the city and county of San Francisco, California. Each of the subareas contains a number of action sites, for which some general and some specific redevelopment action sare considered. Some of the land uses addressed

include: (1) Commercial, (2) residential, (3) hotel development, and (4) park and open space use. (EIS Order No. 800617.)

Final

Mid Valley Industrial Park, UDAG, Lackawanna County, Pennsylvania, August 18: proposed is the awarding of a UDAG fot the construction of the MID Valley Industrial Park complex to be located in the boroughts of JESSUP, Olyphant and Throop, Lackawanna County, Pennsylvania. The area, which encompasses 483 acres, has been divided into 33 parcels. The alternativs considered include: (1) no action, (2) residential development, (3) shopping center, and (4) public recreation. Comments made by: EPA Stae and Local Agencies. (EIS Order No. 800610.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

Fish and Wildife Service

Draft

Trinity River Flow Management, Trinity and Humboldt counties, California, August 22: proposed is a flow management program for the Trinity River in Trinity and Humboldt Counties, California, for the purpose of protecting and restoring Chinnok Salmon and Steelhead Trout populations. The area encompasses aproximately 2,965 square miles. The alternatives consider: (1) No action—120,500 AC-FT annual release in all years, (2) 215,000 AC-FT annual release in all years, (3) 287,000 AC-FT annual release in all years, and (4) 287,000 AC-FT annual release except in dry or critically dry years, when release would be reduced to 120,500 AC-FT. The cooperating agencies are BIA and WPRS. (INT-DES-54) (EIS Order No. 800622.)

Bureau of Mines

Draft

Horse draw oil shale research tract, Rio Blanco County, Colorado, August 21: proposed is an oil shale research program at the U.S. Oil Shale Mining Environmental Research Facility in RIO Blanc County, Colorado. The project wuld involve subsurface phrolysis of oil shale and leaching of residual alumia and soda-ASH using existing surface and subsurface facilities. The alternatives consider two no action proposls which consider either preserving or reclaiming the research site. (EIS Order No. 800621.)

Bureau of Land Management

Draft

APS/SDG&E interconnection project within several counties in Arizona and California, August 19: propsed is an interconnection project between two utility companies to connect their power networks within the counties of Maricopa and Yuma Counties, Arizona, and Imperial and San Diego Counties, California. The project involves: (1) A single-circuit 500KV transmission line 280 miles long, From Palo Verde station to the Miguel Substation; and (2) a double-circuit 230KV transmission line from Miguel substation to mission tap 24, Ancillary facilities include: (1) intermediate substations, (2) a 161KV Transmission line, and (3) communications facilities througout the system. existing substations at Palo Verde, Yuma, Miguel and Los Coches would be modifieded or expanded. (EIS order No. 800613.)

Final

Surface mangement of public lands, regulatory, August 22: Proposed is the issuance of regulations for the surface management of public lands under the mining law of 1972 as restricted by the Federal Land Policy and Management Act. The procedures established wiull include: (1) Prevention of unnecessary or undue degradation of public lands, (2) Protection oof the california desert conservation area against undue impairment, and (3) Management of wilderness study areas for suitability as preserved wilderness. (FES-80-26.) Comments made by: EPA, DOI, NRC, USDA, AHP groups, individuals, and business. (EIS Order No. 800626.)

Missouri River Basin Commission

Contact: Mr. Millard W. Hall, Chairman, Missouri River Basin Commission, Suite 403, 10050 Prgency Circle, Omaha, Nebraska 68114, (402) 397-5714.

Draft

Upper Missouri River Basin, Level B study, in several counties in Montana, August 19: proposed is a water and related land resources management plan for the upper Missouri River basin in several counties of Montana. The plan includes elements concerning: (1) irrigation, (2) water conservation, (3) fish and wildlife programs, (4) flood control, (5) hydropower, (6) land conservation, (7) land use planning, (8) water quality, and (9) multipurpose features. (EIS Order No. 800614.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environment and Safety, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426-4357.

Federal Aviation Administration

Final

Akron-Canton Airport Improvements, Summit and Stark Counites, Ohio, August 21: proposed is financial assistance for improvements to the Akron-Canton Regional Airport in North Canton, Summit and Stark Counties, Ohio. The project will include: (1) acquisition of approximately 210 acres of land, (2) the extension of runway 5-23, (3) extension of a parallel taxiway and lighting, (4) relocation of the instrument landing system laocalizer, and (5) relocation of Mt. Pleasant Road. The alternatives consider: (1) no development, (2) other modes of transportation, and (3) service from other airports. Comments made by: COE, DOI, USDA, EPA, and local agencies (EIS Order No. 800618.)

Federal Highway Administration

Draft

Cochrane Bridge replacement, mobile river, Mobile, Alabama, August 22: propsed is the replacement of the Cochrane Bridge which carries US 31 and US 90 over the Mobile River in the city and county of Mobile, Alabama. The project would begin at Bay Bridge Road and terminate at the Cochrane causeway. Overall project length will be 2.6 miles. The total length of the bridge will be 8,250 feet. A 650 foot long main span flanked by two side spans each 325 to 400 feet in length will provide horizontal clearance of aproximately 600 feed across the shipping channel and a vertical clearance of 135 feet under the span. (EIS Order No. 800632.)

Draft

Mississippi River Bridge Replacement, Wabasha, Wabasha County, Minnesota, August 20: Proposed is the replacement of the Mississippi River bridge and improvement of approaches in the city and county of Wabasha, Minnesota. Five Location Alternatives and no build are considered. The facility would contain two 12-foot wide traffic lanes, 20 foot wide shoulders and partial access control. The alternatives vary in length from 1.0 to 1.8 miles. The bridge carries MN-60 and WI-25 from Wabasha, Minnesota to Nelson, Wisconsin. (FHWA-MN-EIS-80-01-D) (EIS Order No. 800616.)

Final

Naper Blvd., Naperville Rd. to Washington St., Du Page and Will Counties, Illinois, August 22: Proposed are improvements to Naper Boulevard from the Naperville road interchange on the East-West tollway south 6.9 miles to Washington Street, in Du Page and Will Counties, Illinois. The roadway will consist of a basic four-lane divided roadway with all cross-street intersections at grade. Intersections will be channelized and signalized as warranted by traffic demand. A crossing of the Burlington-Northern railroad tracks in the north segment will be grade separated. (FHWA-IL-EIS-77-01-F) Comments made by: EPA, DOI, COE, State and local agencies groups (EIS Order No. 80624.)

Draft Supplement

Henry Watterson Expressway/I-264, US 31 to US 60, Jefferson County, Kentucky, August 21: Proposed is improvement of the Henry Watterson Expressway/I-264 from Dixie Highway/US 31 to Shelby Road/US 60 In Louisville, Jefferson County, Kentucky. The improvements include: 1) reconstruction of six lanes between dixie highway and crittenden drive, 2) reconstruction to eight lanes from crittenden drive, to Shelbyville Road, 3) upgrading of safety deficiencies, 4) reconstruction of interchanges as necessary, and 5) placement of frontage/service roads and crossovers as needed. (FHWA-KY-EIS-73-06-DS01) (EIS Order No. 800619.)

EIS's Filed During the Week of Aug. 18 Through Aug. 22, 1980

[Statement title index—by State and county]

State	County	Status	Statement title	Accession No.	Date filed	Originating agency No.
Alabama	Mobile	Draft	Cochrane Bridge Replacement, Mobile River	800632	Aug. 22, 1980	DOT
Arizona		Draft	APS/SDG&E Interconnection Project	800613	Aug. 19, 1980	DOI
California		Draft	APS/SDG&E Interconnection Project	800613	Aug. 19, 1980	DOI
	Humboldt	Draft	Trinity River Flow Management	800622	Aug. 22, 1980	DOI
	San Francisco	Draft	Rincon Point-South Beach Redevelopment, CDBG	800617	Aug. 22, 1980	HUD
	Trinity	Draft	Trinity River Flow Management	800622	Aug. 22, 1980	DOI
Colorado	Garfield	Draft	Anvil Points Oil Shale Facility, Rifle	800629	Aug. 22, 1980	DOE
	Rio Blanco	Draft	Horse Draw Oil Shale Research Tract	800621	Aug. 21, 1980	DOI
Connecticut		Final	Connecticut Coastal Mgmt. Program, CZM	800620	Aug. 21, 1980	DOC
District of Columbia		Draft	Smithsonian Institution Quadrangle Development	800631	Aug. 22, 1980	GSA
Georgia	Several	Draft	Metropolitan Atlanta Water Resources Mgmt. Study	800611	Aug. 18, 1980	COE
Illinois	Du Page	Final	Wheaton-Naperville Rd. Extension	800624	Aug. 22, 1980	DOT
	Will	Final	Wheaton-Naperville Rd. Extension	800624	Aug. 22, 1980	DOT
Kentucky	Jefferson	Supple	Henry Watterson Expressway/I-264, U.S. 31 to U.S. 60.	800619	Aug. 21, 1980	DOT
Minnesota	Wabasha	Draft	Mississippi River Bridge Replacement, Wabasha	800615	Aug. 20, 1980	DOT
Mississippi		Final	Mississippi Coastal Mgmt. Program, CZM	800	Aug. 22, 1980	DOC
Montana	Several	Draft	Upper Missouri River Basin, Level B Study	800614	Aug. 19, 1980	MRBC
New Jersey	Several	Final	New Jersey Coastal Management Program	800633	Aug. 22, 1980	DOC
Ohio	Summit	Final	Akron-Canton Airport Improvements	800618	Aug. 21, 1980	DOT
	Stark	Final	Akron-Canton Airport Improvements	800618	Aug. 21, 1980	DOT
Pennsylvania		Final	Pennsylvania Coastal Mgmt. Program, CZM	800628	Aug. 22, 1980	DOC
	Lackawanna	Final	Mid Valley Industrial Park, UDAG	800610	Aug. 18, 1980	HUD
	Philadelphia	Draft	Frankford Arsenal Deposal, Philadelphia	800630	Aug. 22, 1980	GSA
	Several	Final	Allegheny River Sand and Gravel Dredging	800612	Aug. 19, 1980	COE
Regulatory		Final	Surface Management of Public Lands	800626	Aug. 22, 1980	DOI
Washington	King	Final	Kenmore Navigation Channel, Lake Washington	800623	Aug. 22, 1980	COE
U.S. Territory		Final	American Samoa Coastal Mgmt. Program, CZM	800627	Aug. 22, 1980	DOC

Appendix II.—*Extension/Waiver of Review Periods, on EIS's Filed With EPA*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Waiver/extension	Date review terminates
DEPARTMENT OF THE INTERIOR					
Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343-3891.	APS/SDG&E Interconnection Project, Arizona and California.	Draft 800613	Aug. 29, 1980 (see app. I).	Extension	Oct. 15, 1980.
	Horse Draw Oil Shale Research Program, Rio Blanco County, Colorado.	Draft 800621	Aug. 29, 1980 (see app. I).	Extension	Oct. 28, 1980.
	Trinity River Flow Management, California.	Draft 800622	Aug. 29, 1980 (see app. I).	Extension	Oct. 17, 1980.
DEPARTMENT OF TRANSPORTATION					
Mr. Martin Convisser, Director, Office of Environment and Safety, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426-4357.	Mississippi River Bridge and Approaches, Wabasha, Minnesota.	Draft 800616	Aug. 29, 1980 (see app. I).	Extension	Oct. 17, 1980.

Appendix III.—*EIS's Filed With EPA Which Have Been Officially Withdrawn by the Originating Agency*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Date of withdrawal
None.				

Appendix IV.—*Notice of Official Retraction*

Federal agency contact	Title of EIS	Status/No.	Date notice published in FEDERAL REGISTER	Reason for retraction
None.				

Appendix V.—*Availability of Reports/Additional Information Relating to EIS's Previously Filed With EPA*

Federal agency contact	Title of Report	Date made available to EPA	Accession No.
CORPS OF ENGINEERS			
Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, (202) 272-0121.	McNary Lock and Dam Second Powerhouse, Columbia River, Oregon and Washington.	Aug. 20, 1980	800615

Appendix VI.—*Official Correction*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Correction
CORPS OF ENGINEERS				
Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, (202) 272-0121.	Biscayne Bay Port Expansion Program, Dade County, Florida, Permit.	Final 800589	Aug. 22, 1980	The EIS was published with an incorrect title (Surry Power Station). The correct title is as it appears to left. All other information was correct.

[FR Doc. 80-26613 Filed 8-28-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1593-2]

Provision for Public Participation in the State Enforcement Process by the State of Illinois

On May 2, 1980, the Administrator, United States Environmental Protection Agency (U.S. EPA), signed new regulations which contain requirements established in response to the decision of the Court of Appeals for the Seventh Circuit in *Citizens for a Better Environment* v. *EPA*, 596 F.2d 270, petition for rehearing denied, 13 ERC 1095 (7th Cir. 1979). In that opinion the Court invalidated the Administrator's approval of Illinois' NPDES permit program on the ground that the U.S. EPA had failed to promulgate regulations providing for public participation in State enforcement actions. However, the Court stayed enforcement of its decision in order to allow U.S. EPA to promulgate remedial regulations and to review the adequacy of the Illinois program under these new regulations.

Regulations, 40 CFR § 123.9(d) were published in the Federal Register on May 19, 1980, and became effective on July 18, 1980.

In response to the *CBE* decision, 40 CFR § 123.9(d) specifies that States administering a program must provide participation in the State enforcement process by providing either:

(1) Authority which allows intervention as of right in any civil or administrative action to obtain certain civil remedies by any citizen having an interest which is or may be adversely affected; or

(2) Assurance that the State agency or enforcement authority will:

(i) Investigate and provide written response to all citizen complaints of possible violations;

(ii) Not oppose intervention by any citizen when permissive intervention may be authorized by statute, rule or regulation; and

(iii) Publish notice of and provide at least 30 days for public comment on any proposed settlement of a State enforcement action.

Illinois has chosen option 2 and has submitted to U.S. EPA two letters: one from the Director of the Illinois Environmental Protection Agency (IEPA) that the "IEPA will investigate and provide written responses to all written complaints from citizens and will publish notice, providing at least 30 days for public comment, on any proposed settlement of an administrative or civil action to enforce any provision relating to the State's NPDES program filed at thee request of IEPA"; and the other from the office of the Attorney General of Illinois that the State "has a policy of not opposing citizen intervention in proceedings under the National Pollutant Discharge Elimination System in those cases where intervenors meet the statutory and regulatory requirements for intervention."

These two letters appear to satisfy the requirements of the regulations for public participation in State enforcement actions. However, before U.S. EPA makes its final decision as to the adequacy of the illinois program under the new regulations, it is providing a 30 day comment period ending on September 28, 1980. Illinois Environmental Protection Agency, Public Notice Clerk, 2200 Churchill Road, Springfield, Illinois 62706 and

U.S. Environmental Protection Agency, Region V, Permit Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

All comments should be submitted to:

U.S. Environmental Protection Agency, Region V, Permit Branch, 230 South Dearborn Street, Chicago, Illinois 60604, Attention: Public Notice Clerk.

In the event there is significant public interest in this matter, a public hearing may be held.

Dated: August 18, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-26715 Filed 8-28-80; 8:45 am]
BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. A-19]

FM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: August 22, 1980.

Cutoff date: October 3, 1980.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after October 3, 1980. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on October 3, 1980, which

involves a conflict necessitating a hearing with any applications on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., not later than the close of business on October 3, 1980.

Petitions to deny any application on this list must be on file with the Commission no later than the close of businesss on October 3, 1980.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

BPH-790613AB (WSVL-FM), Shelbyville, Ind., Emmis Broadcasting Corp. Has: 97.1 mHz; Channel No. 246B, ERP: 34 kW; HAAT: 295 feet (LIC). Req: 97.1 mHz; Channel No. 246B, ERP: 27 kW; HAAT: 666 feet.

BPH-790808AF (New), Sweet Home, Orge., James D. & Mercedes F. McDaniel. Req: 107.1 mHz; Channel No. 296A. ERP: 3 kW; HAAT: —143 feet.

BPH-791203AD (New), Elk City, Okla., Beckham Broadcasting Co., Inc. Req: 96.5 mHz; Channel No. 243C. ERP: 100 kW; HAAT:631 feet.

BPH-791228BP (KQMT), Mammoth Lake, Calif., Mammoth Mountain FM Associates, Inc. Has: 106.8 mHz; Channel No. 292A. ERP: 3 kW; HAAT: 155 feet (LIC). Req: 106.3 mHz; Channel No. 292A. ERP: .055 kW; HAAT: 2159 feet.

BPH-800624AC (KWLS-FM), Pratt, Kans., Lesso, Inc. Has: 93.1 mHz; Channel No. 2260. ERP: 29 kW; HAAT: 120 feet (LIC). Req: 93.1 mHz; Channel No. 2260C. ERP: 100 kW; HAAT: 530 feet.

BPH-800626AA (New), Ponce, Puerto Rico, Ivanhoe Broadcasting Corp. Req: 101.1 mHz; Channel No. 266B. ERP: 50 kW; HAAT: 231 feet.

BPH-800626AB (New), Ephrata, Wash., Read Broadcasting. Req: 95.9 mHz; Channel No. 240A. ERP: 1.06 kW; HAAT: 470 feet.

BPH-800702AE (New), Carthage, Tex., Beverly E. Brown. Req: 98.9 mHz; Channel No. 255C. ERP: 100 kW; HAAT: 560.9 feet.

BPH-800703AA (New), Bandera, Tex. Paloma Blanca Broadcasting Corp. Req: 98.3 mHz; Channel No. 252A. ERP: 3 kW; HAAT: 264 feet.

BPH-800703AF (WGFA-FM), Watseka, Ill. Iroquois County Broadcasting Co. Has: 94.1 mHz; Channel No. 231B. ERP: 19 kW; HAAT: 140 feet (LIC). Req: 94.1 mHz; Channel No. 231B. ERP: 9.02 kW; HAAT: 366 feet.

BPH-800710AF (New), Malakoff, Tex., Cedar Creek Radio Co. Req: 95.9 mHz; Channel No. 240A. ERP: 3 kW; HAAT: 300 feet.

BPH-800711AI (WAQX), Manlius, N.Y., AGK Communications, Inc. Has: 95.3 mHz; Channel No. 237A. ERP: .410 kW; HAAT: 700 feet. (LIC). Req: 95.3 mHz; Channel No. 237A. ERP: 3 kW; HAAT: 300 feet.

BPH-800714AK (New), St. Simons Islands, Ga., Cannon's Point Broadcasting Co., Inc. Req: 92.7 mHz; Channel No. 224A. ERP: 3 kW; HAAT: 300 feet.

BPH-800721AE (New), Moab, Utah, Moab Broadcasting & Television Corp. Req: 96.7 mHz; Channel No. 244A. ERP: 3 kW; HAAT: —457 feet.

BPH-800721AQ (KHIP), Hollister, Calif., Vernon Miller. Has: 93.5 mHz; Channel No. 228A. ERP: 1.40 kW; HAAT: —390 foot (LIC). Req: 93.5 mHz; Channel No. 228A. ERP: .09 kW; HAAT: 1517 feet.

BPH-800723AH (New), Gold Beach, Oreg., James N. Hoff. Req: 92.7 mHz; Channel No. 224A. ERP: .283 kW; HAAT: 1030 feet.

BPH-800724AB (New), Soda Springs, Idaho, Thomas W. Mathis. Req: 100.1 mHz; Channel No. 261A. ERP: 3 kW; HAAT: —275 feet.

BPH-800724AC (New), Greenwood, Ark., J. Robin Communications. Req: 106.3 mHz; Channel No. 292A. ERP: 1.3 kW; HAAT: 431 feet.

BPH-800731AB (WRKZ), Hershey, Pa., Penn Broadcasting Corp. HAS: 106.7 mHz; Channel No. 294B. ERP: 20 kW; HAAT: 500 feet (LIC) (Elizabethtown, Pa.). Req: 106.7 mHz; Channel No. 294B. ERP: 20 kW; HAAT: 500 feet., (Hershey, Pa.).

BPH-800731AD (New), Whitehouse, Tex., Hine Broadcasting Co., Req: 99.3 mHz; Channel No. 257A. ERP: 3 kW; HAAT: 300 feet.

BPED-2705 (New), Blythe, Calif., Escuela De La Raza Unida. Req: 88.5 mHz; Channel No. 203D. TPO: .01 kW.

BPED-781214BZ (New), Ceredo, W. Va., Wayne County Board of Education. Req: 94.9 mHz; Channel No. 235D. TPO: .01 kW.

BPED-790803AA (New), Nashville, Tenn., Tennessee State University. Req: 91.7 mHz; Channel No. 219A. ERP: .813 kW; HAAT: 580 feet.

BPED-790809AI (WLCA), Godfrey, Ill., Lewis & Clark Community College. Has: 89.9 mHz; Channel No. 210DS. ERP: .01 kW; HAAT: ? feet (LIC). Req: 89.9 mHz; Channel No. 210A. ERP: .70 kW; HAAT: 178 feet.

BPED-791011AA (KTSC-FM), Pueblo, Colo., University of Southern Colorado. Has: 89.5 mHz; Channel No. 206C. ERP: 9.8 kW; HAAT: 165 feet (LIC). Req: 89.7 mHz; Channel No. 209C. ERP: 100 kW; HAAT: 1124 feet.

BPED-791029AH (New), Charlotte Amalie, Virgin Islands, Miltony, Inc. Req: 38.3 mHz; Channel No. 202A. ERP: .103 kW; HAAT: ? feet.

BPED-791105AJ (WKKL), West Barnstable, Mass., Cape Cod Community College. Has: 91.1 mHz; Channel No. 216D. TPO: .01 kW; (LIC). Req: 90.7 mHz; Channel No. 214A. ERP: .205 kW; HAAT: 123 feet.

BPED-791105AL (WMCO), New Concord, Ohio, Muskingum College Speech Department. Has: 90.7 mHz; Channel No. 214DS. ERP: .01 kW; HAAT: ? feet (LIC). Req: 90.7 mHz; Channel No. 214A. ERP: 1.32 kW; HAAT: 84 feet.

BPED-791109AG (WDWN), Auburn, N.Y., Bd of Trustees, Cayuga Cnty Comm Coll. Has: 88.9 mHz; Channel No. 205D. TPO: .01 kW. (LIC). Req: 88.9 mHz; Channel No. 205A. ERP: .25 kW; HAAT: 88.6 feet.

BPED-791113AE (New), Starke, Fla., First Baptist Church. Req: 88.3 mHz; Channel No. 202C. ERP: 4.55 kW; HAAT: 141 feet.

BPED-791126AL (WPIO), Titusville, Fla., Florida Public Radio, Inc. Has: 89.3 mHz; Channel No. 207A. ERP: 1.6 kW; HAAT: 115 feet (LIC). Req: 89.1 mHz; Channel No. 206A. ERP: 3 kW; HAAT: 300 feet.

BPED-791203AY (KWCR-FM), Ogden, Utah, Weber State College. Has: 88.1 mHz; Channel No. 201D. TPO: .01 kW. (LIC). Req: 88.1 mHz; Channel No. 201A. ERP: .131 kW; HAAT: —469 feet.

BPED-791204AC (KTEC), Klamath Falls, Oreg., the State Board of Higher Education. Has: 88.1 mHz; Channel No. 201D. TPO: .01 kW. (LIC). Req: 88.1 mHz; Channel No. 201A. ERP: .100 kW; HAAT: 133 feet.

BPED-791206AA (KSJU), Collegeville, Minn., St. John's University. Has: 89.1 mHz; Channel No. 206DS. ERP: .01 kW; HAAT: ? feet (LIC). Req: 89.1 mHz; Channel No. 206A. ERP: 7.71 kW; HAAT: 480 feet.

BPED-791206AC (WOBC-FM), Oberlin, Ohio, Oberlin College Student Network, Inc. Has: 88.7 mHz; Channel No. 204DS. ERP: .01 kW; HAAT: ? feet (LIC). Req: 91.5 mHz; Channel No. 218A. ERP: .435 kW; HAAT: 125 feet.

BPED-791207AB (KSLU), Hammond, La., Southeastern Louisiana University. Has: 90.9 mHz; Channel No. 215DS. ERP: .01 kW; HAAT: ? feet (LIC). Req: 90.9 mHz; Channel No. 215A. ERP: .270 kW; HAAT: 110 feet.

BPED-791210AC (KBVR),Corvallis, Oreg., State of Oregon, Bd of Higher Educ. Has: 90.1 mHz; Channel No. 211DS. ERP: .01 kW; HAAT: feet. (LIC). Req: 88.7 mHz; Channel No. 204A. ERP: .355 kW; HAAT: —80.6 feet.

BPED-791214AA (KCSS), Turlock, Calf., California State College. Has: 91.9 mHz; Channel No. 220D. TPO: .01 kW; (LIC). Req: 91.9 mHz; Channel No. 220A. ERP: .151 kW; HAAT: 50.9 feet.

BPED-791217AE (WRHO), Oneonta, N.Y., Hartwick College. Has: 89.5 mHz; Channel No. 208DS. ERP: .01 kW; HAAT: feet. (LIC). Req: 89.7 mHz; Channel No. 209A. ERP: .269 kW; HAAT: —13 feet.

BPED-791218AA (WUNF-FM), Asheville, N.C., The University of NC at Asheville. Has: 88.1 mHz; Channel No. 201D. TPO: .01 kW. (LIC). Req: 88.1 mHz; Channel No. 201A. ERP: .110 kW; HAAT: 872 feet.

BPED-791219AE (New), Grand Junction, Colo., Columbus Evangelical Free Church, Req: 90.3 mHz; Channel No. 212A. ERP: 2 kW; HAAT: —441 feet.

BPED-791219AH (WSUC-FM),Cortland, N.Y., State University of New York Has: 90.7 mHz; Channel No. 214D. TPO: .01 kW. (LIC). Req: 90.5 mHz; Channel No. 213A. ERP: .241 kW; HAAT: —101 feet.

BPED-791220AF (KVMR), Nevada City, Calif., The American Victorian Museum, Inc. Has: 89.5 mHz; Channel No. 206D. ERP: .019 kW; HAAT: 980 feet. (LIC). Req: 89.5 mHz; Channel No. 208B. ERP: 1.96 kW; HAAT: 978 feet.

BPED-791220AG (WCSK), Kingsport, Tenn., Kingsport City School Bd. of Educ. Has: 90.3 mHz; Channel No. 212DS. ERP: .019 kW; HAAT: 920 feet. (LIC). Req: 90.3 mHz; Channel No. 212A. ERP: .193 kW; HAAT: 924.5 feet.

BPED-791220AH (KSCL), Shreveport, La., Centenary College of Louisiana. Has: 91.3 mHz; Channel No. 217DS. ERP: .01 kW; HAAT: feet. (LIC). Req: 91.3 mHz; Channel No. 217A. ERP: .148 kW; HAAT: 80.6 feet.

BPED-791220AO (WIDR), Kalamazoo, Mich., Western Michigan University. Has: 89.1 mHz; Channel No. 206DS. ERP: .01 kW; HAAT: feet. (LIC). Req: 89.1 mHz; Channel No. 206A. ERP: .106 kW; HAAT: 177 feet.

BPED-791221AC (WPRG), Baton Rouge, La., La State Univ. Agric. & Mech. College. Has: 107.3 mHz; Channel No. 297D. ERP: .008 kW; HAAT: 130 feet. (LIC). Req: 91.1 mHz; Channel No. 216A. ERP: 1.82 kW; HAAT: 300 feet.

BPED-791221AI (WIXQ), Millersville, Pa., Millersville State College. Has: 91.7 mHz; Channel No. 219D. TPO: .01 kW. (LIC). Req: 91.7 mHz; Channel No. 219A. ERP: .129 kW; HAAT: 69 feet.

BPED-791226BA (KHIB), Durant, Okla., Southeastern Oklahoma State Univ. Has: 91.9 mHz; Channel No. 220D. TPO: .01 kW. (LIC). Req: 91.9 mHz; Channel No. 220A. ERP: .323 kW; HAAT: 133 feet.

BPED-791226BV, (WWAS), Williamsport, Pa., Williamsport Area Community College. Has: 88.1 mHz; Channel No. 201DS. ERP: .009 kW; HAAT: —332 feet. (LIC). Req: 88.1 mHz; Channel No. 201A. ERP: .100 kW; HAAT: —332 feet.

BPED-791226BX (WUIZ), Summertown, Tenn., Radio Free Broadcasting Co. Has: 88.3 mHz; Channel No. 202D. TPO: .01 kW. (LIC). Req: 88.3 mHz; Channel No. 202A. ERP: .200 kW; HAAT: 267.8 feet.

BPED-791226CB (KNGX), Claremore, Okla., Claremore College. Req: 91.3 mHz; Channel No. 217A. ERP: .221 kW; HAAT: 365 feet.

BPED-791226CP (New), Manchester, N.H., Saint Anselm's College. REQ: 90.7 mHz; Channel No. 214A. ERP: .283 kW; HAAT: 23 feet.

BPED-791226CQ (WESS), East Stroudsburgh, Pa., East Stroudsburgh State College. Has: 90.3 mHz; Channel No. 212DS. ERP: .01 kW; HAAT: feet. (LIC). Req: 90.3 mHz; Channel No. 212A. ERP: .1 kW; HAAT: —164 feet.

BPED-791226CT (WBRH), Baton Rouge, La., East Baton Rouge School Board. Has: 90.1 mHz; Channel No. 211DS. ERP: .01 kW; HAAT: feet. (LIC). Req: 90.3 mHz; Channel No. 212A. ERP: 1.31 kW; HAAT: 143 feet.

BPED-791018AC (KBJC), Great Bend, Kans., Barton County Community Jr. College. Has: 91.9 mHz; Channel No. 220DS. ERP: .01 kW; HAAT: feet. (LIC). Has: 91.9 mHz; Channel No. 220A. ERP: 1.4 kW; HAAT: 210 feet (CP). Req: 91.9 mHz; Channel No. 220A. ERP: .242 kW; HAAT: 207.5 feet.

[FR Doc. 80-26347 Filed 8-29-80; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Privacy Act of 1974; System of Records; Notice of Continuation of System of Records

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Notice of continuation of System of Records.

SUMMARY: The FDIC is publishing notice of the continuation of its "Grievance Records" Privacy Act System of Records. The Office of Personnel Management notice covering the system is being withdrawn and FDIC is publishing its own notice in its place.

FOR FURTHER INFORMATION CONTACT:

Pamela E. F. LeCren, Attorney, Legal Division (202-389-4433), Room 4126E, 550 17th Street, N.W., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: Under the Privacy Act of 1974 (5 U.S.C. 552a) the FDIC is required to publish notice of all the systems of records it maintains. It is not, however, required to publish a notice regarding a system of records if that system is covered by a notice published by another agency. The FDIC maintains a "Grievance Records" system which is covered by the notice appearing at 44 FR 30884 and amended at 44 FR 61708 published by the Office of Personnel Management ("OPM"). That notice will be withdrawn sometime in September of 1980. It is therefore necessary for the FDIC to publish its own notice covering the system.

The categories of indiviuals covered by the system and the routine uses of the information in the system have not changed except to the extent necessary to identify the covered individuals as current or former FDIC employees. (The OPM notice covered current or former Federal government employees.) In addition, the remaining portions of the existing notice have been rewritten so as to properly refer to FDIC's system of records manager, the location of the system, and FDIC's Privacy Act regulations governing access to records and the amendments of records. The notice refers the reader to "Appendix A" for the location of FDIC Regional Offices. Appendix A can be found at the end of Part 310 of FDIC's regulations as published in the Federal Deposit Insurance Corporation Looseleaf Service put out by Prentice-Hall, Inc.

As there have been no substantive changes from the existing notice, and because FDIC's notice is being published prior to the withdrawal by OPM of the existing notice, FDIC's notice is considered to be a notice of continuation of an existing system of records. No public comment need be solicited and no report on a new system of records is required to be filed with the Office of Management and Budget or Congress.

In consideration of the foregoing, the FDIC hereby publishes the following notice of continuation of an existing system of records.

30-64-0018

"Grievance Records" System—FDIC

SYSTEM NAME:

"Grievance Records"

SYSTEM LOCATION:

These records are located in the Office of Employee Relations, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429. Records at the regional level generated through grievance procedures negotiated with recognized labor organizations and arbitration are located in the FDIC Regional Office where originated. (See Appendix A for the location of FDIC Regional Offices.) Duplicate copies may be maintained as records by the Office of Employee Relations for the purpose of coordinating grievance and arbitration handling.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former FDIC employees who have submitted grievances in accordance with part 771 of the Office of Personnel Management's regulations (5 CFR 771) or a negotiated procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by FDIC employees under part 771 of the Office of Personnel Management's regulations. These case files contain all documents related to the grievance including statements of witneses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that FDIC may establish through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302, E.O. 10577, 3 CFR 1954-1958 Comp. p218, E.O. 10987, 3 CFR 1959-1963 Comp. p519, agency employees for personal relief in a matter of concern or dissatisfaction which is subject to the control of agency management.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

a. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing or implementing a statute, rule, regulation, or order, where the FDIC becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of

the request and identify the type of information requested.

c. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

d. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

g. By the FDIC or the Office of Personnel Management in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

h. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Cousel, the Federal Labor Relations Authority and its General Counsel, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

i. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

j. To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORING:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom they are maintained.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

These records are disposed of 3 years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Employee Relations, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429. The appropriate FDIC Regional Director for records maintained in FDIC Regional Offices. (See Appendix A for the location of FDIC Regional Offices.)

NOTIFICATION PROCEDURE:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may contact the Executive Secretary, Records Unit, 550 17th Street, N.W., Washington, D.C. 20429 regarding the existence of records on them. They must furnish the following information in order for their records to be located and identified:

a. Name.

b. Date of birth.

c. Approximate date of closing of the case and kind of action taken.

d. Organizational component involved.

RECORDS ACCESS PROCEDURES:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. After the action has been closed, an individual may request access to the official copy of the grievance file. See "Notification" above.

Individuals requesting access must also follow the FDIC's Privacy Act regulations regarding access to records and verification of identity. (12 CFR 310.3, 310.4, and 310.9).

CONTESTING RECORD PROCEDURES:

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination or finding.

Individuals wishing to request amendment to their records to correct factual errors should contact the Executive Secretary, Records Unit. See "Notification" above.

Individuals requesting amendment must also follow the FDIC's Privacy Act regulations regarding amendment to records and vertification of identity. (12 CFR 310.4, 310.7, 310.8, and 310.9).

RECORD SOURCE CATEGORIES:

Information in this system of records is provided:

a. By the individual on whom the record is maintained.

b. By testimony of witnesses.

c. By agency officials.

d. From related correspondence from organizations or persons.

By order of the Board of Directors dated August 25, 1980.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 80-26482 Filed 8-28-80; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

Repeal of Rule Prescribing Interest Policy; Notice of Filing of Petition

August 26, 1980.

Notice is given that a petition has been filed by Far East Conference, Pacific Westbound Conference, Pacific Straits Conference, and Pacific Indonesian Conference for repeal by the Commission of its statement of policy to grant interest at the rate of 12 percent on awards of reparation in cases involving the misrating of cargo and arising under section 18(b)(3) of the Shipping Act, 1916 and section 2 of the Intercoastal Shipping Act, 1933. The policy requires accrual of interest from date of payment of freight charges. Such statement of policy was published in the Federal Register on May 14, 1980 [45 FR 31722].

Interested persons may inspect and obtain a copy of the petition at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW, Room 11101, or may inspect the petition at the Field Offices located at New York, New York; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested persons may submit replies to the petition to the Secretary, Federal Maritime Commission, Washington, D.C., 20573 on or before

September 20, 1980. An original and fifteen copies of such replies shall be submitted.

Francis C. Hurney,

Secretary.

[FR Doc. 80-26543 Filed 8-28-80, 8:45 am]

BILLING CODE 6730-01-M

Security for the Protection of the Public; Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons or Voyages pursuant to the provisions of Section 2, Pub. L. 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 C.F.R. 540): Delta Steamship Lines, Inc. and PSS Steamship Company, Inc., c/o Delta Steamship Lines, Inc., P.O. Box 50250, New Orleans, Louisiana 70150.

Dated: August 26, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-26532 Filed 8-28-80; 8:45 am]

BILLING CODE 6730-01-M

Security for the Protection of the Public; Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Castellana Maritime, Inc., Royal Cruise Line, Ltd., and Royal Cruise Line (U.S.A.), Inc., c/o Royal Cruise Line, One Maritime Plaza, San Francisco, California 94111.

Dated: August 26, 1980.

Francis C. Hurney,

Secretary

[FR Doc. 80-26533 Filed 8-28-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Atkinson County Bankshares Corp.; Formation of Bank Holding Company

Atkinson County Bankshares Corporation; Willacoochee, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. section 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The Peoples Bank, Willacoochee, Georgia. 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 September 22, 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, August 22, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-26535 Filed 8-28-80; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Notice of Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than September 22, 1980.

A. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690;

Hams, Inc., Tama, Iowa (insurance activities: Iowa): to continue to engage through Tama Insurance Agency in operating a general insurance agency in a community with a population under 5,000. These activities will be conducted from an office in Tama, Iowa, serving Tama County, Iowa. Comments on this application must be received by September 16, 1980.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President), 400 Sansome Street, San Francisco, California 94120:

1. Security Pacific Corporation, Los Angeles, California (finance and credit-related insurance activities; Missouri): to engage through its subsidiary, The Bankers Investment Company dba Security Pacific Finance Corp. in making or acquiring for its own account or for the account of others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses, and other extensions of credit such as would be made by a factoring company or a consumer finance company; and acting as broker or agent for the sale of credit-related life, accident and health insurance and credit-related property and casualty insurance. These activities would be conducted from offices in Kansas City, Manchester and St. Louis, Missouri, serving the State of Missouri.

2. Wells Fargo & Company, San Francisco, California (finance activities; United States): to engage through its subsidiary, Wells Fargo Ag Credit, in the activities of making and servicing loans and other extensions of credit primarily to persons engaged in agriculture. These activities would be conducted from offices in Billings, Montana, and Tulsa, Oklahoma, serving the entire United States.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, August 22, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-26564 Filed 8-28-80; 8:45 am]

BILLING CODE 6210-01-M

Barclays Bank Ltd. and Barclays Bank International Ltd.; Proposed Acquisition of Aetna Business Credit, Inc.

Barclays Bank Limited and Barclays Bank International Limited, both of London, England, have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire through their subsidiary, Barclays American Corporation, all the outstanding shares of Aetna Business Credit, Inc., a commercial finance company and a subsidiary of Aetna Life and Casualty Company.

Applicant states that the proposed subsidiary would engage in (i) commercial finance, *i.e.*, making secured loans to small and medium sized businesses, and (ii) factoring.

Aetna Business Credit, Inc. is headquartered in Hartford, Connecticut and has offices in the following other states: California, Florida, Georgia, Illinois, New York, Michigan, Minnesota, North Carolina, Texas and Wisconsin. The office in Hartford, Connecticut services customers throughout the country; the offices in California, Georgia, Illinois, Minnesota, New York and Texas serve customers in those states and surrounding regions; the offices in North Carolina and Wisconsin are primarily service facilities; and the offices in Florida and Michigan are loan production offices. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

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 September 22, 1980.

Board of Governors of the Federal Reserve System, August 22, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-26536 Filed 8-28-80; 8:45 am]

BILLING CODE 6210-01-M

Insurance by Strehlow, Inc.; Proposed Retention of General Insurance Agency Business

Insurance by Strehlow, Inc., Casselton, North Dakota, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to continue to engage in operating a general insurance agency in a community that has a population not exceeding 5,000.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency. These activities would be performed from offices of Applicant's subsidiary in Casselton, North Dakota, and the geographic area to be served is Cass County, North Dakota. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The applicaiton may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

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 September 22, 1980.

Board of Governors of the Federal Reserve System, August 22, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-26537 Filed 8-28-80; 8:45 am]

BILLING CODE 6210-01-M

Maryland National Corp.; Proposed Expansion of Reinsurance Activities of Mid Atlantic Life Insurance Co.

Maryland National Corporation, Baltimore, Maryland, 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 reinsurance activities of Mid Atlantic Life Insurance Company, Baltimore, Maryland.

Applicant states that the proposed subsidiary would expand its activities of reinsuring credit life and credit accident and health insurance to include reinsuring such insurance sold in connection with extensions of credit by its subsidiaries located in New Jersey and Virginia. These activities would be performed from offices of Applicant's subsidiary in Baltimore, Maryland, and the geographic areas to be served are the states of New Jersey and Virginia. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of

fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

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 September 22, 1980.

Board of Governors of the Federal Reserve System, August 22, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-26538 Filed 8-28-80; 8:45 am]

BILLING CODE 6210-01-M

Munter Agency, Inc.; Proposed Retention of Union Insurance Agency

Munter Agency, Inc., Strawberry Point, Iowa, 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 retain Union Insurance Agency, Strawberry Point, Iowa.

Applicant states that the proposed subsidiary engages in general insurance activities in a town with a population of less than 5,000 people. These activities would be performed from offices of Applicant's subsidiary in Strawberry Point, Iowa, and the geographic area to be served is a 25 mile radius of Strawberry Point, Iowa. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

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 September 25, 1980.

Board of Governors of the Federal Reserve System, August 25, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-26539 Filed 8-28-80; 8:45 am]

BILLING CODE 6210-01-M

Security Financial Services, Inc.; Acquisition of Bank

Security Financial Services, Inc., Sheboygan, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Bank of Menasha, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than September 25, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 25, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-26540 Filed 8-28-80; 8:45 am]

BILLING CODE 6210-01-M

Silverton Bancshares, Inc.; Formation of Bank Holding Company

Silverton Bancshares, Inc., Silverton, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of First State Bank, Silverton, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 22, 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, August 22, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-26541 Filed 8-28-80; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were accepted by the Regulatory Reports Review Staff, GAO, on August 22, 1980 (ICC) and August 25, 1980 (FCC). See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such acceptances.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC and ICC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before September 16, 1980, and should be addressed to Mr. John M. Lovelady, Senior Group Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Federal Communications Commission

The FCC requests an extension-without-change clearance of Special Temporary Authority Rules in the Cable Television Service; specifically section 76.29 which states that in circumstances requiring temporary use of cable television facilities for operations not authorized pursuant to a valid certificate of compliance, a cable television service may request special temporary authority to operate. The Commission may grant special temporary authority upon a finding that the public interest would be served, for a period not to exceed 90 days and may extend such authority upon a like finding for one additional period not to exceed 90 days. Specific statutory authority for this rule is derived from Section 309(f) as well as Sections 2, 4 (i) and (j), 30, 303, and 307 of the Communications Act. The FCC estimates that approximately 50 requests will be received annually and that burden will average one hour per request.

Interstate Commerce Commission

The ICC requests clearance of a revision to Form R-1, Annual Report, required to be filed by some 48 Class I line-haul railroads and railroad holding companies, pursuant to section 11145 of the Interstate Commerce Act. Data collected by Form R-1 are used for economic regulatory purposes. The revision to the Report is that it will include the schedules previously submitted in the annual report Form PTR-R. The ICC estimates that reporting burden will average 1,300 hours per report.

The ICC requests clearance of a revision to Form R-2, Annual Report, required to be filed by some 19 Class II line-haul railroads pursuant to section 11145 of the Interstate Commerce Act. Data collected by Form R-2 are used for economic regulatory purposes. The revision to the Report is that it will include the schedules previously submitted in the annual report Form PTR-R. The ICC estimates that reporting burden will average 220 hours per report.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 80-26524 Filed 8-28-80; 8:45 am]

BILLING CODE 1610-01-M

GENERAL SERVICES ADMINISTRATION

[F-80-17]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the Indiana Public Service Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Indiana Public Service Commission involving the application of the Indiana Bell Telephone Company for increases in its rates for intrastate telecommunications services. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: August 21, 1980.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 80-26562 Filed 8-28-80; 8:45 am]

BILLING CODE 6820-25-M

Senior Executive Service; Schedule for Awarding Bonuses

The General Services Administration plans to award bonuses to Senior Executive Service members on or about September 15, 1980.

For further information, contact Gregory Knott, Director, Executive Resources Division (202-566-1207). Mailing address: General Services Administration (HPX), Washington, DC 20405.

Dated: August 22, 1980.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 80-26563 Filed 8-28-80; 8:45 am]

BILLING CODE 6820-30-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Center for Disease Control

Birth Defects and Military Service in Vietnam Study Work Group; Open Meeting

On September 18, 1980, the Center for Disease Control (CDC) will convene an open meeting of a work group to discuss the protocol for a study of birth defects and military service in Vietnam. Persons invited to attend from outside CDC include two epidemiologists, a biostatistician, and a medical geneticist. The meeting is open to the public, limited only space available. Time will be set aside for public comment.

The meeting is scheduled to begin at 9:00 a.m., in Room 207, Building 1, Center for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia.

All inquiries should be sent to: J. David Erickson, D.D.S., Ph.D., Deputy Chief, Birth Defects Branch, Chronic Diseases Division, Bureau of Epidemiology, Center for Disease Control, Atlanta, Georgia 30333, Telephones: FTS: 236-4035. Commercial: 404/452-4035.

Dated: August 22, 1980.

Donald R. Hopkins,

Acting Director, Center for Disease Control.

[FR Doc. 80-26565 Filed 8-28-80; 8:45 am]

BILLING CODE 4110-86-M

Food and Drug Administration

[Docket No. 80F-0267]

Calgon Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Calgon Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of sodium zinc potassium polyphosphate as a pigment dispersant in the manufacture of paper and paperboard intended for food-contact use.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701, 52 Stat. 1055-1056 as amended, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371)), notice is given that a petition (FAP 9B3465) has been filed by Calgon Corp., P.O. Box 1346, Pittsburgh, PA 15230,

proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* be amended to provide for the safe use of sodium zinc potassium polyphosphate as a pigment dispersant in the manufacture of paper and paperboard intended for food-contact use.

The potential environmental impact of this action is being reviewed. If this petition results in a regulation, and the agency concludes that an environmental impact statement is not required, the notice of availability of the environmental impact analysis report, statement of exemption, and environmental assessment report as applicable will be published in the Federal Register as required by 21 CFR 25.25(b).

Dated: August 15, 1980.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80-26164 Filed 8-28-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80F-0265]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxy hydrocinnamate as an antioxidant and/or stabilizer for nitrile rubber modified acrylonitrile-methyl acrylate copolymers intended to contact food.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP OB3522) has been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxy hydrocinnamate as an antioxidant and/or stabilizer in nitrile rubber modified acrylonitrile-methyl acrylate copolymers intended to contact food.

FDA has carefuly considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting the document may be seen in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 15, 1980.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80-26163 Filed 8-28-80; 8:45 am]

BILLING CODE 4110-03-M

C. R. Bard, Inc.; Premarket Approval of USCI® Gruntzig Dilaca™ Coronary Artery Balloon Dilatation Catheter

Correction

On Friday, August 15, 1980 on page 54444 appearing correcting FR Doc. 80-21465 (45 FR 48254, July 18, 1980). Two errors were made in the correction document and they should be corrected as follows:

(1) Correct the heading to read as set forth above;

(2) In correction paragraph (3), in the sixth line "Gruntzig Dilaca" should be corrected to read "Gruntzig Dilaca®".

BILLING CODE 1505-01-M

[Docket No. 79N-0339; DESI Nos. 8615, 9152, 9188, and 50168]

Certain Ophthalmic Antibiotic Combination Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice announces the conditions for marketing certain ophthalmic combinations containing an antibiotic for the indications for which they are now regarded as effective. It also discusses those products now regarded as lacking substantial evidence of effectiveness. It states that to obtain effective levels for products containing polymyxin B, the polymyxin B concentration must be not less than 10,000 units per milliliter or gram.

DATES: Effective August 29, 1980; petitions due on or before September 29, 1980.

ADDRESSES: Communications in response to this notice should be identified with the appropriate DESI number, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Amendments (identify with NDA number): Division of Anti-Infective Drug Products (HFD-140), Rm. 12B-45, Bureau of Drugs.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

Petitions (identify with Docket No. 79N-0339): Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT: Joan M. Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION:

I. Background

In notices published in the Federal Register of July 17, 1971 (36 FR 13282) (DESI 8615), June 23, 1972 (37 FR 12419) (DESI 9152), June 6, 1972 (37 FR 11283) (DESI 9188), and June 20, 1972 (37 FR 12166) (DESI 50168), FDA announced its conclusions after evaluating reports from the National Academy of Sciences-National Research Council (NAS-NRC), Drug Efficacy Study Group concerning certain ophthalmic combination drug products. The products under DESI 8615 were classified as possibly effective for their labeled indications relating to use in inflammatory or infectious conditions of the eye. The products under DESI 9152 were classified as lacking substantial evidence of effectiveness for use in furunculosis and for use in spastic entropion caused by local irritation, and possibly effective for their other labeled indications. The products under DESI 9188 were classified as lacking substantial evidence of effectiveness for use in mustard gas keratitis and Sjogren's keratoconjunctivitis (with systemic steroids), and corneal injury following surgery, and possibly effective for their other labeled indications. The products under DESI 50168 were classified as possibly effective for all their labeled indications.

These products have been allowed to remain on the market beyond the time limit established for implementation of the drug efficacy study (DESI). The temporary exemption to permit continued marketing was announced in a notice published in the Federal Register of December 14, 1972 (37 FR 26623), as modified February 17, 1978 (43 FR 7044).

The ophthalmic antibiotic combinations that are affected by this notice are subject to the antibiotic certification procedures under section 507 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 357.

Because issues concerning the effectiveness of the products have now been resolved, in notices appearing elsewhere in this issue of the Federal Register, FDA is (1) revoking the temporary exemption for continued marketing these products, (2) announcing the conditions for marketing a nonantibiotic ophthalmic combination, and (3) proposing to amend the antibiotic regulations to increase the lowest concentration of polymyxin B to 10,000 units per milliliter or gram in those products containing it.

II. Products Regarded as Effective

The Food and Drug Administration has reviewed all available evidence and concludes that the following drug products are effective for the indication in the labeling below. The polymyxin B content in those that contain that component is not less than 10,000 units per milliliter or gram.

DESI 8615

1. NDA 50-169; Cortisporin Ophthalmic Suspension containing neomycin sulfate, polymyxin B sulfate (10,000 units per milliliter), and hydrocortisone; Burroughs Wellcome & Co., Inc., 3030 Cornwallis Rd., Research Triangle Park, NC 22709.
2. NDA 50-202; Chloromycetin Hydrocortisone Ophthalmic Suspension containing chloramphenicol and hydrocortisone acetate; Parke-Davis, Division of Warner-Lambert Co., Morris Plains, NJ 07950.
3. NDA 50-272; Achromycin Ophthalmic Ointment with Hydrocortisone containing tetracycline hydrochloride and hydrocortisone; Lederle Laboratories Division, American Cyanamid Co., Pearl River, NY 10965.
4. NDA 50-362; Metimyd with Neomycin Ophthalmic Ointment containing neomycin sulfate, prednisolone acetate, and sodium sulfacetamide; Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033.
5. NDA 60-310; Neomycin Sulfate with Hydrocortisone Acetate Ophthalmic Ointment; Biocraft Laboratories, Inc., 92 Route 42, East Patterson, NJ 07407.
6. NDA 60-452; Isopto P-H-N Ophthalmic Suspension containing neomycin sulfate, polymyxin B sulfate (16,250 units per milliliter), and hydrocortisone acetate; Alcon Laboratories, Inc., 2601 South Freeway, Fort Worth, TX 76134.
7. NDA 60-464; Neo-Deltef Eye Drops containing neomycin sulfate and prednisolone; the Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49001.
8. NDA 60-788; Di-Hydrin Ophthalmic Solution containing neomycin sulfate, polymyxin B sulfate (15,000 units per milliliter), and hydrocortisone; Broemmel Pharmaceuticals, 1235 Sutter St., San Francisco, CA 94109.
9. NDA 60-790; Neo-Polycin HC Ophthalmic Ointment containing bacitracin, neomycin sulfate, polymyxin B sulfate (10,000 units per gram), and hydrocortisone acetate; Pitman-Moore Co., Division of the Dow Chemical Co., 55 West Sheffield, Englewood, NJ 07631.
10. NDA 60-925; Florinef-S Ophthalmic Ointment and Suspension containing neomycin sulfate, gramicidin, and fludrocortisone acetate; E. R. Squibb & Sons, Inc., P.O. Box 4000, Princeton, NJ 08540.
11. NDA 61-045; Neosone Ophthalmic Ointment containing neomycin sulfate and cortisone acetate; The Upjohn Co.
12. NDA 61-075; Hydrocortisone-Neomycin Ophthalmic Ointment containing neomycin sulfate and hydrocortisone acetate; Day-Baldwin, Inc., 1460 Chestnut Ave., Hillside, NJ 07205.
13. NDA 61-107; Neomycin Sulfate with Hydrocortisone Acetate Ophthalmic Ointment; Kasco Laboratories, Inc., Cantiaque Rd., P.O. Box 73, Hicksville, NY 11802.

DESI 9152

1. NDA 61-016; Terra-Cortril Eye-Ear Suspension containing oxytetracycline hydrochloride and hydrocortisone acetate; Pfizer Laboratories, Division of Charles Pfizer & Co., Inc., 235 East 42d St., New York, NY 10017.

DESI 9188

1. NDA 50-322; Neo-Decadron Ophthalmic Solution containing dexamethasone sodium phosphate and neomycin sulfate; Merck, Sharp & Dohme, Division of Merck & Co., Inc., West Point, PA 19486.
2. NDA 50-324; Neo-Decadron Ophthalmic Ointment containing dexamethasone sodium phosphate and meomycin sulfate; Merck Sharp & Dohme.
3. NDA 50-378; Neo-Hydeltrasol Ophthalmic Ointment containing prednisolone sodium phosphate and meomycin sulfate; Merck Sharp & Dohme.
4. NDA 50-379; Neo-Hydeltrasol Ophthalmic Solution containing prednisolone sodium phosphate and neomycin; Merck Sharp & Dohme.
5. NDA 60-188; Cor-Oticin Eye-Ear Suspension containing hydrocortisone acetate and neomycin sulfate; Maurry Biological Co., Inc., 6109 South Western Ave., Los Angeles, CA 90047.
6. NDA 60-442; Neo-Aristocort Eye-Ear Ointment containing triamcinolone acetonide and neomycin sulfate; Lederle Laboratories.
7. NDA 60-610; Neo-Cortef Eye-Ear Ointment containing hydrocortisone acetate and neomycin sulfate; The Upjohn Co.
8. NDA 60-612; Neo-Cortef Eye-Ear Drops containing hydrocortisone acetate and neomycin sulfate; The Upjohn Co.
9. NDA 60-645; Neo-Medrol Eye-Ear Ointment containing methylprednisolone and meomycin sulfate; The Upjohn Co.
10. NDA 61-037; Neo-Delta-Cortef Eye-Ear Drops containing prednisolone acetate and neomycin sulfate; The Upjohn Co.
11. NDA 61-039; Neo-Delta-Cortef Eye-Ear Ointment containing prednisolone acetate and neomycin sulfate; The Upjohn Co.

The general outline for labeling of the above products is as follows:

Description

[Each labeling piece for a specific product should contain all information necessary to fulfill current labeling requirements.]

[The manufacturer and/or distributor shall state the proprietary name and established name (as defined in section 502(e)(2) of the Federal Food, Drug, and Cosmetic Act), if any, of the products, the dosage form(s), and the route of administration to which the labeling applies. It shall also state the chemical formula(e), if known, of the active ingredient(s) in the drug product, the pharmacologic or therapeutic class of the drug product, and the same quantitative ingredient information about the ingredients as that required for labels. This section may also contain other important information such as physical descriptions, physical constants, sterility status, pH, etc.]

Clinical Pharmacology

Corticoids suppress the inflammatory response to a variety of agents and they probably delay or slow healing. Since corticoids may inhibit the body's defense mechanism against infection, a concomitant antimicrobial drug may be used when this inhibition is considered to be clinically significant in a particular case.

The anti-infective component in the combination is included to provide action against specific organisms susceptible to it. [*Insert name of anti-infective(s) to be labeled*] is (are) considered active against the following microorganisms: [*list usually susceptible organisms*].

When a decision to administer both a corticoid and an antimicrobial(s) is made, the administration of such drugs in combination has the advantage of greater patient compliance and convenience, with the added assurance that the appropriate dosage of both drugs is administered, plus assured compatibility of ingredients when both types of drug are in the same formulation and, particularly, that the correct volume of drug is delivered and retained.

The relative potency of corticosteroids depends on the molecular structure, concentration, and release from the vehicle.

Indications and Usage

A steroid/anti-infective combination is indicated in ocular inflammation when concurrent use of an antimicrobial is judged necessary.

Contraindications

Epithelial herpes simplex keratitis (dendritic keratitis), vaccinia, varicella, and many other viral diseases of the cornea and conjunctiva. Mycobacterial infection of the eye. Fungal diseases of ocular structures. Hypersensitivity to a component of the medication. (Hypersensitivity to the antibiotic component occurs at a higher rate than for other components.)

The use of these combinations is always contraindicated after uncomplicated removal of a corneal foreign body.

Warnings

Prolonged use may result in glaucoma, with damage to the optic nerve, defects in visual

acuity and fields of vision, and posterior subcapsular cataract formation. Prolonged use may suppress the host response and thus increase the hazard of seconday ocular infections. In those diseases causing thinning of the cornea or sclera, perforations have been known to occur with the use of topical steroids. In acute purulent conditions of the eye, steroids may mask infection or enhance existing infection. If these products are used for 10 days or longer, intraocular pressure should be routinely monitored even though it may be difficult in children and uncooperative patients.

Employment of steroid medication in the treatment of herpes simplex requires great caution.

[If the combination contains a sulfa drug, add the following Warning statement:]

A significant percentage of staphylococcal isolates are completely resistant to sulfa drugs.

Precautions

The initial prescription and renewal of the medication order beyond 20 milliliters or 8 grams should be made by a physician only after examination of the patient with the aid of magnification, such as slit lamp biomicroscopy and, where appropriate, fluorescein staining.

The possibility of persistent fungal infections of the cornea should be considered after prolonged steroid dosing.

Adverse Reactions

Adverse reactions have occurred with steroid/anti-infective combination drugs which can be attributed to the steroid component, the anti-infective component, or the combination. Exact incidence figures are not available since no denominator of treated patients is available.

Reactions occurring most often from the presence of the anti-infective ingredient are allergic sensitizations. The reactions due to the steroid component in decreasing order of frequency are: elevation of intraocular pressure (IOP) with possible development of glaucoma, and infrequent optic nerve damage; posterior subcapsular cataract formation; and delayed wound healing.

Secondary Infection: The development of secondary infection has occurred after use of combinations containing steroids and antimicrobials. Fungal infections of the cornea are particularly prone to develop coincidentally with long-term applications of steroid. The possibility of fungal invasion must be considered in any persistent corneal ulceration where steroid treatment has been used.

Secondary bacterial ocular infection following suppression of host responses also occurs.

Dosage and Administration

Specific prescribing information to be supplied by the manufacturer and/or distributor.

Not more than 20 milliliters or 8 grams should be prescribed initially and the prescription should not be refilled without further evaluation as outlined in Precautions above.

How Supplied

[The remaining information regarding the available dosage forms, potencies, and units of each, are to be supplied by each manufacturer and/or distributor.]

Batches of such drugs with labeling bearing indications other than that specified above are no longer acceptable for certification or release.

Any person who will be adversely affected by this change in indications may, by September 29, 1980, petition for the issuance of a regulation providing for the revised indication. The petition must be supported by a full factual and well-documented medical analysis which shows reasonable grounds for the issuance of a regulation.

A petition for issuance of a regulation should be filed (preferably in four copies) with the Hearing Clerk, Food and Drug Administration (HFA-305) (address above).

III. Products Lacking Substantial Evidence of Effectiveness

The drug products described below lack substantial evidence of effectiveness as currently labeled.

The level of polymyxin B in the various formulations of anti-infective/steroid combinations that contain polymyxin B for ophthalmic use currently on the market ranges from 5,000 units per milliliter or gram to 16,250 units per milliliter or gram. Polymyxin B is included in some of these drug products because it is active against gram-negative organisms, particularly *Pseudomonas,* and none of the other ingredients is active against this organism. *Pseudomonas* constitutes a very great risk to the eye. To be effective against this organism, the level of the polymyxin B concentration in formulations containing it must be not less than 10,000 units per milliliter or gram. The reasons for this conclusion are explained in detail in a notice appearing elsewhere in this issue of the Federal Register proposing to amend the antibiotic regulations to increase the lowest level of polymyxin B concentration to 10,000 units per milliliter or gram.

DESI 8615

1. NDA 50-081; Predmycin-P Liquifilm Ophthalmic Suspension containing neomycin sulfate, polymyxin B Sulfate (5,000 units per milliliter), and prednisolone acetate; Allergan Pharmaceuticals, 1000 South Grand Ave., Santa Ana, CA 92705.

2. NDA 50-201; Ophthocort Ophthalmic Ointment containing chloramphenicol, polymyxin B sulfate (5,000 units per gram), and hydrocortisone acetate; Parke-Davis.

3. NDA 60-305; Bacitracin-Neomycin-Polymyxin B and Hydrocortisone Ophthalmic Ointment containing bacitracin, neomycin sulfate, polymyxin B sulfate (5,000 units per gram), and hydrocortisone acetate; Biocraft Laboratories, Inc.

4. NDA 60-731; Bacitracin-Polymyxin-Neomycin with Hydrocortisone Ophthalmic Ointment containing zinc bacitracin, neomycin sulfate, polymyxin B sulfate (5,000 units per gram), and hydrocortisone acetate; Kasco Laboratories, Inc.

DESI 50168

1. NDA 50-416; Cortisporin Ointment containing polymyxin B sulfate (5,000 units per gram), zinc bacitracin, neomycin sulfate, and hydrocortisone; Burroughs Wellcome & Co.

Products containing polymyxin B sulfate that contain less than 10,000 units of it per milliliter or gram, and with present labeling, will continue to be eligible for certification or release under existing monographs pending finalization of the proposed amendments. For those products, the labeling set forth above in this notice will not be acceptable because it is predicated on not less than 10,000 units of polymyxin B per milliliter or gram in products that contain it.

Manufacturers may elect to reformulate their products now to contain no less than 10,000 units of polymyxin B per milliliter or gram rather than await final resolution of the proposed amendments. Such reformulated products will then be regarded as effective when labeled as described above in this notice. Their reclassification to effective will be announced in the Federal Register. The reformulated products will be acceptable for certification under the existing monographs even though those monographs now prescribe a lower concentration of ploymyxin B.

This notice is issued under the Federal Foods Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-1051, 59 Stat. 463 as amended (21 U.S.C. 352, 357)) and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.70).

Dated: July 24, 1980.

Jerome A. Halperin,

Acting Director, Bureau of Drugs.

[FR Doc. 80-26515 Filed 8-28-80, 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79N-0275; DESI Nos. 8615, 9152, 9188, 10210, and 50168]

Certain Ophthalmic Combination Drugs for Human Use; Drug Efficacy Study Implementation; Revocation of Exemption

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice revokes the temporary exemption for continued marketing of certain ophthalmic combination drug products because questions concerning the products' effectiveness have now been resolved. Under the exemption, the drugs have been allowed to remain on the market beyond the time limit scheduled for implementation of the drug efficacy study.

EFFECTIVE DATE: August 29, 1980.

FOR FURTHER INFORMATION CONTACT: Joan M. Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: In notices published in the Federal Register of July 17, 1971 (36 FR 13282) (DESI 8615), June 23, 1972 (37 FR 12419) (DESI 9152), June 6, 1972 (37 FR 11283) (DESI 9188), July 27, 1972 (37 FR 15037) (DESI 10210), and June 20, 1972 (37 FR 12166) (DESI 50168), FDA announced its conclusions after evaluating reports from the National Academy of Sciences-National Research Council (NAS/NRC), Drug Efficacy Study Group on certain ophthalmic combination drug products. The products under DESI 8615 were classified as possibly effective for their labeled indications relating to the use in inflammatory or infectious conditions of the eye. The products under DESI 9152 were classified as lacking substantial evidence of effectiveness for use in furunculosis and for use in spastic entropion caused by local irritation, and possibly effective for their other labeled indications. The products under DESI 9188 were classified as lacking substantial evidence of effectiveness for use in mustard gas keratitis and Sjogren's keratoconjunctivitis (with systemic steroids), and corneal injury following surgery and possibly effective for their other labeled indications. The products under DESI 10210 were classified as lacking substantial evidence of effectiveness for spastic entropion due to local irritation and possibly effective for their other labeled indications. Finally, the products under DESI 50168 were classified as possibly effective for their labeled indications.

These products have been allowed to remain on the market beyond the time limit established for implementation of the drug efficacy study. The temporary exemption to permit continued marketing was announced in a notice published in the Federal Register of December 14, 1972 (37 FR 26623), as modified February 17, 1978 (43 FR 7044).

The agency has reevaluated these products, and in notices appearing elsewhere in this issue of the Federal Register, is reclassifying and announcing the conditions for further marketing of such products. Therefore, the temporary exemption granted by the December 14, 1972 notice (as modified) for the following products is hereby revoked. The DESI 12613 product (Blephamide Liquifilm Ophthalmic Suspension) that has also been exempted is not affected by this notice but will be the subject of a subsequent Federal Register notice.

DESI 8615

1. NDA 50-081; Predmycin-P Liquifilm Ophthalmic Suspension containing neomycin sulfate, polymyxin B sulfate, and prednisolone acetate; Allergan Pharmaceuticals, 1000 South Grand Ave., Santa Ana, CA 92705.

2. NDA 50-168; Cortisporin Ophthalmic Suspension containing neomycin sulfate, polymyxin B sulfate, and hydrocortisone; Burroughs Wellcome & Co., Inc., 3030 Cornwallis Rd., Research Triangle Park, NC 22709.

3. NDA 50-201; Ophthocort Ophthalmic Ointment containing chloramphenicol, polymyxin B sulfate, and hydrocortisone acetate; Parke Davis, Division of Warner-Lambert Co., Morris Plains, NJ 07950.

4. NDA 50-202; Chloromycetin Hydrocortisone Ophthalmic Suspension containing chloramphenicol and hydrocortisone acetate; Parke Davis.

5. NDA 50-272; Achromycin Ophthalmic Ointment with Hydrocortisone containing tetracycline hydrochloride and hydrocortisone; Lederle Laboratories, Division of American Cyanamid Co., Pearl River, NY 10965.

6. NDA 50-362; Metimyd with Neomycin Ophthalmic Ointment containing neomycin sulfate, prednisolone acetate, and sodium sulfacetamide; Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033.

7. NDA 60-305; Bacitracin-Neomycin-Polymyxin B and Hydrocortisone Ophthalmic Ointment containing bacitracin, neomycin sulfate, polymyxin B sulfate, and hydrocortisone acetate; Biocraft Laboratories, Inc., 92 Route 46, East Patterson, NJ 07407.

8. NDA 60-310; Neomycin Sulfate with Hydrocortisone Acetate Ophthalmic Ointment; Biocraft Laboratories, Inc.

9. NDA 60-452; Isopto P-H-N Ophthalmic Suspension containing neomycin sulfate, polymyxin B sulfate, and hydrocortisone acetate; Alcon Laboratories, Inc., 2801 South Freeway, Fort Worth, TX 76134.

10. NDA 60-464; Neo-Deltef Eye Drops containing neomycin sulfate and prednisolone; The Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49001.

12. NDA 60-731; Bacitracin-Polymyxin-Neomycin with Hydrocortisone Ophthalmic Ointment containing zinc bacitracin, neomycin sulfate, polymyxin B sulfate, and hydrocortisone acetate; Kasco Laboratories, Inc., Cantiaque Rd., P.O. Box 73, Hicksville, NY 11802.

13. NDA 60-778; Di-Hydrin Ophtalmic Solution containing neomycin sulfate, polymyxin B sulfate, and hydrocortisone; Broemmel Pharmaceuticals, 1235 Sutter St., San Francisco, CA 94109.

14. NDA 60-790; Neo-Polycin HC Ophthalmic Ointment containing bacitracin, neomycin sulfate, polymyxin B sulfate, and hydrocartisone acetate; Pitman-Moore Co., Division of the Dow Chemical Co., 55 West Sheffield, Englewood, NJ 07631.

15. NDA 60-825; Florinef-S Ophthalmic Ointment and Suspension containing neomycin sulfate, gramicidin, and fludrocortisone acetate; E. R. Squibb & Sons, P.O. Box 4000, Princeton, NJ 08540.

16. NDA 61-045; Neosone Ophthalmic Ointment containing neomycin sulfate and cortisone acetate; The Upjohn Co.

17. NDA 61-075; Hydrocortisone-Neomycin Ophthalmic Ointment containing neomycin sulfate and hydrocartisone acetate; Day-Baldwin, Inc., 1460 Chestnut Ave., Hillside, NJ 07205.

18. NDA 61-107; Neomycin Sulfate with Hydrocortisone Acetate Ophthalmic Ointment; Kasco Laboratories, Inc.

DESI 9152

1. NDA 61-016; Terra-Cortril Eye-Ear Suspension containing oxytetracycline hydrochloride and hydrocortisone acetate; Pfizer Laboratories, Division of Charles Pfizer & Co., Inc., 235 East 42d St., New York, NY 10017.

DESI 9188

1. NDA 50-322; Neo-Decadron Ophthalmic Ointment containing dexamethsone sodium phosphate and neomycin sulfate; Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, PA 19486.

2. NDA 50-324; Neo-Decadron Ophthalmic Ointment containing dexamethasone sodium phosphate and neomycin sulfate; Merck Sharp & Dohme.

3. NDA 50-378; Neo-Hydeltrasol Ophthalmic Ointment containing prednisolone sodium phosphate and neomycin sulfate; Merck Sharp & Dohme.

4. NDA 50-379; Neo-Hydeltrasol Ophthalmic Solution containing prednisolone sodium phosphate and neomycin; Merck Sharp & Dohme.

5. NDA 60-188; Cor-Oticin Eye-Ear Suspension containing hydrocortisone acetate and neomycin sulfate; Maurry Biological Co., Inc., 6109 South Western Ave., Los Angeles, CA 90047.

6. NDA 60-442; Neo-Aristocort Eye-Ear Ointment containing triamcinolone acetonide and neomycin sulfate; Lederle Laboratories.

7. NDA 60-610; Neo-Cortef Eye-Ear Ointment containing hydrocortisone acetate and neomycin sulfate; The Upjohn Co.

8. NDA 60-612; Neo-Cortef Eye-Ear Drops containing hydrocortisone acetate and neomycin sulfate; The Upjohn Co.

9. NDA 60-645; Neo-Medrol Eye-Ear Ointment containing methylprednisolone and neomycin sulfate; The Upjohn Co.

10. NDA 61-037; Neo-Delta-Cortel Eye-Ear Drops containing prednisolone acetate and neomycin sulfate; The Upjohn Co.

11. NDA 61-039; Neo-Delta-Cortef Eye-Ear Ointment containing prednisolone acetate and neomycin sulfate; The Upjohn Co.

DESI 10210

1. NDA 10-210; Metimyd Ophthalmic Suspension containing prednisolone acetate and sodium sufacetamide; Schering Corp.

DESI 50168

1. NDA 50-416; Cortisporin Ointment containing polymyxin B sulfate, zinc bacitracin, neomycin sulfate, and hydrocortisone; Burroughs Wellcome & Co.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 507, 52 Stat. 1050-1053 as amended 59 Stat. 463 as amended (21 U.S.C. 352, 355, 357)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1).

Dated: August 8, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-26518 Filed 8-28-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79N-0340; DESI No. 10210]

Prednisolone Acetate and Sodium Sulfacetamide; Ophthalmic Suspension; Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice announces the conditions for marketing a nonantibiotic ophthalmic combination drug product containing prednisolone acetate and sodium sulfacetamide for the indications for which it is now regarded as effective.

DATES: Hearing requests due by September 29, 1980; supplements to approved new drug applications due on or before October 28, 1980.

ADDRESSES: Communications in response to this notice should be identified with DESI number 10210, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Supplements to full new drug applications (identify with NDA number): Division of Anti-Infective Drug Products (HFD-140), Rm. 12B-45, Bureau of Drugs.

Original abbreviated new drug applications or supplements thereto (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Requests for hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFA-305), Rm. 4-62.

Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Document Center (HFI-35), Rm. 12A-12.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT: Joan M. Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of July 27, 1972 (37 FR 15037)(DESI 10210), the Food and Drug Administration announced its conclusion after evaluating reports received from the National Academy of Sciences-National Research Council (NAS-NRC), Drug Efficacy Study Group concerning the nonantibiotic ophthalmic combination drug product named below. The product was classified as lacking substantial evidence of effectiveness for spastic entropion due to local irritation and possibly effective for its other labeled indications which are as follows:

Infection of the palpebral and bulbar conjunctiva and cornea by microorganisms sensitive to the sulfonamide component of this preparation and which is accompanied by an inflammatory response which it is desirable to suppress; inflammatory and allergic conditions affecting the eyelids and anterior of the eye: *Eyelids:* allergic blepharitis, blepharitis associated with seborrheic dermatitis, and other nonpurulent types of blepharitis; *Conjunctiva:* allergic conjunctivitis, i.e., vernal, phlyctenular and other nonpurulent forms of conjuctivitis including that associated with hay fever and conjunctivitis due to physical agents such as foreign bodies, chemicals (acids, alkalies) and other irritants; *Cornea, sclera, iris:* interstitial keratitis and other keratitides; corneal ulcer; herpes zoster ophthalmicus; phlyctenular keratoconjunctivitis, corneal neovascularization, scleritis, episcleritis, acute, chronic and traumatic iritis, iridocyclitis.

The product has been allowed to remain on the market beyond the time limit established for implementation of the drug efficacy study (DESI). The temporary exemption to permit continued marketing was announced in a notice published in the Federal Register of December 14, 1972 (37 FR 26623), as modified February 17, 1978 (43 FR 7044).

Because the effectiveness questions have been resolved for the product, elsewhere in this issue of the Federal Register FDA is revoking the temporary exemption for continued marketing of the product.

NDA 10-210; Metimyd Ophthalmic Suspension, each milliliter containing 5 milligrams prednisolone acetate, and 100 milligrams sodium sulfacetamide; Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the product specifically named above, this notice applies to any drug product that is not the subject of an approved new drug application and is identical to the product named above. It may also be applicable, under 21 CFR 310.6, to a similar or related drug product that is not the subject of an approved new drug application. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product that the person manufactures or distributes. Such person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (HFD-310), (address given above).

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug is effective for the indication described in the labeling conditions below. The other indications evaluated as possibly effective in the July 27, 1972 notice now lack substantial evidence of effectiveness.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug product is in a form suitable for ophthalmic administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The general outline for labeling follows:

Description

[Each labeling piece for a specific product should contain all information necessary to fulfill current labeling requirements.]

[The manufacturer and/or distributor shall state the proprietary name and established name (as defined in section 502(e)(2) of the Federal Food, Drug, and Cosmetic Act), if any, of the products, the dosage form(s), and the route of administration to which the labeling applies. It shall also state the chemical formula(e), if known, of the active ingredient(s) in the drug product, the pharmacologic or therapeutic class of the drug product, and the same quantitative ingredient information about the ingredients as that required for labels. This section may also contain other important information such as physical descriptions, physical constants, sterility status, pH, etc.]

Clinical Pharmacology

Corticoids suppress the inflammatory response to a variety of agents and they probably delay or slow healing. Since corticoids may inhibit the body's defense mechanism against infection, a concomitant antimicrobial drug may be used when this inhibition is considered to be clinically significant in a particular case.

The anti-infective component in the combination is included to provide action against specific organisms susceptible to it. *[Insert name of anti-infective(s) to be labeled]* is (are) considered active against the following microorganisms: *[list usually susceptible organisms]*.

When a decision to administer both a corticoid and an antimicrobial(s) is made, the administration of such drugs in combination has the advantage of greater patient compliance and convenience, with the added assurance that the appropriate dosage of both drugs is administered, plus assured compatibility of ingredients when both types of drug are in the same formulation and, particularly, that the correct volume of drug is delivered and retained.

The relative potency of corticosteroids depends on the molecular structure, concentration, and release from the vehicle.

Indications and Usage

A steroid/anti-infective combination is indicated in ocular inflammation when concurrent use of an antimicrobial is judged necessary.

Contraindications

Epithelial herpes simplex keratitis (dendritic keratitis), vaccinia, varicella, and many other viral diseases of the cornea and conjunctiva. Mycobacterial infection of the eye. Fungal diseases of ocular structures. Hypersensitivity to a component of the medication. (Hypersensitivity to the antibiotic component occurs at a higher rate than for other components.)

The use of these combinations is always contraindicated after uncomplicated removal of a corneal foreign body.

Warnings

Prolonged use may result in glaucoma, with damage to the optic nerve, defects in visual acuity and fields of vision and in posterior subcapsular cataract formation. Prolonged use may suppress the host response and thus increase the hazard of secondary ocular infections. In those diseases causing thinning of the cornea or sclera, perforations have been known to occur with the use of topical steroids. In acute purulent conditions of the eye, steroids may mask infection or enhance existing infection. If these products are used for 10 days or longer, intraocular pressure should be routinely monitored even though it may be difficult in children and uncooperative patients.

Employment of steroid medication in the treatment of herpes simplex requires great caution.

A significant percentage of staphylococcal isolates are completely resistant to sulfa drugs.

Precautions

The initial prescription and renewal of the medication order beyond 20 milliliters or 8 grams should be made by a physician only after examination of the patient with the aid of magnification, such as slit-lamp biomicroscopy and, where appropriate, fluorescein staining.

The possibility of fungal infections of the cornea should be considered after prolonged steroid dosing.

Adverse Reactions

Adverse reactions have occurred with steroid/anti-infective combination drugs which can be attributed to the steroid component, the anti-infective component, or the combination. Exact incidence figures are not available since no denominator of treated patients is available.

Reactions occurring most often from the presence of the anti-infective ingredient are allergic sensitizations. The reactions due to the steroid component in decreasing order of frequency are: elevation of intraocular pressure (IOP) with possible development of glaucoma, and infrequent optic nerve damage; posterior subcapsular cataract formation; and delayed wound healing.

Secondary Infection. The development of secondary infection has occurred after use of combinations containing steroids and antimicrobials. Fungal infections of the cornea are particularly prone to develop coincidentally with long-term applications of steroid. The possibility of fungal invasion must be considered in any persistent corneal ulceration where steroid treatment has been used.

Secondary bacterial ocular infection following suppression of host responses also occurs.

Dosage and Administration

Specific prescribing information to be supplied by the manufacturer and/or distributor.

Not more than 20 millimeters or 8 grams should be prescribed initially and the prescription should not be refilled without further evaluation as outlined in Precautions above.

How supplied

[The remaining information regarding the available dosage forms, potencies, and units of each, are to be supplied by each manufacturer and/or distributor.]

3. *Marketing Status.* a. Marketing of such drug products that are not the subject of an approved or effective new drug application may be continued provided that, on or before *(insert date 60 days after date of publication in the* Federal Register), the holder of the application has submitted (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)). The revised labeling may be put into use before approval of the supplemental new drug application, as provided for in 21 CFR 314.8(d) and (e).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained before marketing such product. An abbreviated application will be acceptable only for the formulation specifically named in this notice. Any new combination requires a new drug application and appropriate studies. Marketing before approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), 21 CFR 314.111(a)(5), and 21 CFR 300.50 that demonstrates the effectiveness of the drug for the indications lacking substantial evidence of effectiveness referred to in paragraph A of this notice.

Notice is given to the holder of the new drug application and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of that

part of the new drug application and all amendments and supplements thereto providing for the indications lacking substantial evidence of effectiveness referred to in paragraph A of this notice on the ground that new information before him with respect to the drug product, evaluated together with the evidence available to him at the time of approval of the application, shows there is a lack of substantial evidence that the drug product will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application supplemented, in accord with this notice, to delete the claims lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act under the exemption for products marketed before June 25, 1938, contained in section 201(p) of the act, or under section 107(c) of the Drug Amendments of 1962 or for any other reason.

In accordance with section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicants and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of that part of the new drug application should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of the drug product named above and of all identical, related, or similar drug products.

The applicant or any other person subject to this notice under 21 CFR 310.6 who decides to seek a hearing, shall file (1) on or before September 29, 1980, a written notice of appearance and request for hearing, and (2) on or before October 28, 1980, the data, information, and analyses relied on to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of the applicant or any other person subject to this notice under 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by the person not to make use of the opportunity for a hearing concerning the action proposed with respect to the product and constitutes a waiver of any contentions concerning the legal status of any such drug product. Any such drug product labeled for the indications lacking substantial evidence of effectiveness referred to in paragraph A of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved new drug application is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the persons who request the hearing, making findings and conclusions, denying a hearing.

All submissions under this notice shall be filed in quintuplicate. Such submissions except for information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk between 9 a.m. and 4 p.m., Monday through Friday.

(Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053 as amended (21 U.S.C. 352, 355)) auth. del. Director of the Bureau of Drugs (21 CFR 5.70))

Dated: July 24, 1980.

Jerome A. Halperin,

Acting Director, Bureau of Drugs.

[FR Doc. 80-26517 Filed 8-28-80; 8:45 am]

BILLING CODE 4110-03-M

Health Resources Administration

Advisory Committee; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of September 1980:

Name: Graduate Medical Education National Advisory Committee.

Date and Time: September 22–23, 1980, 8:30 a.m.

Place: Room 425–A, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. Open for entire meeting.

Purpose: The Graduate Medical Education National Advisory Committee is responsible for advising and making recommendations with respect to: (1) present and future supply and requirements of physicians by specialty and geographic location; (2) ranges and types of numbers of graduate training opportunities needed to approach a more desirable distribution of physician services; (3) the impact of various activities which influence speciality distribution and the availability of training opportunities including systems of reimbursement and the financing of graduating medical education.

Agenda: Discussion of future agenda issues for graduate medical education.

Due to limited seating, attendance by the public will be provided on a first-come, first-served basis.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information, should write to or contact Ms. EDNA SIMON, Office of Graduate Medical Education, Health Resources Administration, Room 10–30, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436–6430.

Agenda items are subject to change as priorities dictate.

Dated: August 25, 1980.

James A. Walsh,

Associate Administrator for Operations and Management.

[FR Doc. 80-26542 Filed 8-28-80; 8:45 am]

BILLING CODE 4110-83-M

Office of the Secretary

Interagency Work Group To Study Possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants; Meeting

The Interagency Work Group to Study the Possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants will hold a public meeting on September 22, 1980, from 10:00 A.M. until 4:30 P.M. in the auditorium, North Building, 330 Independence Avenue, S.W., Washington, D.C.

The Interagency Work Group was established by the White House last December. It oversees all Federal research efforts regarding the possible health effects of herbicides such as Agent Orange, and is charged with reporting to the public the results and implications of this research. The Work Group is chaired by Joan Z. Bernstein, General Counsel of the Department of Health and Human Services. It includes representatives of the Departments of Health and Human Services and Defense and the Veterans Administration. Representatives of the Environmental Protection Agency, the Departments of Agriculture and Labor, the White House Office of Science and Technology Policy, and the Congress' Office of Technology Assessment also participate as observers.

The agenda for the meeting (subject to adjustment) is: 1. Report to the public from the Work Group on its efforts and progress to date, including a review of the state of scientific knowledge about Agent Orange. (45 minutes: 10:00 A.M.–10:45 A.M.)

2. Statements from the public concerning phenoxy herbicides and contaminants (including Agent Orange) as submitted in advance of the meeting with responses from the Work Group as appropriate. (3 hours and 15 minutes: 10:45 A.M.–1:00 P.M., 2:00 P.M.–approximately 3:00 P.M.)

3. Questions from the public, as time permits. (1 hour and 30 minutes: approximately 3:00 P.M.–4:30 P.M.)

Persons who wish to appear before the Work Group should submit a request to appear, along with a copy of their written statement, to the Office of General Counsel, Department of Health and Human Services, Room 716E, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201 by no later than 5:00 P.M. September 15, 1980. The Work Group is particularly interested in receiving statements relating to scientific information on the possible health effects of phenoxy herbicides and contaminants, and especially encourages the scientific community as well as all other interested persons to attend and participate in the meeting. Individuals will have 10 minutes in which to summarize orally at the meeting their written submissions. The order of appearance of witnesses will be determined by the Work Group and made available to the public prior to the meeting. The public is also invited to submit statements in writing for the record only.

The Work Group will try to respond to all written questions received by noon September 22 during the afternoon session scheduled to begin at approximately 3 P.M. If time does not permit all written questions submitted by noon September 22 to be responded to at the public meeting, responses to remaining written questions will be provided and made public by the Work Group.

Individuals who wish to submit questions for the Work Group to respond to should deliver them in writing to Room 716E, HHH Building, 200 Independence Avenue, S.W., Washington, D.C., by 4:00 P.M. Friday, September 19. We encourage the public to submit any questions by that date. In addition, questions may be submitted in writing before noon on September 22 to designated Work Group staff who will be present at the meeting.

For additional information, contact: Sue Nelson Wrenn, Office of Public Affairs, Department of Health and Human Services, 200 Independence, S., Washington, D.C. 20201. Phone: (202) 245–1897.

Dated: August 22, 1980.

Joan Z. Bernstein,

General Counsel, Department of Health and Human Services and Chair, Interagency Work Group to Study the Possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants.

[FR Doc. 80-26558 Filed 8-28-80; 8:45 am]
BILLING CODE 4110-12-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe

August 19, 1980.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 54.8(a) notice is hereby given that the Cow Creek Band of Umpqua Indians, c/o Mrs. Sue Crispen Shaffer, Box 456, Canyonville, Oregon 97417, has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs on June 25. The petition was forwarded and signed by Mrs. Sue Crispen Shaffer.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be by mail to the petitioner and other interested parties at the appropriate time.

Under Section 54.8(d) of the Federal regulations, interested parties may submit factual or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the Bureau of Indian Affairs files.

The petition may be examined by appointment in the Division of Tribal Government Services, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20242.

Philip S. Deloria,

Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80-26523 Filed 8-28-80; 8:45 am]
BILLING CODE 4310-02-M

Bureau of Land Management

[AA-6701-E]

Alaska Native Claims Selection

On December 17, 1974, Seldovia Native Association, Inc., filed selection application AA-6701-E, as amended, under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of lands located in the Seldovia area.

The Village corporation selected lands which were withdrawn by Secs. 11(a)(1) and 11(a)(2) of ANCSA. Section 11(a)(2) specifically withdrew, subject to valid existing rights, all lands within the townships withdrawn by Sec. 11(a)(1) that had been selected by, or tentatively approved to, but not yet patented to the State of Alaska under the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b)).

Section 12(a)(1) of NACSA provides that village selections shall be made from lands withdrawn by Sec. 11(a). Section 12(a)(1) further provides that no village may select more than 69,120 acres from lands withdrawn by Sec. 11(a)(2).

The following described lands, which are State selected and were tentatively approved, have been properly selected under village selection application AA-6701-E. Accordingly, State selection application A-050904, filed December 29, 1959, as amended, is hereby rejected and the tentative approvals of November 22, 1961, and September 9, 1963, are hereby rescinded as to the following described lands:

Seward Meridian, Alaska (Surveyed)

T. 8 S., R. 12 W.,

Those portions of Tract A more particularly described as protracted:

Sec. 5 (fractional), excluding ADL 49431 located in the W½W½SW¼;
Sec. 6 (fractional), excluding ADL 48787 and ADL 49431 located in the E½SE¼; ADL 46149, ADL 46150, ADL 46151, ADL 46152, ADL 46153 and ADL 46650 located in the N½SE¼; and ADL 41043 located in the SW¼NE¼ and NW¼SE¼;
Secs. 7 and 8 (fractional), all;
Secs. 9, 10, and 11, all;
Secs. 14 and 15, all;
Sec. 16 (fractional), excluding ADL 46773 located in the SW¼SW¼;
Sec. 21 (fractional), excluding ADL 47665 located in the SW¼NW¼, ADL 41036 located in the N½SW¼, ADL 41300 located in the S½SW¼;
Secs. 22 and 27, inclusive, all.

Containing approximately 9,928.83 acres.

The State selection rejected above aggregates approximately 9,928.83 acres. Further action on the subject State selection application as to those lands not rejected herein will be taken at a later date.

The total amount of lands which have been properly selected by the State, including any selection applications previously rejected to permit conveyances to Seldovia Native Association, Inc., is 67,415.31 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of ANCSA.

The State of Alaska issued patents for lands to which it has received tentative approval. Section 6(g) of the Alaska Statehood Act gave the State authority to execute conditional leases and to make conditional sales of such lands. Where patents have been issued to third parties by the State of Alaska, these patents are valid rights, and shall be accorded the same dignity as Federal patents. (See 19 IBLA 178 (March 18, 1975), 84 I.D. 349 (June 9, 1977) and Secretarial Order No. 3029.)

In view of this, State selection application A–050904 remains in effect, the tentative approval remains valid, and village selection application AA–6701–E must be and is hereby rejected as to the following described lands:

Tract A of Alaska State Land Survey No. 73–111, located within Sec. 21, T. 8 S., R. 12 W., Seward Meridian, containing 5.00 acres, more or less, according to the survey plat recorded in the Seldovia Recording Office on April 17, 1975, as Plat No. 75–61 (patent No. 2425, ADL 41036);

Tract A of Alaska State Land Survey No. 73–80, located within Sec. 6, T. 8 S., R. 12 W., Seward Meridian, containing 2.99 acres, more or less, according to the survey plat recorded in the Seldovia Recording Office on July 2, 1975, as Plat No. 75–107 (patent No. 3683, ADL 41043);

Tract B of Alaska State Land Survey No. 73–111, located within Sec. 21, T. 8 S., R. 12 W., Seward Meridian, containing 4.60 acres, more or less, according to the survey plat recorded in the Seldovia Recording Office on April 17, 1975, as Plat No. 75–61 (patent No. 2427, ADL 41300);

Alaska State Land Survey No. 75–97, located within Sec. 6, T. 8 S., R. 12 W., Seward Meridian, containing 1.10 acres, more or less, according to the survey plat recorded in the Seldovia Recording Office on November 22, 1976, as Plat No. 76–10 (patent No. 3417, ADL 46149);

Tract E of Alaska State Land Survey No. 73–80, located within Sec. 6, T. 8 S., R. 12 W., Seward Meridian, containing 4.49 acres, more or less, according to the survey plat recorded in the Seldovia Recording Office on July 2, 1975, as Plat No. 75–107 (patent No. 3288, ADL 46150);

Tract B of Alaska State Land Survey No. 73–80, located within Sec. 6, T. 8 S., R. 12 W., Seward Meridian, containing 0.93 acres, more or less, according to the survey plat recorded in the Seldovia Recording Office on July 2, 1975, as Plat No. 75–107 (patent No. 2618, ADL 46151);

Tract C of Alaska State Land Survey No. 73–80, located within Sec. 6, T. 8 S., R. 12 W., Seward Meridian, containing 1.83 acres, more or less, according to the survey plat recorded in the Seldovia Recording Office on July 2, 1975, as Plat No. 75–107 (patent No. 2619, ADL 46152);

Tract D of Alaska State Land Survey No. 73–80, located within Sec. 6, T. 8 S., R. 12 W., Seward Meridian, containing 1.71 acres, more or less, according to the survey plat recorded in the Seldovia Recording Office on July 2, 1975, as Plat No. 75–107 (patent No. 2620, ADL 46153);

Alaska State Land Survey No. 73–81, located within Sec. 21, T. 8 S., R. 12 W., Seward Meridian, containing 1.75 acres, more or less, according to the survey plat recorded in the Seldovia Recording Office on July 23, 1979, as Plat No. 79–8 (patent No. 4688, ADL 47665);

Alaska State Land Survey No. 70–14, located within Sec. 16, T. 8 S., R. 12 W., Seward Meridian, containing 4.54 acres, more or less, according to the survey plat recorded in the Seldovia Recording Office on April 10, 1973, as Plat No. 73–50 (patent No. 2212, ADL 46773);

Tract G of Alaska State Land Survey No. 73–80, located within Sec. 6, T. 8 S., R. 12 W., Seward Meridian, containing 3.76 acres, more or less, according to the survey plat recorded in the Seldovia Recording Office on July 2, 1975, as Plat No. 75–107 (patent No. 2746, ADL 48787).

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 9,928.83 acres, is considered proper for acquisition by Seldovia Native Association, Inc., and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Seward Meridian, Alaska (Surveyed)

T. 8 S., R. 12 W.,

Those portions of Tract A more particularly described as protracted:
Sec. 5 (fractional), excluding ADL 49431 located in the W½W½SW¼
Sec. 6 (fractional), excluding ADL 48787 and ADL 49431 located in the E½SE¼; ADL 46149, ADL 46150, ADL 46151, ADL 46152, ADL 46153 and ADL 46650 located in the N½SE¼; and ADL 41043 located in the SW¼NE¼ and NW¼SE¼;
Secs. 7 and 8 (fractional), all;
Secs. 9, 10, and 11, all;
Secs. 14 and 15, all;
Sec. 16 (fractional), excluding ADL 46773 located in the SW¼SW¼;
Sec. 21 (fractional), excluding ADL 47665 located in the SW¼NW¼, ADL 41036 located in the N½SW¼, ADL 41300 located in the S½SW¼;
Secs. 22 to 27, inclusive, all.

Containing approximately 9,928.83 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities and appurtenances of whatsoever nature, accuring unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easement, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA–6701–EE, is reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

(EIN 26 D9) An easement for an existing access trail twenty-five (25) feet in width from the north section line of Sec. 29, T. 8 S., R. 12 W., Seward Meridian, southeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands

hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Seldovia Native Association, Inc., is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is 67,562.64 acres. The remaining entitlement of approximately 47,637.36 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to Cook Inlet Region, Inc., when the surface estate is conveyed to Seldovia Native Association, Inc., and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies considered to be navigable within the above described lands.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in the Anchorage Times. Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until September 29, 1980 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and the requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

The notice of appeal are:

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.

Seldovia Native Association, Inc., P.O. Box 185, Seldovia, Alaska 99663.

Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509.

Barbara A. Yoppke,

Acting Chief, Branch of Adjudication.

[FR Doc. 80-26545 Filed 8-28-80; 8:45 am]

BILLING CODE 4310-84-M

[AA-6680-C]

Alaska Native Claims Selection

On December 4, 1974, Paug-Vik Incorporated, Limited for the Native village of Naknek, filed selection application AA–6680–C, as amended, under the provisions of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the vicinity of Naknek.

As to the lands described below, the application, submitted by Paug-Vik Incorporated, Limited, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating 80 acres, is considered proper for acquisition by Paug-Vik Incorporated, Limited, and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Seward Meridian, Alaska (Surveyed)

T. 17 S., R. 44 W.,
Sec. 33, SE¼NE¼;
Sec. 34, SW¼NW¼.
Containing 80 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)).

The grant of the above-described lands shall be subject to:

1. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA) any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

2. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Paug-Vik Incorporated, Limited is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of ANCSA. To date, approximately 104,068 acres of this entitlement have been approved for conveyance. The remaining entitlement of approximately 11, 132 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be granted to Bristol Bay Native Corporation when conveyance is granted to Paug-Vik Incorporated, Limited for the surface estate, and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies considered to be navigable within the above described lands.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in the ANCHORAGE TIMES. Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until September 29, 1980 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and the requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse parties to be served are:

Paug-Vik Incorporated, Limited, Naknek, Alaska 99633.

Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576.

Barbara A. Yoppke,

Acting Chief, Branch of Adjudication.

[FR Doc. 80-26544 Filed 8-28-80; 8:45 am]

BILLING CODE 4310-84-M

Designation of Public Lands for Off-Road Vehicle (ORV) Use

ORV Use Designations

Notice is hereby given that use of ORV's on all BLM-administered public lands in Chelan, Douglas, and Okanogan Counties, Washington, is permanently allowed, prohibited, or restricted as listed below. These designations are in accordance with 43 CFR Part 8340 and are the result of decisions made in the Upper Columbia Management Framework Plan. They received full public review during a formal comment period. These designations do not apply to any non-amphibious registered motorboat; any military, fire, emergency, or law enforcement vehicle being used for emergency purposes; any vehicle whose use is expressly authorized by the authorized officer, or otherwise officially approved; vehicles in official use; or any combat or combat support vehicle when used in times of national defense emergencies.

The areas permanently closed to ORV use include:

1. Hot Lake Research Natural Area, located five (5) miles west of Oroville, Washington. This is a republication of an existing closure. The area is closed to protect a lake with unique thermal qualities, and which contains a species of brine shrimp. The closed area totals approximately 50 acres.

The legal description of the closed lands is:

Willamette Meridian

T. 40 N., R. 27 E.,
Sec. 7, an irregular portion of the SE¼;
Sec. 8, an irregular portion of the NE¼.

2. Wenatchee River Access sites. This includes four (4) sites along the Wenatchee River in Chelan County, Washington. These sites are being closed to protect vegetation and reduce the possibility of increased siltation into the river. The closed areas total approximately 100 acres. The legal descriptions of the closed lands are:

Willamette Meridian

T. 23 N., R. 19 E., section 14: NW¼NE¼;
T. 24 N., R. 18 E., section 22: Lot 8; section 36: Lots 1 and 3.

The following lands in Okanogan County, Washington, are designated as restricted to designated open roads and trails from November 15 to March 1 each year. This restriction is to provide protection to wildlife on critical deer winter range and mountain goat range, and totals approximately 3000 acres. The restricted lands are as follows:

Willamette Meridian

T. 34 N., R. 25 E.,
Sec. 5, N½, less patented mining claims, N½S½, less patented mining claims; E½SE¼SW¼; W½SW¼SE¼.
T. 35 N., R. 25 E.,
Sec. 19, W½SE¼, SE¼SW¼;
Sec. 20, SW¼SE¼, SE¼SW¼;
Sec. 29, all, less patented mining claims;
Sec. 30, E½, less patented mining claims;
Sec. 31, E½E½, less patented mining claims;
Sec. 32, S½, N½, less patented mining claims;
Sec. 33, S½NW¼.
T. 39 N., R. 25 E.,
Sec. 12, SW¼, N½SE¼, W½NW¼, SW¼SE¼; SE¼NW¼, SW¼SE¼SE¼;
Sec. 13, NW¼, W½NE¼SW¼; W½NW¼NE¼; NW¼NW¼SW¼; SW¼SW¼SW¼; NE¼NW¼NE¼.

The following lands in Douglas County, Washington, are designated as restricted to designated open roads and trails from February 15 to June 1 each year. This restriction is to provide protection to soils, which are more susceptible to damage in the springtime when soil moisture is high, and totals approximately 5,160 acres. The legal description of the restricted lands follows:

T. 23 N., R. 23 E.,
Sec. 14, SW¼, SW¼SE¼;
Sec. 15, W½, SE¼, S½NE¼;
Secs. 20, 21, 22, and 23, All;
Sec. 24, SW¼, SW¼NW¼;
Sec. 25, N½NW¼, SW¼NW¼;
Sec. 26, W½, S½NE¼;
Sec. 28, N½, SE¼;
Sec. 34, All.

The following lands in Chelan, Douglas, and Okanogan Counties, Washington, are designated as restricted to designated open roads and trails all year long. These designations are to protect watershed, wildlife, scenic, or other recreation values and total approximately 27,500 acres. The legal descriptions of the restricted lands are as follows:

Willamette Meridian

Chelan County

T. 23 N., R. 20 E.,
Sec. 4, E½, N½NW¼;
Sec. 10, W½W½, SE¼NW¼.
T. 24 N., R. 20 E.,
Sec. 24, W½NW¼;
Sec. 26, NE¼NW¼, NW¼NE¼.
T. 24 N., R. 21 E.,
Sec. 6, W½, W½E½.
T. 25 N., R. 20 E.,
Sec. 1, W½NW¼;
Sec. 2, All.
T. 25 N., R. 21 E.,
Sec. 4, SW¼NW¼NW¼SW¼;
Sec. 18, NW¼NW¼;
Sec. 20, NW¼, N½SW¼, SW¼SW¼;
Sec. 30, N½, N½S½.
T. 26 N., R. 20 E.,
Sec. 20, Lots 4, 6, and 7;
Sec. 28, Lot 1;
Sec. 29, Lot 1;
Sec. 34, SE¼, N½NW¼, N½SW¼.
T. 26 N., R. 21 E.,
Sec. 9, NW¼NW¼;
Sec. 20, N½NE¼;
Sec. 32, W½SE¼, SW¼NW¼, SE¼SE¼, NW¼NE¼.
T. 26 N., R. 22 E.,
Sec. 1, Lots 5 and 6;
Sec. 2, Lots 1, 4, 5, 6, and 7;
Sec. 3, SW¼SW¼;
Sec. 6, Lots 3, 4, and 5;
Sec. 8, Lot 7.
T. 27 N., R. 22 E.,
Sec. 21, SW¼SW¼;
Sec. 24, S½SE¼, NE¼SE¼, SE¼SW¼;
Sec. 25, S½, W½NW¼, NE¼NW¼;

Sec. 26, S½N½, SW¼, NE¼NE¼, NE¼NW¼;
Sec. 27, SE¼, S½NW¼, N½NW¼;
Sec. 28, NE¼NE¼;
Sec. 31, W½NE¼, Lots 1, 2, and 4;
Sec. 33, SE¼SE¼;
Sec. 34, NE¼NE¼;
Sec. 35, N½N½, SE¼NW¼, SW¼NE¼, NW¼SE¼.
T. 27 N., R. 23 E.,
Sec. 9, Lots 3 and 4.
Willamette Meridian
Douglas County
T. 21 N., R. 22 E.,
Sec. 12, E½SE¼;
Sec. 14, E½NW¼; NW¼SW¼
Sec. 24, W½NW¼, NE¼NW¼, NW¼SW¼;
Sec. 26, N½NW¼.
T. 21 N., R. 23 E.,
Sec. 6, S½SE¼.
T. 22 N., R. 23 E.,
Sec. 2, E½SE¼, W½NW¼, SE¼NE¼, NW¼SW¼;
Sec. 4, S½SE¼, SE¼SW¼;
Sec. 8, E½SE¼, NW¼, NE¼SW¼;
Sec. 10, NW¼, N½NE¼, W½SW¼;
Sec. 12, W½;
Sec. 14, NE¼, E½NW¼, W½SW¼, SW¼NW¼, SE¼SW¼, SW¼SE¼, NE¼SE¼;
Sec. 22, SE¼, E½NE¼;
Sec. 30, SE¼SE¼;
Sec. 32, W½NW¼, SE¼SE¼.
T. 23 N., R. 23 E.,
Sec. 10, S½, S½NW¼, NW¼NW¼;
Sec. 11, SW¼, SW¼NW¼, SW¼SE¼;
Sec. 13, W½SW¼, SW¼NW¼;
Sec. 14, N½, N½SE¼, SE¼SE¼;
Sec. 24, E½NE¼, SW¼SE¼, NE¼SE¼;
Sec. 25, NE¼, SE¼NW¼.
T. 23 N., R. 24 E.,
Sec. 30, W½;
Sec. 32, NW¼;
Sec. 34, NE¼, NE¼SE¼, SW¼SW¼.
T. 24 N., R. 25 E.,
Sec. 1, N½NW¼, NW¼NE¼;
Sec. 2, N½NW¼, NE¼NE¼, SW¼NW¼.
T. 25 N., R. 25 E.,
Sec. 13, SE¼, E½NE¼;
Sec. 23, E½SE¼, SW¼SE¼;
Sec. 24, N½N½, SW¼, S½SE¼, SW¼NW¼;
Sec. 25, NW¼, NW¼NE¼, NE¼SW¼;
Sec. 26, NE¼, SW¼, W½SE¼, E½NW¼, SW¼NW¼, NE¼SE¼;
Sec. 27, S½NE¼, NE¼SE¼;
Sec. 34, NE¼, N½SE¼, SE¼SE¼;
Sec. 35, All.
T. 25 N., R. 26 E.,
Sec. 19, SW¼SW¼.
T. 29 N., R. 25 E.,
Sec. 25, SW¼NE¼, NW¼SE¼.
T. 29 N., R. 26 E.,
Sec. 9, SW¼SW¼, SW¼SE¼;
Sec. 30, SW¼NW¼.
T. 30 N., R. 24 E.,
Sec. 24, SW¼SE¼, NE¼SW¼;
Sec. 25, NE¼NE¼.
T. 30 N., R. 26 E.,
Sec. 25, Lots 3 and 4; NW¼NE¼;
Sec. 35, Lots 4, 5, 6, and 7; NE¼SE¼, SW¼SE¼.
T. 30 N., R. 27 E.,
Sec. 28, SE¼SE¼, NW¼SE¼, SW¼NW¼;
Sec. 29, NE¼NW¼;
Sec. 34, E½SW¼, SW¼NW¼, SW¼SE¼.
T. 30 N., R. 28 E.,
Sec. 9, Lot 2;
Sec. 15, SE¼NE¼, NE¼SE¼, SW¼NW¼;
Sec. 16, N½SW¼, SW¼NW¼;
Sec. 21, NE¼NE¼.

Willamette Meridian

Okanogan County

T. 30 N., R. 24 E.,
Sec. 6, S½NW¼, NW¼SW¼;
Sec. 17, NE¼NW¼;
Sec. 18, S½SW¼.
T. 39 N., R. 25 E.,
Sec. 24, SE¼SE¼;
Sec. 25, NE¼, E½SE¼.
T. 39 N., R. 26 E.,
Sec. 17, E½, SW¼, SE¼NW¼;
Sec. 18, SE¼SW¼;
Sec. 19, All, less patented mining claims;
Sec. 20, N½, less patented mining claims;
Sec. 27, NW¼;
Sec. 29, NW¼SW¼;
Sec. 30, All, less patented mining claims;
Sec. 31, NW¼, NW¼NE¼, W½NW¼ SW¼.

T. 40 N., R. 24 E.,
Sec. 13, S½NW¼;
Sec. 14, N½NW¼.
T. 40 N., R. 25 E.,
Sec. 1, SW¼NW¼, SE¼SW¼, SE¼SE¼;
Sec. 2, E½NE¼;
Sec. 5, W½W½;
Sec. 6, All, less patented mining claims;
Sec. 7, W½W½, less patented mining claims;
Sec. 12, NW¼NW¼;
Sec. 17, W½W½;
Sec. 18, All, less patented mining claims;
Sec. 19, All;
Sec. 20, W½, SE¼, S½NE¼,NW¼NE¼;
Sec. 21, SW¼, less patented mining claims;
Sec. 27, SW¼SW¼;
Sec. 28, All, less patented mining claims;
Sec. 29, All;
Sec. 32, N½, E½SE¼;
Sec. 33, All;
Sec. 34, SW¼, E½SE¼, W½NW¼.
T. 40 N., R. 26 E.,
Sec. 3, SW¼SW¼;
Sec. 4, N½SW¼, S½SE¼;
Sec. 5, N½S½;
Sec. 6, S½S½;
Sec. 7, W½NE¼, less patented mining claims;
Sec. 8, N½NE¼;
Sec. 9, NE¼, N½NW¼.
T. 40 N., R. 26 E.,
Sec. 10, SW¼, less patented mining claims; S½NE¼, N½SE¼, less patented mining claims.
Sec. 11, N½S½, less patented mining claims; S½NW¼, NE¼NE¼, SW¼NE¼, SW¼SW¼;
Sec. 12, W½, W½E½;
Sec. 13, N½N½.

The public lands in the Upper Columbia Planning Unit that are not listed in the permanent closure or restricted areas are designated as open to ORV use. The approximate total acres designated as open are 75,000 acres.

All lands designated as closed, restricted, or open are depicted on an ORV designation map which is available from the Spokane District Office, Bureau of Land Management, Room 551, U.S. Court House, Spokane, WA 99201.

All designations are effective immediately and will remain in effect until revised, revoked, or amended by the authorized officer pursuant to 43 CFR Part 8340.

Albert L. Martin,
Acting, District Manager.

[FR Doc. 80-26487 Filed 8-28-80; 8:45 am]
BILLING CODE 4310-84-M

[SAC 074614]

Termination of Proposed Withdrawal and Reservation of Land

Correction

In FR Doc. 80-19277 appearing at page 43253 in the issue of Thursday, June 26, 1980, the third from last line of the second land description in the third column on page 43253 should read, "E½ NE¼ SW¼".

BILLING CODE 1505-01-M

District Advisory Council; Meeting

Notice is hereby given in accordance with Public Law 92-463, that a meeting of the Rawlins District Advisory Council will be held on October 7, 1980.

The meeting will begin at 9:30 a.m. in the annex conference room of the Rawlins District Office, Bureau of Land Management, 1300 No. Third Street, Rawlins, Wyoming.

The agenda will include: (1) Election of officers; (2) Review of Council procedures; responsibilities and purpose (3) Introduction to District public land programs and activities; (4) Determination of topics for next meeting. Detailed agenda will be available upon request.

The meeting will be open to the public. Interested persons may make oral statement before the Council or file written statements for the Councils consideration. Persons wishing to make oral statements are asked to notify the Rawlins District Manager, 1300 N. Third Street, P.O. Box 670, Rawlins, Wyoming 82301, by close of business September 26, 1980.

Elbert W. Spencer,
Acting District Manager.

[FR Doc. 80-26569 Filed 8-28-80; 8:45 am]
BILLING CODE 4310-84-M

Lakeview District Advisory Council Meeting

Notice is hereby given, in accordance with Public Law 94–579 and 43 CFR Part 1780, that a meeting of the Lakeview District Multiple Use Advisory Council will be held on Tuesday, September 16, 1980 at 9:00 a.m. at the Bureau of Land Management Office, 1000 South Ninth Street, Lakeview, Oregon 97630. The meeting is open to the public.

Agenda for the meeting will include:

(1) Introduction of individual members.

(2) Organization of the council.

(3) Discussion of the function of the council.

(4) Briefing and discussions on the current status of the MFP in preparation for the Lakeview E.I.S.

(5) Arrangements and agenda for next meeting.

(6) Public comments.

Summary minutes of the meeting will be kept in the Lakeview District Office and will be available for public inspection and reproduction during regular business hours within 30 days after the meeting.

Richard A. Gerity,

District Manager, Lakeview District Office.

August 21, 1980.

[FR Doc. 80-26584 Filed 8-28-80; 8:45 am]

BILLING CODE 4310-84-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before August 25, 1980. Pursuant to section 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted on or before September 15, 1980.

California

Los Angeles County

Long Beach, *Hughes Flying Boat (Hercules)* Port of Long Beach.

Sarah G. Oldham,

Acting Chief, Registration Branch.

[FR Doc. 80-26485 Filed 8-28-80; 8:45 am]

BILLING CODE 4310-03-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 80–18774, appearing at page 42051 in the issue for Monday, June 23, 1980, in the application MC 29910 (Sub No. 5–20TA), Arkansas-Best Freight System, Inc., which begins on page 42069, make the following corrections:

(a) On page 42069, middle column, 32nd line, delete "thence over US Hwy 10,".

(b) On page 42070, third column, in the 12th line, after the word "regular" insert "–route".

(c) On page 42070, third column, in the 28th line, after "Madison," insert "WI,".

(d) On page 42071, in the middle column, make the following corrections:

(1) In the second line, delete ", located".

(2) Delete the third and fourth lines.

(3) In the fifth line delete "Interstate Hwy 94".

(4) In the eighth line delete "to its junction".

(5) In the ninth line delete "with WI Hwy 15,".

(6) The tenth line should read: "WI, thence over WI Hwy 15 to its junction with US Hwy 51, to Mendota".

(7) Delete lines 18, 19, 20, and 21.

(e) On page 42071, in the third column, in the 32nd line, "US Hwy 129" should read "OH Hwy 129".

(f) On page 42071, in the third column, in the 56th line, "OH Hwy 27" should read "US Hwy 27".

(g) On page 42073, in the first column, in the 34th line, between "SD Hwy 37" and "Mitchell" insert "to".

(h) On page 42073, in the first column, in the 52nd line, between the words "12 miles" and "of" insert "east".

BILLING CODE 1505-01-M

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 80–18774 appearing at page 42051 in the issue for Monday, June 23, 1980, in MC 29910 (Sub No. 5–23TA), Arkansas-Best Freight System, Inc., beginning on page 42078, make the following corrections:

(1) On page 42078, first column, second complete paragraph, in the 38th line, after "IN" insert "and Lafayette, IN".

(2) On page 42079, in the middle column, in the 22nd line, "Highway 14" should read "Highway 114".

(3) On page 42083, in the middle column, in the 24th line, before "Highway 460" insert "Highway 64 and US".

(4) On page 42084, in the first column, in the first line, delete the word "livestock".

(5) On page 42084, in the first column, in the tenth line, between "value," and "Classes A and B" insert "livestock,".

BILLING CODE 1505-01-M

Motor Carrier Finance Applications; Decision-Notice

Correction

In FR Doc. 80–22950 appearing at page 50946 in the issue of Thursday, July 31, 1980, on page 50948, 1st column, 1st complete paragraph starting Miller Transfer & Rigging Co., "MC–F–14393F, filed May 15, 1980." Should begin the line. It should be corrected to read "MC–F–14393F, filed May 15, 1980. Miller Transfer & Rigging Co."

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 55–80]

Privacy Act of 1974; New System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of Justice proposes to establish a new system of records to be maintained by the Antitrust Division.

The Public Complaints and Inquiries File (JUSTICE/ATR–009) is a new system of records for which no public notice consistent with the provisions of 5 U.S.C. 552a(e)(4) has been published in the Federal Register.

5 U.S.C. 552a(e)(4) and (11) provide that the public be given a 30-day period in which to comment; the Office of Management and Budget, which has oversight responsibility under the Act, requires a 60-day period in which to review the system before it is implemented. Therefore, the public, the Office of Management and Budget (OMB), and the Congress are invited to submit written comments on this system. Comments should be addressed to the Administrative Counsel, Justice Management Division, Room 1214, Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530. If no comments are received from either the public, OMB, or the Congress within 60 days from the date of publication of this notice, the system will be implemented without further notice in the Federal Register. No oral hearings are contemplated.

A report of the proposed system has been provided to the Director, OMB, to the President of the Senate and to the Speaker of the House of Representatives.

Dated: August 21, 1980.

Kevin D. Rooney,

Assistant Attorney General for Administration.

Justice/ATR-009

SYSTEM NAME:

Public Complaints and Inquiries File

SYSTEM LOCATION:

U.S. Department of Justice, Washington, D.C. 20530 and field office locations as follows: 1776 Peachtree St., N.W., Suite 420, Atlanta, GA 30309; 2634 Everett M. Dirksen Bldg., 219 S. Dearborn St., Chicago, IL 60604; 995 Celebrezze Federal Bldg., 1240 E. 9th St., Cleveland, OH 44199; Earl Cabell Federal Bldg., Room 8C6, 1100 Commerce St., Dallas TX 75242; 300 N. Los Angeles St., Room 3101 Federal Bldg., Los Angeles, CA 90012; Room 3630, 26 Federal Plaza, New York, NY 10007; 3430 U.S. Courthouse, Independence Mall West, 601 Market St., Philadelphia, PA 19106; and 450 Golden Gate Ave., Box 36046, San Francisco, CA 94102.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the public who submit unsolicited complaints and inquiries to the Division on official business.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file will contain letters or notes of other contacts by members of the public.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The file will be established and maintained pursuant to 44 U.S.C. 3101 and 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The file will be used by Antitrust Division personnel to assure adequate response to initial and subsequent contacts by the same individuals or to other contacts regarding the same subject. Some of these contacts will also serve to further ongoing Antitrust investigations or to initiate an investigation for enforcement purposes. Complaints/inquiries may be referred to other federal or state and local agencies, only if deemed appropriate to assure complete action on the matter.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Records will be maintained in the form in which they are originated, i.e., paper letters, notes and log sheets.

RETRIEVABILITY:

Information will be retrieved by name, subject matter and date.

SAFEGUARDS:

Information contained in the system will be unclassified. Records will be maintained only in the offices of the Antitrust Division and accessed only by Division employees whose official duties require such access.

RETENTION AND DISPOSAL:

Records of contacts will be kept by individual name for one year, after which they will be destroyed. Copies of these contact records may be placed in a subject matter or case file if they contain substantive information on antitrust enforcement matters. Case and subject matter files are normally maintained for thirty years.

SYSTEM MANAGER AND ADDRESS:

Executive Officer, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as System Manager.

RECORD ACCESS PROCEDURES:

Same as Notification.

CONTESTING RECORD PROCEDURES:

Same as Notification.

RECORD SOURCE CATEGORIES:

All information will be obtained from the complaining individuals themselves.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 80-26568 Filed 8-28-80; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Cyclo Chemical Division; Manufacture of Controlled Substances Application

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on August 6, 1979, Cyclo Chemical Division, Division of Alameda Laboratories, Inc., 1922 East 64th Street, Los Angeles, CA 90001, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the schedule II controlled substance diphenoxylate.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than September 29, 1980.

Dated: August 25, 1980.

Frederick A. Rody, Jr.

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 80-25649 Filed 8-28-80; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 80-17]

Thomas E. Johnston, D.O.; Hearing on Suspension of Registration

Notice is hereby given that on June 4, 1980, the Drug Enforcement Administration, Department of Justice, issued to Thomas E. Johnston, D.O., Overland Park, Kansas, an Order To Show Cause and Immediate Suspension of Registration. Respondent was afforded an opportunity to show cause why the Drug Enforcement Administration should not revoke his DEA Certificate of Registration, AJ7877799.

Thirty days having elapsed since the said Order To Show Cause and Immediate Suspension of Registration was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Tuesday, September 16, 1980, in the Hearing

Room, Room 1210, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C.

Dated: August 25, 1980.

Frederick A. Rody, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 80-26548 Filed 8-28-80; 8:45 am]

BILLING CODE 4410-09-M

Importation of Controlled Substances; Notice of Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II and prior to issuing a registration under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with Section 1311.42 of Title 21 Code of Federal Regulations (CFR), notice is hereby given that on January 10, 1980, Merck & Co., Inc., Merck Chemical Manufacturing Div., P.O. Box 2000, Lincoln Avenue, Attn: Office of the Secretary, Rahway, New Jersey 07065, made application to the Drug Enforcement Administration to be registered as an importer of Concentrate of Poppy Straw, a basic class controlled substance in schedule II.

As to the basic class of controlled substance listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objection to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than September 29, 1980.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42(b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in schedule I or II are and will continue to be required to demonstrate to the Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42(a), (b), (c), (d), (e) and (f) are satisfied.

Dated: August 25, 1980.

Frederick A. Rody, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 80-20546 Filed 8-28-80; 8:45 am]

BILLING CODE 4410-09-M

Carlton Turner, Importation of Controlled Substances Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958 (h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of controlled substance in schedule I or II and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21 Code of Federal Regulations (CFR), notice is hereby given that on 10–2–79, Carlton Turner, Dept. of Pharmacognosy, School of Pharmacy, University of Mississippi, University, MS 38677, made application to the Drug Enforcement Administration to be registered as an importer of marihuana (7360), a basic class controlled substance in Schedule I.

As to the basic class of controlled substances listed above for which application for registration has been made, any other applicant therefore, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or request for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than September 29, 1980.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42(b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in schedule I or II are and will continue to be required to demonstrate to the Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42(a), (b), (c), (d), (e) and (f) are satisfied.

Dated: August 25, 1980.

Frederick A. Rody, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 80-26547 Filed 8-28-80; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agricultural for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commerical or industrial enteprises, unless such financial or other assisstance will not have an adverse

effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20013.

Signed at Washington, D.C., this 22nd day of August 1980.

Earl T. Klein,

Director, Office of Program Services.

APPLICATIONS RECEIVED DURING THE WEEK ENDING AUG. 23, 1980

Name of applicant and location of enterprise	Principal product or activity
Black Swan Marina Properties Corp., Old Saybrook, Connecticut.	Marina, shopping center and restaurant.
Reading Industries, Inc., Ontelaunee Township, Pennsylvania.	Production of copper and copper base alloy pipe and tubing.
Highlands County Title & Guaranty Land Co., Sebring, Florida.	Motel.
The Friendly Village, Inc., Rhinelander, Wisconsin.	Nursing home.
Industrial Buildings Limited, Kerman, California.	Cotton yarn mill.
The Snowmass Company, Limited Snowmass Village, Colorado.	Athletic club/center, restaurant and lodging.
Hospitality Marketing & Management Inc., Downtown Grand Junction, Colorado.	Hotel.

[FR Doc. 80-26429 Filed 8-28-80; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-80-103-C]

Belibe Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Belibe Coal Corporation, P.O. Box 875, Grundy, Virginia 24614 has filed a petition to modify the application of 30 CFR 75.1605(k) (berms and guards) to its No. 10 Mine located in Buchanan County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that berms or guards shall be provided on the outer bank of elevated roadways.

2. As an alternative to complying with the standard, petitioner proposes that berms or guard rails shall be provided on the outer banks of the elevated roadways:

a. at the turn-around location where vehicles turn to approach the load-out facilities, and

b. at the switch backs where trucks cannot make a turn without backing up.

3. At all other locations where berms or guard rails are not provided:

a. a daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service;

b. roadway surfaces shall be kept free of debris, excessive water, snow or ice and maintained as free as practicable of small ditches (washboard effects);

c. a traffic system shall be put into use requiring that loaded vehicles have the right-of-way on the highwall side of roads regardless of their direction of travel;

d. warning signs shall be posted designating curves, steep grades, one-lane traffic, intersections and passing points;

e. all equipment operators shall be trained in the use of haulage equipment and the safety of vehicles on the haulage road;

f. all haulage equipment shall have original manufacturer's brakes, engines or Jacobs brakes and emergency (parking) braking systems;

g. adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery;

h. a minimum width of 30 feet shall be provided and maintained along two-lane roads; widths of less than 30 feet shall be designated as single lane roads;

i. a minimum width of 16 feet shall be maintained for all single lane roads with passing points provided at intervals of not more than 1,000 feet; if visibility is obscured by brush or other materials, passing points shall not be more than 500 feet apart;

j. where abrupt drop-offs are present along the outer banks, super elevation shall be provided to cause the vehicles to gravitate toward the highwall side of the road; and

k. all rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules shall be made part of the training and retraining programs.

4. Petitioner states that the proposed alternate method will provide the same or greater protection to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before (September 29, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

Dated: August 20, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-26581 Filed 8-28-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-77-M]

Domtar Industries, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Domtar Industries, Inc., Sifto Salt Division, P.O. Box 7212, Montreal, Canada, H3C 3M3 has filed a petition to modify the application of 30 CFR 57.21-24(a) (gassy mines—ventilation) to its Cote Blanche Mine located in St. Mary Parish, Louisiana, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petitioner is mining domal salt. Rooms and pillars are large, and the strata is relatively impermeable to gas.

2. The petitioner states that its mine is less prone to blowouts (gas outbursts) than any other domal type salt mine declared gassy, both in numbers and magnitude of blowouts. Blowout cavities are oriented vertically, and they can be identified and avoided. Blowout avoidance has been demonstrated to be particularly successful at the petitioner's mine.

3. As alternative to the application of 30 CFR 57.21-24(a), the petitioner proposes to:

a. Refrain from all methane-liberating activities such as blasting, drilling, and undercutting during any main fan stoppage, and

b. Stop all work in the affected area and remove miners to fresh air within the mine if the methane concentration reaches 1.0 percent. If the methane concentration exceeds 1.5 percent, the petitioner will deenergize all sources of ignition.

4. A number of safeguards are listed as follows:

a. A minimum of eight methane monitor sensing devices will be located in the mine. At least one of these will be placed to effectively monitor any area to be blasted.

b. Blasting will be done by a competent person with all miners on the surface.

c. Before reentering the mine, monitors located on the surface will provide miners with verification of blast effectiveness and of methane concentrations detected by underground sensors. In addition, competent persons will monitor exhaust air from the mine. Mine crews and nonpermissible equipment will not enter active workings if the methane concentration is 1.0 percent or more.

d. All mobile equipment, either permissible or nonpermissible, taken past the last open crosscut shall have a working methane monitor installed, with both visible and audible warnings.

e. All drills, undercutters and personnel carriers beyond the last open crosscut shall be maintained in a permissible condition.

f. Nonpermissible equipment will not be permitted in entires where drilling or undercutting is in progress.

5. The petitioner states that deenergizing all sources of ignition, not merely the power, provides miners with greater safety than provided by 30 CFR 57.21-24(a)(2).

6. The petitioner alleges that in conjunction with other requested modifications, the proposed modification will at all times guarantee miners no less than the same measure of protection than that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before September 29, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: August 20, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-26580 Filed 8-28-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-89-M]

Domtar Industries, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Domtar Industries, Inc., Sifto Salt Division, P.O. Box 7212, Montreal, Canada, H3C 3M3 has filed a petition to modify the application of 30 CFR 57.21-98 (gassy mines—explosives) to its Cote Blanche Mine located in St. Mary Parish, Louisiana, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petitioner is mining domal salt. Rooms and pillars are large, and the strata is relatively impermeable to gas.

2. The petitioner states that its mine is less prone to blowouts (gas outbursts) than any other domal type salt mine declared gassy, both in numbers and magnitude of blowouts. Blowout cavities are oriented vertically, and they can be identified and avoided. Blowout avoidance has been demonstrated to be particularly successful at the petitioner's mine.

3. As an alternative to the application of 30 CFR 57.21-98, the petitioner proposes to continue using Ammonium Nitrate Fuel Oil (AN-FO) explosives without stemming.

4. The petitioner claims stemming contaminates the salt and causes excessive break-up of material. There is no need for a requirement for stemming boreholes because all miners will be on the surface when gassy zones are blasted.

5. A number of safeguards are listed as follows:

a. A minimum of eight methane monitor sensing devices will be located in the mine. At least one of these will be placed to effectively monitor any area to be blasted.

b. Blasting will be done by a competent person with all miners on the surface.

c. Before reentering the mine, monitors located on the surface will provide miners with verification of blast effectiveness and of methane concentrations detected by underground sensors. In addition, competent persons will monitor exhaust air from the mine. Mine crews and nonpermissible equipment will not enter active workings if the methane concentration is 1.0 percent or more.

d. All mobile equipment, either permissible or nonpermissible, taken past the last open crosscut shall have a working methane monitor installed, with both visible and audible warnings.

e. All drills, undercutters and personnel carriers beyond the last open crosscut shall be maintained in a permissible condition.

f. Nonpermissible equipment will not be permitted in entries where drilling or undercutting is in progress.

6. The petitioner alleges that in conjunction with other requested modifications, the proposed modification will guarantee miners no less protection than that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before September 29, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: August 20, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-26578 Filed 8-28-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-80-M]

Domtar Industries, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Domtar Industries, Inc., Sifto Salt Division, P.O. Box 7212, Montreal, Canada, H3C 3M3 has filed a petition to modify the application of 30 CFR 57.21-36 (gassy mines—ventilation) to its Cote Blanche Mine located in St. Mary Parish, Louisiana, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petitioner is mining domal salt. Rooms and pillars are large, and the strata is relatively impermeable to gas.

2. The petitioner states that its mine is less prone to blowouts (gas outbursts) than any other domal type salt mine declared gassy, both in numbers and magnitude of blowouts. Blowout cavities are oriented vertically, and they can be identified and avoided. Blowout avoidance has been demonstrated to be particularly successful at the petitioner's mine.

3. As an alternative to the application of 30 CFR 57.21–36, the petitioner proposes to modify the standard by defining the term "combustible areas" to mean areas where at least thirty percent of the surface area of the opening is composed of wood or other combustible material.

4. The petitioner asserts that application of the standard 30 CFR 57.21–36, as modified by this petition, and in conjunction with proposed modifications, will in no way diminish the protection intended by the standard. It will, however, clarify operators' and miners' understanding of the application of the standard. Better understanding of the standard by operators and miners will serve to enhance the safety of all personnel.

5. A number of safeguards are listed as follows:

a. A minimum of eight methane monitor sensing devices will be located in the mine. At least one of these will be placed to effectively monitor any area to be blasted.

b. Blasting will be done by a competent person with all miners on the surface.

c. Before reentering the mine, monitors located on the surface will provide miners with verification of blast effectiveness and of methane concentrations detected by underground sensors. In addition, competent persons will monitor exhaust air from the mine. Mine crews and nonpermissible equipment will not enter active workings if the methane concentration is 1.0 percent or more.

d. All mobile equipment, either permissible or nonpermissible, taken past the last open crosscut shall have a working methane monitor installed, with both visible and audible warnings.

e. All drills, undercutters and personnel carriers beyond the last open crosscut shall be maintained in a permissible condition.

f. Nonpermissible equipment will not be permitted in entries where drilling or undercutting is in progress.

6. The petitioner alleges that in conjunction with other requested modifications, the proposed modification will guarantee miners no less than the same measure of protection than that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before September 29, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: August 20, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-26579 Filed 8-28-80; 8:45 am]

BILLING CODE 4510-13-M

[Docket No. M-80-78-M]

Domtar Industries, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Domtar Industries, Inc., Sifto Salt Division, P.O. Box 7212, Montreal, Canada, H3C 3M3 has filed a petition to modify the application of 30 CFR 57.21–25 (gassy mines—ventilation) to its Cote Blanche Mine located in St. Mary Parish, Louisiana, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petitioner is mining domal salt. Rooms and pillars are large, and the strata is relatively impermeable to gas.

2. The petitioner states that its mine is less prone to blowouts (gas outbursts) than any other domal type salt mine declared gassy, both in numbers and magnitude of blowouts. Blowout cavities are oriented vertically, and they can be identified and avoided. Blowout avoidance has been demonstrated to be particularly successful at the petitioner's mine.

3. As an alternative to the application of 30 CFR 57.21–25, the petitioner proposes to:

a. Withdraw miners into fresh air when methane concentrations exceed 1.0 percent;

b. Stop all methane liberating activities if methane concentrations exceed 1.0 percent, and

c. Deenergize all sources of ignition in affected areas and withdraw miners from the mine when methane concentrations exceed 1.5 percent. Persons shall not be permitted to reenter the affected area, nor shall methane-liberating activities be resumed, nor shall any ignition source be reenergized until a competent person(s) has determined, by taking representative samples throughout the affected area with a testing device approved by the Secretary, that the methane concentration in such affected area has been reduced to less than 1.0 percent.

4. A number of safeguards are listed as follows:

a. A minimum of eight methane monitor sensing devices will be located in the mine. At least one of these will be placed to effectively monitor any area to be blasted.

b. Blasting will be done by a competent person with all miners on the surface.

c. Before reentering the mine, monitors located on the surface will provide miners with verification of blast effectiveness and of methane concentrations detected by underground sensors. In addition, competent persons will monitor exhaust air from the mine. Mine crews and nonpermissible equipment will not enter active workings if the methane concentration is 1.0 percent or more.

d. All mobile equipment, either permissible or nonpermissible, taken past the last open crosscut shall have a working methane monitor installed, with both visible and audible warnings.

e. All drills, undercutters and personnel carriers beyond the last open crosscut shall be maintained in a permissible condition.

f. Nonpermissible equipment will not be permitted in entries where drilling or undercutting is in progress.

5. The petitioner alleges that in conjunction with other requested modifications, the proposed modification will at all times guarantee miners no less than the same measure of protection than that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before September 29, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: August 20, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-26577 Filed 8-28-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-76-M]

Domtar Industries, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Domtar Industries, Inc., Sifto Salt Division, P.O. Box 7212, Montreal, Canada, H3C 3M3 has filed a petition to modify the application of 30 CFR 57.21–20 (gassy mines—ventilation) to its Cote Blanche Mine located in St. Mary Parish, Louisiana, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petitioner is mining domal salt. Rooms and pillars are large, and the strata is relatively impermeable to gas.

2. The petitioner states that its mine is less prone to blowouts (gas outbursts) than any other domal type salt mine declared gassy, both in numbers and magnitude of blowouts. Blowout cavities are oriented vertically, and they can be identified and avoided. Blowout avoidance has been demonstrated to be particularly successful at the petitioner's mine.

3. As an alternative to the application of 30 CFR 57.21–20, the petitioner proposes to utilize existing underground fans to provide ventilation until completion of a third vertical shaft.

4. A number of safeguards are listed as follows:

a. A minimum of eight methane monitor sensing devices will be located in the mine. At least one of these will be placed to effectively monitor any area to be blasted.

b. Blasting will be done by a competent person with all miners on the surface.

c. Before reentering the mine, monitors located on the surface will provide miners with verification of blast effectiveness and of methane concentrations detected by underground sensors. In addition, competent persons will monitor exhaust air from the mine. Mine crews and nonpermissible equipment will not enter active workings if the methane concentration is 1.0 percent or more.

d. All mobile equipment, either permissible or nonpermissible, taken past the last open crosscut shall have a working methane monitor installed, with both visible and audible warnings.

e. All drills, undercutters and personnel carriers beyond the last open crosscut shall be maintained in a permissible condition.

f. Nonpermissible equipment will not be permitted in entries where drilling or undercutting is in progress.

5. The petitioner states that reversing the flow of air (30 CFR 57.21–20(b) requires main fans to be installed to permit prompt reversal of air flow) could endanger miners not previously exposed to danger. Several hours may be required to completely reverse the flow through the large rooms because of the massive volumes of air involved.

6. The petitioner alleges that in conjunction with other requested modifications, the proposed modification will guarantee miners no less and, in fact, an even greater degree of protection than that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before September 29, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: August 20, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80–26576 Filed 8–28–80; 8:45 am]

BILLING CODE 4510–43–M

[Docket No. 80–112–C]

Everidge and Nease Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Everidge and Nease Coal Company, Inc., Rt. 2, Box 762, Whitesburg, Kentucky 41858, has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 1 Mine in Letcher County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95–164.

A summary of the petitioner's statements follows:

1. The standard requires the installation of cabs or canopies on all mobile electric face equipment where the mining height is 42 inches or greater.

2. The following equipment is used in the petitioner's coal mine: 11RU Cutting Machines, AR75 Scoop, Pauls Roof Bolt Machine, 14 BU Joy Loaders, 21 SC Joy Shuttle Cars, 200 S&S Battery Motors W/Push Out Cars, Wise Battery Motor W/Push Out Cars.

3. Petitioner states that installation of cabs or canopies on mining equipment in his mine's low mine height would diminish miner safety because canopies decrease visibility, cramp the equipment operator, and increase the possibility that machinery will strike roof supports.

4. Petitioner states that previous attempts to install canopies in accordance with the standard have been unsuccessful.

Request for Comments

Persons interested in this petition may furnish written comments on or before September 29, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: August 22, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80–26575 Filed 8–28–80; 8:45 am]

BILLING CODE 4510–43–M

[Docket No. M–80–90–M]

Georgia Marble Co.; Petition for Modification of Application of Mandatory Safety Standard

Georgia Marble Company, 2575 Cumberland Parkway, N.W., Atlanta, Georgia 30339 has filed a petition to modify the application of 30 CFR 57.20–32 (underground communications equipment) to its Whitestone Division Mines numbers 1, 2, 3, 4, 5 and 6 located in Pickens and Gilmer Counties, Georgia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the use of telephones or other two-way communications equipment between underground and surface operations at the petitioner's mines.

2. The mines are large marble mines using the room pillar method of mining with multiple openings to the surface which are large enough to accommodate any emergency vehicle that would operate on the surface. Roadways are kept graded and are wide enough to accommodate two-way traffic for any type vehicle.

3. The mines have no shafts, elevators, etc. which could malfunction in the event of an emergency and cause entrapment of the miners.

4. In the 67-year history of these mines, communication has never been hampered by entrapment, oxygen deficiency, harmful gases or other hazardous conditions.

5. Should a disaster occur, the delay between reaching help by telephone and by walking out or travelling out of the multiple exists to the mine could be crucial to the safe exit of all miners involved.

6. Additional wiring required to route telephone lines from the outside mine sation and to the working areas of mines would constantly cause additional hazards in the movement of these as the development of the mines progresses to various areas.

7. Telephones could also cause static electricity that could possibly adversely affect the blasting procedures of the underground mines.

8. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before September 29, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: August 22, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-26574 Filed 8-28-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-111-C]

Texas Utilities Generating Co.; Petition for Modification of Application of Mandatory Safety Standard

Texas Utilities Generating Company, 2001 Bryan Tower, Dallas, Texas 75201 has filed a petition to modify the application of 30 CFR 77.216-3(a) (examination of water, sediment, or slurry impoundments and impounding structures) to its Martin Lake Strip located in Panola County, Texas. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The standard requires that a qualified person examine impoundments at weekly intervals.

2. Petitioner states that in the Martin Lake Strip Mine the dam structure for the impoundment is covered with a county road traveled several times daily by the people responsible for the structure.

3. Under 30 CFR 1713(a) a certified person examines active working areas, including the water impoundment in question, for hazardous conditions at least once each shift.

4. Because of the above, petitioner asserts that modifying the standard to require that a qualified person examine impoundments at intervals not exceeding three months will at all times achieve no less protection than does the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before (insert date 30 days from publication in the Federal Register). Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: August 20, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-26582 Filed 8-28-80; 8:45 am]

BILLING CODE 4510-43-M

Office of Pension and Welfare Benefit Programs

Employee Benefit Plans; Proposed Alternative Method of Compliance for the L. M. Blumstein, Inc. Employee Benefit Plan

AGENCY: Department of Labor.

ACTION: Notice of proposed alternative method of compliance.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed alternative method of compliance with the summary plan description and summary of material modification requirements of the Employee Retirement Income Security Act of 1974 (the Act) for the L. M. Blumstein, Inc. Employee Benefit Plan (the Plan). The proposed alternative method of compliance, if granted, would affect participants and beneficiaries and the plan administrator of the Plan.

DATE: Written comments must be received by the Department on or before November 12, 1980.

ADDRESSES: All written comments (six copies) should be submitted to: Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, Room N-4508, U.S. Department of Labor, Washington, D.C. 20216, Attention: Blumstein Alternative. The petition for an alternative method of compliance and all comments received will be available for public inspection at the Public Documents Room, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund, of the Department, 202-523-7901. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of a proposed alternative method of compliance with certain disclosure requirements of the Act for the Plan. The proposed alternative method of compliance was requested in a petition filed by Joseph T. Blumstein, Treasurer of L. M. Blumstein, Inc., sponsor and administrator of the Plan, pursuant to section 110(a) of the Act.

Summary of Facts and Representations

The petition contains facts and representations with regard to the proposed alternative method of compliance which are summarized below. Interested persons are referred to the petition on file with the Department for the complete representations of the petitioner.

1. The Plan is a profit-sharing plan, established in 1944, that was partially terminated as of October 2, 1976. The partial termination resulted from a reduction in the staff of the Plan sponsor, L. M. Blumstein, Inc., following the discontinuance of the retail operation of the Plan sponsor.

2. Twenty-four participants ceased participating in the Plan as a result of the partial termination. These 24 participants received lump-sum payments of their entire interests under the Plan on September 23, 1977.

3. After September 23, 1977, the Plan covered only four participants. These four participants are the trustees of the Plan and sit on the committee managing the affairs of the Plan.

4. It is unlikely that the Plan will cover in the future any participants other than the four participants who are the trustee of the Plan.

5. The Internal Revenue Service issued a favorable determination letter on June 7, 1977, regarding the effect of the partial termination on the Plan's qualified status under section 401 of the Internal Revenue Code of 1954.

6. Petitioner asserts that each of the four participants remaining in the Plan has had a complete knowledge of the Plan's activities for over five years. Therefore, he asserts that disclosure to the four participants of the information required to be contained in the summary plan description and summaries of material modifications is unnecessary since these participants have already become familiar with this information in the course of their work as trustees of the Plan.

7. In lieu of furnishing participants and beneficiaries with a summary plan description as required by sections 101(a)(1), 102(a)(1) and 104(b) of the Act, the plan administrator will furnish free of charge, upon the written request of any participant or beneficiary, a copy of the instrument under which the Plan is established or operated. In addition, the plan administrator will be exempt from filing a summary plan description with

the Department as required by sections 101(b)(1) and 104(a)(1)(C) of the Act.[1]

8. If the Plan is amended or changed, in lieu of furnishing participants and beneficiaries with a summary of any material modifications and changes as required by sections 102(a)(1) and 104(b)(1) of the Act, the plan administrator will furnish a copy of the amendment or other change to the Plan free of charge to each participant and beneficiary. In addition, the plan administrator will be exempt from filing a summary of the material modification with the Department as required by sections 101(b)(3) and 104(a)(1)(D) of the Act.[2]

Notice to Interested Persons

Not later than September 29, 1980, the plan administrator of the Plan will furnish to each participant a notice that a petition has been filed for an alternative method of compliance with the disclosure requirements of the Act. Such notice shall contain a copy of the proposed alternative method of compliance as published in the Federal Register and shall include the following statements:

Any interested person, including any participant in the L. M. Blumstein, Inc. Employee Benefit Plan, may present his or her view on the proposed alternative method of compliance with the reporting and disclosure requirements of the Employee Retirement Income Security Act of 1974 for the above-named plan on or before November 12, 1980, by writing to the Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, Room N-4508, U.S. Department of Labor, Washington, D.C. 20216, Attention: Blumstein Alternative.

General Information

Before an alternative method of compliance with the reporting and disclosure requirements may be prescribed under section 110 of the Act, the Department must determine that the use of such alternative method is consistent with the purposes of Title I of the Act and that it provides adequate disclosure to the participants in the plan and adequate reporting to the Department, that the application of the reporting and disclosure requirements of the Act would increase the costs to the plan or impose unreasonable administrative burdens with respect to the operation of the plan, having regard to the particular characteristics of the plan or the type of plan involved, and that the application of the reporting and disclosure requirements of the Act would be adverse to the interests of plan participants in the aggregate.

Alternative Method of Compliance

Based upon the facts and representations set forth in the petitions, the Department is considering granting the requested alternative method of compliance under the authority of section 110 of the Act. If an alternative method of compliance is granted, the plan administrator of the Plan would not be required to prepare and distribute summary plan descriptions and summaries of material modifications to Plan participants or file such documents with the Secretary of Labor, provided that the plan administrator (1) upon the written request of any participant or beneficiary, furnishes free of charge a copy of the instruments under which the Plan is established or operated, and (2) furnishes free of charge to each Plan participant and beneficiary a copy of each amendment or other change to the Plan in the event the Plan is amended or changed. The alternative method of compliance would also be conditioned on the Plan's having no participants other than those described in the submissions.

Signed at Washington, D.C., this 22nd day of August 1980.

Ian D. Lanoff,

Administrator of Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-28404 Filed 8-25-80; 4:49 pm]
BILLING CODE 4510-29-M

[1] Under section 104(a)(1) of the Act, however, a plan administrator is required to furnish to the Department, upon request, any document under which the plan is established or operated.

[2] See footnote 1, above.

Employee Benefit Plans; Proposed Alternative Method of Compliance for the F. Kunreuther Associates, Inc., Employees' Profit Sharing Plan and the F. Kunreuther Associates, Inc., Employees' Pension Plan

AGENCY: Department of Labor.

ACTION: Notice of proposed alternative method of compliance.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed alternative method of compliance with the summary plan description and summary of material modification requirements of the Employee Retirement Income Security Act of 1974 (the Act) for the F. Kunreuther Associates, Inc. Employees' Profit Sharing Plan and the F. Kunreuther Associates, Inc. Employees' Pension Plan (the Plans). The proposed alternative method of compliance, if granted, would affect participants and beneficiaries and the plan administrators of the Plans.

DATE: Written comments must be received by the Department on or before November 12, 1980.

ADDRESSES: All written comments (six copies) should be submitted to: Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, Room N-4508, U.S. Department of Labor, Washington, D.C. 20216, Attention: Kunreuther Alternative. The petition for an alternative method of compliance and all comments received will be available for public inspection at the Public Documents Room, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund, of the Department, 202-523-7901. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of a proposed alternative method of compliance with certain disclosure requirements of the Act for the Plans. The proposed alternative method of compliance was requested in a petition filed by F. Kunreuther, President of F. Kunreuther Associates, Inc., the sponsor of the Plans, pursuant to section 110(a) of the Act.

Summary of Facts and Representations

The petition contains facts and representations with regard to the proposed alternative method of compliance which are summarized below. Interested persons are referred to the petition on file with the Department for the complete representations of the petitioner.

1. The Plans cover only two employees: Messrs. F. Kunreuther and D. W. Miller. Both of these participants are trustees of both Plans. Both participants were deeply involved in developing the amendments of the Plans and the filings of Forms EBS-1. Both participants have copies of the complete Plans, including the amended versions.

3. No other persons have been employed by the Plan's sponsor since 1973. It is not anticipated that any other person will be employed by the Plans' sponsor in the future.

4. The Internal Revenue Service issued favorable determination letters on June 24, 1977, regarding the effect of the amendments to the Plans on their qualified status under section 401 of the Internal Revenue Code of 1954.

5. Petitioner asserts that disclosure to the two participants of the information required to be contained in the summary plan description and summaries of material modifications would serve no

useful purpose since both participants have become completely familiar with all the terms of both Plans in the course of their work as trustee.

6. Petitioner also asserts that complying with the requirement of preparing a summary plan description and summary of material modification would place an undue burden on the only two available employees who are completely occupied by professional consulting activities in their work for the plan sponsor.

7. In lieu of the furnishing participants and beneficiaries with a summary plan description as required by sections 101(a)(1), 102(a)(1) and 104(b) of the Act, the plan administrator will furnish free of charge, upon the written request of any participant or beneficiary, a copy of the instrument under which each of the Plans is established or operated. In addition, the plan administrator will be exempt from filing a summary plan description with the Department as required by sections 101(b)(1) and 104(a)(1)(C) of the Act.[1]

8. If either of the Plans is amended or changed, in lieu of furnishing participants and beneficiaries with a summary of any material modifications and changes as required by sections 102(a)(1) and 104(b)(1) of the Act, the plan administrator will furnish a copy of the amendment or other change to the plan free of charge to each participant and beneficiary. In addition, the plan administrator will be exempt from filing a summary of the material modification with the Department as required by sections 101(b)(3) and 104(a)(1)(D) of the Act.[2]

Notice to Interested Persons

Not later than September 29, 1980, the plan administrator of the Plans will furnish to each participant a notice that a petition has been filed for an alternative method of compliance with the disclosure requirements of the Act. Such notice shall contain a copy of the proposed alternative method of compliance as published in the Federal Register and shall include the following statements:

Any interested person, including any participant in the F. Kunreuther Associates, Inc. Employees' Profit Sharing Plan and the F. Kunreuther Associates, Inc. Employees' Pension Plan may present his or her view on the proposed alternative method of compliance with the reporting and disclosure requirements of the Employee Retirement Income Security Act of 1974 for the above-named plans on or before November 12, 1980, by writing to the Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, Room N-4508, U.S. Department of Labor, Washington, D.C. 20216, Attention: Kunreuther Alternative.

General Information

Before an alternative method of compliance with the reporting and disclosure requirements may be prescribed under section 110 of the Act, the Department must determine that the use of such alternative method is consistent with the purposes of Title I of the Act and that it provides adequate disclosure to the participants in the plan and adequate reporting to the Department, that the application of the reporting and disclosure requirements of the Act would increase the costs to the plan or impose unreasonable administrative burdens with respect to the operation of the plan, having regard to the particular characteristics of the plan or the type of plan involved, and that the application of the reporting and disclosure requirements of the Act would be adverse to the interests of plan participants in the aggregate.

Alternative Method of Compliance

Based upon the facts and representations set forth in the petition, the Department is considering granting the requested alternative method of compliance under the authority of section 110 of the Act. If an alternative method of compliance is granted, the plan administrator of the Plans would not be required to prepare and distribute summary plan descriptions and summaries of material modifications to plan participants or file such documents with the Secretary of Labor, provided that the plan administrator (1) upon the written request of any participant or beneficiary, furnishes free of charge a copy of the instruments under which each of the Plans is established or operated, and (2) furnishes free of charge to each plan participant and beneficiary a copy of each amendment or other change to either of the Plans in the event the plan is amended or changed. The alternative method of compliance would also be conditioned on the Plans' having no participants other than those described in their submissions.

Signed at Washington, D.C., this 22 day of August 1980.

Ian D. Lanoff,

Administrator of Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-26403 Filed 8-25-80; 4:49 pm]

BILLING CODE 4510-29-M

[1] Under section 104(a)(1) of the Act, however, a plan administrator is required to furnish to the Department, upon request, any document under which the plan is established or operated.

[2] See footnote 1, above.

Office of the Secretary

[TA-W-7622]

Aileen, Inc.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period August 4–8, 1980.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determination

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA-W-7622; Aileen, Inc., Brookneal, Va.

Investigation revealed that criterion (3) has not been met. Separations from the subject firm resulted from a transfer of production to another domestic facility.

I hereby certify that the aforementioned determinations were issued during the period August 4–8, 1980. Copies of these determinations are available for inspection in Room S-5314, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-26373 Filed 8-28-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8072]

Firestone Tire & Rubber Co.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period July 14–18, 1980.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA-W-8072; Firestone Tire & Rubber Co., Lavegne, Tenn.

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

I hereby certify that the aforementioned determinations were issued during the period August 4–8, 1980. Copies of these determinations are available for inspection in Room S–5314, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-26572 Filed 8-28-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8613]

General Motors Corp.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period August 4–8, 1980.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Affirmative Determination

In each of the following cases, it has been concluded that all of the criteria have been met, and certifications have been issued covering workers totally or partially separated from employment on or after the designated dates.

TA–W–8613; General Motors Corp., Fairfax, Kansas

A certification was issued covering all workers of the firm separated on or after December 1, 1979.

I hereby certify that the aforementioned determinations were issued during the period August 4–8, 1980. Copies of these determinations are available for inspection in Room S–5314, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-26571 Filed 8-28-80; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act 5 U.S.C. App. (1976), as amended, notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting on Wednesday and Thursday, September 10–11, 1980, in the B–100 conference room of Page Building #1, 2001 Wisconsin Avenue, NW., Washington, D.C.

The committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry public interest organizations and State and local government, was established by Congress by Public Law 95–63, on July 5, 1977. Its duties are to (1) undertake a continuing review, on a selective basis, of national ocean policy coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or Congress

The Agenda contains the following topics:

September 10, 1980

Plenary Session

9:00 a.m.–10:00 a.m.—Announcements. Reports on Independent Area Task Subgroups of the Goals and Objectives Panel.

10:00 a.m.–11:00 a.m.—Ocean Policy Issues: Dan Pashin, Staff Director, *ad hoc* Select Committee on Maritime Education and Training (Congressman AuCoin, Chairman).

11:00 a.m.–Noon—Guest Speaker: Congressman John B. Breaux Chairman, Subcommittee on Fisheries, Wildlife Conservation, and the Environment; Committee on Merchant Marine and Fisheries; U.S. House of Representatives.

12:00 Noon–1:15 p.m.—Lunch.

1:15 p.m.–4:00 p.m.—Panel Meeting. Weather and Climate Panel—Louis J. Battan. Support for Atmospheric Research Facilities—Instrumented Aircraft. Invited participants: Donald Veal—University of Wyoming. C. B.

Emmanual—National Oceanic and Atmospheric Administration. Charles Mason—National Aeronautics and Space Administration. Clifford Murino—Desert Research Institute (to be announced)—Air Force Geophysics Laboratory.

4:00 p.m.–5:00 p.m.—Steering Committee Meeting.

September 11, 1980

8:30 a.m.–9:00 a.m.—Closed Session.

9:00 a.m.–Noon—Panel Meeting. Waste Management Panel—John Knauss. Review Panel's draft recommendations and peer comments on "Ocean Waste Disposal" report.

Noon–1:00 p.m.—Lunch.

1.00 a.m.–1:45 a.m.—U.S. Coast Guard Criteria for Developing Ship Characteristics Speaker: Paul D'Zmura—Office of Operations.

1:45 p.m.—Adjourn.

The public is welcome at the open sessions and will be admitted to the extent that seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

With respect to the closed session from 8:30 a.m. to 9:00 a.m. on Thursday, September 11, the Assistant Secretary for Administration with the concurrence of the General Counsel, formally determined on August 22, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, Public Law 94–409, that the matters to be disclosed during this closed session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because it will be considered within the purview of 5 U.S.C. 552b(c)(6), i.e., information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. All other portions of the meeting will be open to the public.

A copy of the determination to close a portion of this meeting is available for public inspection and copying in the Central Reference an Records Inspection Facility, Room 5317, Department of Commerce, Washington, DC 20230, telephone (202) 377–4217

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committe on Oceans and Atmosphere, 3300 Whitehaven Street, NW., Washington, DC 20235. The telephone number is 202/653–7818.

Steven N. Anastasion,

Executive Director,

[FR Doc. 80-26647 Filed 8-28-80; 8:45 am]

BILLING CODE 3510-12-M

NATIONAL COMMISSION FOR EMPLOYMENT POLICY

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463; 96 Stat. 770) notice is hereby given that the National Commission for Employment Policy will hold its twentieth formal meeting on October 2, 1980, at the Dulles Marriott Hotel at the Dulles International Airport. The meeting will begin at 1:00 p.m. and adjourn at 4:45 p.m.

The National Commission for Employment Policy was established pursuant to Title V of the Comprehensive Employment and Training Act Amendments of 1978 (Pub. L. 95–524). The Act charges the Commission with the broad responsibility of advising the President, and the Congress, as well as Federal agency administrators on national employment issues. The Commission is specifically charged with reporting annually to the President and the Congress on its findings and recommendations with respect to the Nation's employment and training policies and programs.

The agenda will be concerned with possible recommendations on economic development policies to reduce structural unemployment. This work is part of the Commission's 1980 agenda and will be the focus of the Sixth Annual Report to be issued in December 1980.

The business meetings are open to the general public. Members of the public desiring to submit written statements to the Commission that are germane to the agenda may do so, provided such statements are in reproducible form and are submitted to the Director not later than two days before and seven days after the meeting.

Additionally, members of the general public may request to make oral statements to the Commission to the extent that the time available for the meeting permits. Such oral statements must be applicable to the announced agenda and written application must be submitted to the Director of the Commission three days before the meeting. This application shall identify the following: the name and address of the applicant, the subject of his or her presentation and its relationship to the agenda, the amount of time requested, the individual's qualifications to speak on the subject matter, and shall include a justifying statement as to why a written presentation would not suffice. The Chairman reserves the right to decide to what extent public oral presentation will be permitted at the meeting. Oral presentations will be limited to statements of facts and views and shall not include any questioning of Commission members or other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting, working papers, and other documents prepared for the meeting will be available for public inspection at the Commission's headquarters located at 1522 K Street, N.W., Suite 330, Washington, D.C.

Signed at Washington, D.C., this twenty-second day of August, 1980.

Daniel H. Saks,

Director, National Commission for Employment Policy.

[FR Doc. 80-26570 Filed 8-28-80; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Humanities Panel: Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506.

(1) Date: September 23, 1980. Time: 9:00 a.m. to 5:30 p.m. Room: 314. Program: This meeting will review preliminary proposals for NEH Seminar (practitioner) directorships submitted to the Division of Fellowships and Seminars from persons in the field of Literature for programs beginning after January 1, 1981.

(2) Date: September 24, 1980. Time: 9:00 a.m. to 5:30 p.m. Room: 314. Program: This meeting will review preliminary proposals for NEH Seminar (practitioner) directorships submitted to the Division of Fellowships and Seminars from persons in the field of Law for programs beginning after January 1, 1981.

(3) Date: September 30, 1980. Time: 9:00 a.m. to 5:30 p.m. Room: 314. Program: This meeting will review preliminary proposals for NEH Seminar (practitioner) directorships submitted to the Division of Fellowships and Seminars from persons in the field of Philosophy for programs beginning after January 1, 1981.

(4) Date: October 1, 1980. Time: 9:00 a.m. to 5:30 p.m. Room: 314. Program: This meeting will review preliminary proposals for NEH Seminar (practitioner) directorships submitted to the Division of Fellowships and Seminars from persons in the field of History for programs beginning after January 1, 1981.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that 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 disclosure of which would significantly frustrate implementation of proposed agency action;

pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to public pursuant to subsections (c)(4), (6) and (9)(B) of section 552B of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 80-26560 Filed 8-28-80; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received under Antarctic Conservation Act of 1978, Pub. L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulation under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to these permit applications by September 30, 1980. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357-7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Public Law 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. The regulations appeared in final form in the 7 June 1979 Federal Register. Additional information was published in the 31 July 1980 Federal Register, page 51004.

The application received is:

1. *Applicant:* Donald B. Siniff, 108 Zoology Building, University of Minnesota, Minneapolis, Minnesota 55455.

2. *Activities for which Permit Requested.* Taking (capture—tag and release) seals—*Leptorychotes weddelli:* 400 pups, 300 adults; *Hydrurga leptanyx:* 25 pups, 100 adults; *Lobodon carcinophagus:* 25 pups, 100 adults; *Ommatophoca rossi:* 15 pups, 30 adults.

The objectives of this proposed research are to obtain data on movements and activity patterns of seals, document social behavior during the pupping and mating season, collect information on seasonal and age-related differences in food habits, collect data on population parameters, and clarify trophodynamic relationships in the upper levels of the antarctic marine food web.

3. *Location:* McMurdo Sound, Antarctic Peninsula—vicinity of Palmer Station, Gerlache Strait, and King George Island.

4. *Dates:* October 1, 1980 to October 1, 1981.

Authority to take this action has been delegated by the Director, NSF to the Director, Division of Polar Programs.

Edward P. Todd,

Division Director, Division of Polar Programs.

[FR Doc. 80-26560 Filed 8-28-80; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 413A]

Duke Power Co.; Receipt of Additional Antitrust Information; Time for Submission of Views on Antitrust Matters

Duke Power Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. This information concerns two proposed additional ownership participants, the North Carolina Electric Membership Corporation and the Saluda River Electric Cooperative, Inc. for the Catawba Nuclear Station, Unit 1. The current holder of the construction permit is Duke Power Company.

The information was filed in connection with the application by Duke Power Company for construction permits and operating licenses for two pressurized water reactors. Construction was authorized on August 7, 1975 at the Catawba site located in Mecklenburg County, North Carolina. Although the Catawba facilities consist of two nuclear power plants, the proposed action affects only Catawba Nuclear Station, Unit 1.

The original application was dated November 10, 1972. The Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters was published in the Federal Register on December 7, 1972 (37 FR 26053). Previously, the Notice of Hearing had been published in the Federal Register on December 1, 1972 (37 FR 25560).

A copy of the above documents are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the York County Library, 325 South Oakland Avenue, Rock Hill, South Carolina.

Any person who wishes to have his views on the antitrust matters with respect to the North Carolina Electric

Membership Corporation and the Saluda River Electric Cooperative, Inc. presented to the Attorney General for consideration or who desires additional information regarding the matters covered by this notice, should submit such views or requests for additional information to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Utility Finance Branch, Office of Nuclear Reactor Regulation, on or before October 7, 1980.

Dated at Bethesda, Maryland, this 30th day of July, 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Acting Chief Licensing Branch No. 3, Division of Licensing.

[FR Doc. 80-24004 Filed 8-7-80; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 21688; 70-6487]

Public Service Co. of Oklahoma and Transok Pipeline Co.; Proposal To Privately Place Sinking Fund Debentures Guaranteed by the Issuer's Parent; Order Granting Exception From Competitive Bidding in Connection Therewith

August 25, 1985.

In the matter of Public Service Company of Oklahoma, 212 East 6th Street, Tulsa, Oklahoma 74119 and Transok Pipeline Company, 600 South Main Street, Tulsa, Oklahoma 74101 (70-6487).

Notice is hereby given that Transok Pipeline Company ("Transok"), and intrastate natural gas transmission pipeline, and Public Service Company of Oklahoma ("PSO"), the parent of Transok and an electric utility subsidiary of Central and South West Corporation, a registered holding company, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6, 7, 12(b) and 12(f) of the Act and Rules 45 and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

On November 1, 1980, $27,000,000 of first mortgage bonds of Transok which represent all of its outstanding long-term debt will mature. Also Transok will need additional funds for its 1981 construction program. Transok's 1980-82 capital expenditure program is as follows: 1980-$13,900,000, 1981-$19,900,000 and 1982-$10,300,000. It is anticipated that during the next ten years Transok's internal generation of funds will exceed its construction expenditures thereby allowing it to repay a portion of the long-term debt proposed to be issued through the operation of a cash sinking fund. Since substantially all of Transok's natural gas sales are to PSO, to sell its debt to outside investors PSO must guarantee the payment of interest and principal on the indebtedness. All existing long-term debt of Transok is presently guaranteed by PSO.

Transok therefore proposes to issue up to $35,000,000 principal amount of its ——% guaranteed sinking fund debentures to a group of institutional investors pursuant to a negotiated underwriting. Transok proposes that the indenture under which the debentures will be issued will contain a mandatory annual sinking fund of 4%, with an additional optional sinking fund at the discretion of Transok of 4% beginning in 1982. the debentures are scheduled to mature in 1990 and cannot be called prior to 1990 out of funds having an interest cost lower than the debentures. Transok will be effectively precluded from issuing funded indebtedness ranking senior to the indebtedness, but will be able to issue additional debentures if earnings and capitalization tests are met.

Transok intends to privately place the debentures; such negotiations could result in modifications to the terms to enable Transok to obtain the best cost of money based on market conditions. Such modifications could include using a loan agreement and issuing notes, rather than an indenture and debentures. In the event notes are issued, the loan agreement would contain provisions similar to those set forth in the Commission's Statement of Policy Regarding First Mortgage Bonds Subject to the Public Utility Holding Company Act of 1935 (HCAR No. 13105).

Although Transok has historically issued its securities at competitive bidding, it is proposed that this issue will be privately placed and that Transok will negotiate with underwriters to place the securities directly with large institutional investors. It is stated that Transok's last issue in 1975 occurred prior to many regulatory and legal changes which have made the issuance of these securities at competitive bidding inappropriate. With a private placement, PSO and Transok would have the opportunity to discuss the financing with more sophisticated institutional investors and such negotiations would provide the flexibility required to determine the appropriate terms for the securities in light of Transok's unique circumstances. In view of the comparatively small size of the issue, Transok is of the opinion that the securities could be marketed at a more favorable rate and with less expense through the vehicle of private placement rather than public offering. It is stated that since $27,000,000 of the anticipated financing will be used to repay existing indebtedness, a private placement gives Transok greater flexibility in timing take-downs to coincide with the maturity of the existing indebtedness and gives Transok flexibility to negotiate the rate over period of several months rather than one instant in time. The effect of this can be to reduce the necessity of doing the financing early and thus having excess funds available for some period of time or doing the financing after the maturity date of the existing indebtedness and being required to secure alternative financing until long-term funding can be taken down.

The sale of debentures rather than first mortgage bonds will enable Transok to eliminate payment of mortgage taxes in the state of Oklahoma and will give Transok greater flexibility with respect to transfers and retirements of property and other matters governed by the indenture. This additional flexibility should also result in lower trustee costs.

The proceeds of the debenture sale will be used by Transok to repay $15,000,000 of its 6⅝% Series First Mortgage Bonds due November 1, 1980 and $12,000,000 of its 9% Series First Mortgage Bonds due November 1, 1980. The additional proceeds estimated at $7,000,000 will be used by Transok for anticipated expenditures in its 1981 construction program.

A statement of the fees, commissions and expenses to be incurred in connection with the proposed transaction will be filed by amendment. It is stated that no state or federal regulatory authority, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 18, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and

Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

Upon the basis of the facts in the record it is found that the applicable standards of the Act and the rules thereunder are satisfied with respect to the proposed exception from the competitive bidding requirements of Rule 50 and that no adverse findings are necessary with respect thereto.

It is ordered that Transok be, and it hereby is, granted an exception from the competitive bidding requirements of Rule 50 promulgated under the Act for the purpose of negotiating with underwriters for the private placement of the securities described herein with institutional investors.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-26599 Filed 8-28-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17088 File No. SR-CBOE-1980-21]

Chicago Board Options Exchange, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on August 13, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule change as follows:

Text of Substance of the Proposed Rule Change

Rule 4.4. No member shall give any compensation or gratuity in excess of [$25.00] *$100.00* in any one year to any employee of the Exchange, of any other member or of any non-member broker, dealer, bank or institution, without the prior consent of the employer and of the Exchange.

The Exchange's Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

This change raises from $25 to $100 the value of permissible, unsolicited gifts in order to reflect inflationary factors and to make the Rule less onerous in its effect.

The basis for the rule is section 6(b)(5) of the Securities Exchange Act of 1934, the protection of the public interest. The proposed change would make the rule more realistic and therefore more enforceable.

No comments on this proposed rule change have been solicited or received from members.

The Exchange does not believe that the proposed change will impose any burden on competition.

On or before October 3, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such dat if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be advailable for inspection and copying in the Public Reference Room, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

August 25, 1980.40

[FR Doc. 80-26580 Filed 8-28-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21687; 30-207 and 30-165]

Delmarva Power & Light Co. and IU International Corp.; Applications for Orders Declaring That Companies Have Ceased To Be Holding Companies

August 25, 1980.

Notice is hereby given Delmarva Power & Light Company ("Delmarva"), 800 King Street, Wilmington, Delaware 19801, and IU International Corporation ("IU"), formerly International Utilities Corporation, 1105 North Market Street, Wilmington, Delaware 19801, have each filed an application under Section 5(d) of the Public Utility Holding Company Act of 1935 ("Act") requesting the Commission to declare by order that each company has ceased to be a holding company and that the registration of each company as such under the Act be terminated.

Delmarva, a Delaware and Virginia corporation, is a public utility which provides electric service to the Delmarva Peninsula and retail gas service in northern Delaware, including the City of Wilmington. Delmarva registered as a holding company under the Act in 1943 upon acquiring as subsidiaries several public utility companies. Its only public-utility company subsidiaries on December 31, 1979 were Delmarva Power & Light Company of Maryland ("Delmarva-Maryland"), a Maryland corporation, and Delmarva Power & Light Company of Virginia ("Delmarva-Virginia"), a Virginia corporation. By order dated October 19, 1976 (HCAR No. 19717), Delmarva, Delmarva-Maryland and Delmarva-Virginia were granted an exemption from further regulation under the Act pursuant to Section 3(a)(2), with certain reservations of jurisdiction.

The application states that, on December 31, 1979, Delmarva-Maryland and Delmarva-Virginia were merged into Delmarva, the surviving company, and that Delmarva does not now have any subsidiary company which is a public-utility company. Accordingly, Delmarva requests the Commission to enter an order pursuant to Section 5(d) of the Act declaring that Delmarva has ceased to be a holding company under the Act and that its registration as a holding company shall cease to be in

effect, and releasing jurisdiction heretofore reserved in the Commission's Order of October 19, 1976.

IU, a Maryland corporation, registered under Section 5(a) of the Act on January 11, 1939. On November 1, 1945, the Commission approved an application filed by IU and a subsidiary for the sale of the common stock of Rockland Gas Company, Inc., which represented IU's last remaining interest in any public utility company operating in the United States, and finding that, with respect to its remaining subsidiaries, three of which were public utility companies organized and operating in Canada, IU was entitled to an exemption as a holding company under Section 3(a)(5) of the Act. *International Utilities Corporation, et al.*, 21 SEC 283 (1945). Effective January 1972, all of IU's foreign public utility subsidiaries were reorganized as direct or indirect subsidiaries of Canadian Utilities, Limited, an intermediate holding company and a Canadian corporation. The application states that, on June 19, 1980, IU disposed of its entire interest in Canadian Utilities, Ltd., and that IU does not now have any subsidiary company which is a public utility company. Accordingly, IU requests the Commission to enter an order pursuant to Section 5(d) of the Act declaring that IU has ceased to be a holding company and that its registration as a holding company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 19, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by either of said applications which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the applications, as filed or as either may be amended, may be granted in the manner provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including notice of the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-26590 Filed 8-28-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17089; File No. SR-NYSE-80-31]

New York Stock Exchange, Inc.; Self-Regulatory Organization; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on August 18, 1980, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

The Exchange's Statement of the Terms of Substance of the Proposed Rule Change

The proposed amendments to Rules 118.30, 123A.50 and 123A.55 would provide the Exchange with greater flexibility in scheduling confirmation dates for "good 'til cancelled" (GTC) orders[1] so as to avoid heavy volume periods; and also to enable the Exchange to schedule the confirmation dates on non-business days rather than on business days.

The amendments will require that specialists and members and member organizations having GTC orders be represented on the trading floor on the confirmation day. Further, the Exchange may prescribe specific hours during which specialists and other members and member organizations must have staff available.

The Exchange's Statement of Purpose

Because of numerous periods of heavy volume during the past two years, the Exchange has been unable to adhere to strict six-month intervals in designating confirmation dates. On several occasions the Exchange found it necessary to schedule confirmation dates on Saturdays.

To ensure proper staffing, particularly when confirmation dates fall on non-business days, the Exchange is also proposing to add a provision to rule 123A.55, which would make it the responsibility of each member and member organization to have adequate staff available on the Floor and in its office, as appropriate, on all such dates.

Basis Under the Act for Proposed Rule Change

The proposed rule changes enhance the ability of members and member organizations to conduct business and utilize their resources efficiently and are therefore consistent with Section 11A of the Act. The proposed rule changes also foster cooperation and coordination with persons engaged in regulating, clearing, settling, and facilitating transactions in securities and are therefore also consistent with Section 6(b)(5) of the Act.

Comments Received From Members, Participants or Others on Proposed Rule Change

The Exchange has not solicited comments regarding the proposed rule changes and has received none.

Burden on Competition

The proposed rule changes will not impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before September 19, 1980.

[1] A GTC order is an order to buy or sell which remains in effect until it is either executed or cancelled.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

August 25, 1980.

[FR Doc. 80-26587 Filed 8-28-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17090; File No. SR-Phlx-80-18]

Philadelphia Stock Exchange, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975) ("Act"), notice is hereby given that on August 8, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

The Exchange's Summary of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc. ("Phlx") proposes by-law amendments relating to discipline, enforcement and hearing procedures, and committee functions.

The Business Conduct Committee would determine whether probable cause exists for the issuance of complaints charging rule violations and would have authority to issue complaints. A Hearing Committee composed of governors, Exchange members, general partners or officers of member organizations or other qualified persons would be appointed in sufficient size to constitute a pool for Hearing Panels composed of five members. The Hearing Panels would conduct hearings on complaints, render decisions and impose penalties. Appeals would be to the Board of Governors or a Subcommittee thereof whose decision would not be subject to review except by the SEC.

All standing committees would continue to administer rules within their jurisdiction but only the Business Conduct and Hearing Committees would have jurisdiction over enforcement, prosecution and hearing functions. An exception would be the authority retained by the Floor Procedure and Options Committees to enforce rules and regulations relating to order, decorum, health, safety and welfare on the trading floors.

The amendments also would abolish the Member Firms Committee, assigning its functions to the Business Conduct Committee; establish the Marketing Committee as a standing committee; increase the minimum number of members on the standing committees and decrease the requisite number of Board members serving thereon.

Exchange's Statement of Basis and Purpose Under the Act for the Proposed Rule Change

The proposed amendments would enhance the Exchange's ability to carry out its obligation under the Act to enforce compliance with the Act, the rules and regulations thereunder and its own rules (Act, Sec. 6(b)(1)); to discipline its members and their associated persons for rule violations in an appropriate manner with fitting sanctions (Act, Sec. 6(b)(6)); and to provide fair procedures for discipline (Act, Sec. 6(b)(7)).

The purpose of the amendments is to vest in the Business Conduct Committee and a new Hearing Committee the responsibility for disciplinary, enforcement and hearing procedures involving violations of applicable Federal statutes and rules, and Exchange by-laws and rules. Jurisdiction would extend over any violations involving the activities of members, member organizations, or any partners, officers, directors or persons employed by or associated with members or member organizations, except for those activities involving order, decorum, health, safety and welfare on the equity and options floors. Enforcement jurisdiction relating to violations involving the latter activities would remain with the Floor Procedure and Options Committees respectively.

In addition, the amendments are designed to change the composition and size of standing committees and clarify their authority to adopt disciplinary procedure rules and to impose penalties.

No comments have been received and none were solicited except through circulation of the By-Law amendment notice.

The Exchange believes no burden on competition will be imposed by the proposed amendment.

On or before October 3, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) by order approve such proposed rule change, or

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 "L" Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 3, 1980.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

August 25, 1980.

[FR Doc. 80-26588 Filed 8-28-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17091; Filed No. SR-PHLX 80-19]

Philadelphia Stock Exchange, Inc.; Self-Regulatory Organization; Proposed Rule Change

Pursuant to Section 19(b)(1), as amended by Pub. L. No. 94-24, 16 (June 4, 1975), notice is hereby given that on August 19, 1980, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Exchange's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc. ("Phlx") proposes to amend By-Law 10-7 Rule 950 with respect to how non-member controversies in excess of $2,500 are to be handled henceforth under that rule.

Basis and Purpose of the Proposed Rule Change

Amendments to Rule 950 concerning the provision for claims in excess of $2,500 were recently approved by the Securiites and Exchange Commission ("Commission"), in Release No. 34-16906.

The proposed rule change is consistent with Sec. 6(b) of the Act in general, and further the objectives of the Act, in particular, in that it is to promote just and equitable principles of trade

and to protect investors and the public interest.

Comments were neither solicited nor received.

The PHLX believes that the proposed rule change imposes no burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 "L" Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before September 19, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

August 25, 1980.

[FR Doc. 80-26589 Filed 8-28-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Privacy Act of 1974; Revised System of Records

AGENCY: Office of the Secretary, Department of the Treasury.

ACTION: Notice of revision of Privacy Act Systems of Record.

SUMMARY: Pursuant to the requirements of the Privacy Act of 1974 (5 U.S.C. 552a) the Director of Personnel gives notice of publication of a revised system of records. OMB has advised that OPM will delete OPM/GOVT-2, Grievance Records, from its annual republication of notices in September, 1980. Therefore, departments/agencies are responsible for issuing their own notices to cover records currently maintained under OPM/GOVT-2 after OPM's republication. This revision essentially duplicates OPM/GOVT-2, constitutes Treasury's notice and provides the same coverage within the Department as currently provided by OPM/GOVT-2.

EFFECTIVE DATE: August 29, 1980. No public comments required.

FOR FURTHER INFORMATION CONTACT: Mrs Muriel A. Graves, Assistant Director of Personnel (Employee Relations and Special Programs), Department of the Treasury, Room 2425MT, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Dated: August 25, 1980.

W. J. McDonald,

Assistant Secretary (Administration).

Treasury/OS 00.005

SYSTEM NAME:

Grievance Records

SYSTEM LOCATION

These records are located in personnel or designated offices in the bureaus in which the grievances were filed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Federal employees who have submitted grievances with their bureaus in accordance with part 771 of the Office of Personnel Management's (OPM) regulations (5 CFR 771), the Treasury Employee Grievance System (TPM Chapter 771), or a negotiated procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by Treasury employees under part 771 of the OPM's regulations. These case files contain all documents related to the grievance including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that bureaus and/or the Department may establish through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302, E.O. 10577.3 CFR 1954–1958 Comp., p. 218. E.O. 10987, 3 CFR 1959–1963 Comp., p. 519, agency employees, for personal relief in a matter of concern or dissatisfaction which is subject to the control of agency management.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

a. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested.

c. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the agency's decision on the matter.

d. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2908.

g. By the bureau maintaining the records of the Department in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way a to make the data individually identifiable by inference.

h. To disclose information to officials of the Merit System Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, the Equal Employment Opportunity Commission, or the Office of Personnel Management when requested in performance of their authorized duties.

i. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

j. To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom they are maintained.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

These records are disposed of 3 years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

ATF

Chief, Personnel Division, 1200 Pennsylvania Avenue, NW., Room 2212, Washington, D.C. 20226.

BGFO

Personnel Officer, Pennsylvania Avenue & Madison Pl. NW., Room 112, Annex, Washington, D.C. 20226.

Customs

Director, Personnel Management Division, 1301 Constitution Avenue NW., Room 1316, Washington, D.C. 20229.

E&P

Chief, Office of Industrial Relations, 14th & C Streets SW., Room 717–A, E&P Annex, Washington, D.C. 20226.

FLETC

Personnel Officer, Building 94, Room 1F–14, Glynco, Georgia 31520.

IRS

Director, Personnel Division, 1111 Constitution Avenue NW., Room 3316, IRS Building, Washington, D.C. 20224.

OS

Assistant Director for Personnel Management, 15th & Pennsylvania Avenue NW., Room 1330, Main Treasury Building, Washington, D.C. 20220.

PD

Personnel Officer, 13th & C Streets SW., Room 226, E&P Annex, Washington, D.C. 20226.

SB

Personnel Officer, 1111 20th Street NW., Room 225, Vanguard Building, Washington, D.C. 20226

SS

Chief, Personnel Division, 1800 G Street NW., Room 941, Washington, D.C. 20226.

Mint

Assistant Director for Personnel, 501 13th Street NW., Room 921, Warner Building, Washington, D.C. 20004.

OCC

Director, Human Resources, 490 L'Enfant Plaza East SW., 2nd Floor, Washington, D.C. 20219.

NOTIFICATION PROCEDURE:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the agency personnel or designated office where the action was processed, regarding the existence of such records on them. They must furnish the following information for their records to be located and identified.

a. Name.

b. Date of birth.

c. Approximate date of closing of the case and kind of action taken.

d. Organizational component involved.

RECORDS ACCESS PROCEDURES:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. However, after the action has been closed, an individual may request access to the official copy of the grievance file by contacting the bureau personnel or designated office where the action was processed.

Individuals must provide the following information for their records to be located and identified.

a. Name.

b. Date of birth.

c. Approximate date of closing of the case and kind of action taken.

d. Organizational component involved.

CONTESTING RECORD PROCEDURES:

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment to their records to correct factual errors should contact the bureau personnel or designated office where the grievance was processed. Individuals must furnish the following information for their records to be located and identified:

a Name.

b. Date of birth.

c. Approximate date of closing of the case and kind of action taken.

d. Organizational component involved.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided.

a. By the individual on whom the record is maintained.

b. By testimony of witnesses.

c. By agency officials.

d. From related correspondence from organizations or persons.

[FR Doc. 80-26510 Filed 8-28-80; 8:45 am]
BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 45 No. 170
Friday, August 29, 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.

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1

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 56224, August 22, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., August 27, 1980.

CHANGE IN THE MEETING: The following item has been added:

Item Number, Docket Number, and Company

CAM-6: QF80-7, The South San Joaquin Irrigation District & Small Power Production and Cogeneration Facilities—Qualifying Status.

Kenneth F. Plumb,

Secretary.

[S-1617-80 Filed 8-27-80; 10:55 am]

BILLING CODE 6450-85-M

2

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Thursday, September 4, 1980.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Open.

MATTERS OF BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rate.
2. Reimbusement of Agent Members of Central Liquidity Facility.
3. Report on actions taken under delegations of authority.
4. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

FOR MORE INFORMATION CONTACT: Joan O'Neill, Program Assistant, telephone (202) 357-1100.

[S-1619-80 Filed 8-27-80; 3:10 pm]

BILLING CODE 7535-01-M

3

[NM-80-31]

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 56967, August 26, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Tuesday, September 2, 1980.

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below.

STATUS: The first three items will be open to the public; the fourth will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Railroad Accident Report*—Head-on Collision of Amtrak Train No. 82 and Seaboard Coastline Extra 2771, Lakeview, North Carolina, April 2, 1980, and *Recommendation* to the Federal Railroad Administration.
2. *Marine Accident Report*—Liberian Tank Vessel M/V *Seatiger*, Explosion and Fire, Sun Oil Terminal, Nederland, Texas, April 19, 1979, and *Recommendations* to the U.S. Coast Guard, the American Bureau of Shipping, and Sunoco Terminals, Inc.
3. *Special Study*—Safety of Plastic Pipe in the Natural Gas Distribution Process.
4. *Opinion and Order—Administrator* v. *Chandler Flyers and Phoenix Aviation*, Dkt. SE-4850; disposition of the appeal of each party.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-462-6022.

August 27, 1980.

[S-1618-80 Filed 8-27-80; 1:43 p.m.]

BILLING CODE 4910-58-M

4

NEIGHBORHOOD REINVESTMENT CORPORATION.

Meeting of the board of directors.

Pursuant to the Provision of the Neighborhood Reinvestment Corporation Act (Title VI of the Housing and Community Development Amendments of 1978, Pub. L. 95-557), notice is hereby given of a meeting of the Neighborhood Reinvestment Corporation.

TIME AND DATE: 2:30 p.m.; September 3, 1980.

PLACE: Board Room sixth floor, 1700 G Street NW., Washington, D.C.

STATUS: Open and closed.

CONTACT PERSON FOR MORE INFORMATION: Timothy McCarthy, Assistant Director for Communications (202) 377-6815.

AGENDA: *Open Session:*

Call to order and remarks of the chairman.
Approval of minutes, June 4, 1980.
Report of the personnel committee.
Resolution: Approval of pension plan.
Report on fiscal year 1980 results and discusson of fiscal year 1981 budgetary needs.
Resolution: Approval of fiscal year 1981 budget.

Closed Session:

Discussion of fiscal year 1982 budgetary needs.
Resolution: Approval of fiscal year 1982 budget submission.

Donnie L. Bryant,

Secretary

No. 15, August 27, 1980.

[S-1620-80 Filed 8-27-80; 3:21 pm]

BILLING CODE None.

Friday
August 29, 1980

Part II

General Services Administration

Privacy Act of 1974; Systems of Records Annual Publication

GENERAL SERVICES ADMINISTRATION

Privacy Act of 1974; Annual Notice of Systems of Records

AGENCY: General Services Administration.

ACTION: Annual Notice of Privacy Act systems of records.

SUMMARY: Federal agencies are required by the Privacy Act of 1974 to give notice of certain records that they maintain. The purpose of this document is to fulfill the Privacy Act annual notice requirement by publishing an annual notice of the systems of records currently being maintained by GSA. In addition, this notice includes substantive changes in the GSA system of records that have not previously been published.

DATES: Any interested party may submit written comments regarding the proposed changes to the routine use portion of the GSA notices. To be considered, comments must be received on or before the 30th day following publication of this notice. The changes to the systems of records routine uses shall become effective as proposed without further notice on the 30th day following publication of this notice unless comments are received that would result in a contrary determination.

ADDRESS: Address comments to General Services Administration (HRAR), Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: Mr. William Hiebert, Records Management Branch, Information Management Division, (202) 566-0673.

SUPPLEMENTARY INFORMATION: This notice of the current GSA systems of records incorporates the 1979 annual publication of the systems of records, 44 FR 55658 through 55660, with subsequent revisions published in 44 FR 58544 and 58545 and 45 FR 8722 through 8725. In addition, this notice includes the following substantive changes to the GSA systems of records that have not previously been published:

1. A review was conducted of the routine use portion of the GSA systems of records notices. Instead of applying all the general routine uses in the appendix to each system of records, the general routine uses were lettered and each system of records now references only those routine uses applicable to that particular system. In addition, the systems of records GSA/HRO-1 through GSA/HRO-9 and GSA/HRO-37 were rewritten to specify the routine uses that apply to each system of records instead of referencing the general routine uses.

2. A new system of records GSA/HRO-10, Grievance Records, is established. With the exception of one additional routine use pertaining to GSA agents, the system of records notice duplicates the information in the Office of Personnel Management system of records OPM/GOVT-2, Grievance Records. In accordance with OMB memorandum of July 10, 1980, to Privacy Act Points of Contact, a report of a new system of records is not required.

3. The system of records Federal Information Center (FIC) Client Case Files GSA/AV-1 (23-00-0105) is deleted. The complaint handling experiment associated with the case files was canceled in February 1979 and all the files have been destroyed.

4. The following systems of records are deleted as it has been determined that the systems of records are covered by and duplicative of Office of Personnel Management systems of records OPM/GOVT-1, General Personnel Records, and/or OPM/GOVT-9, Position Classification Review and Retained Rate of Pay Appeals:

a. Career and Executive Development Records GSA/OAD-11 (23-00-0011),

b. Executive Assignment, Promotion, and Retirement GSA/OAD-12 (23-00-0012),

c. Personnel Office General Staffing Information GSA/OAD-15 (23-00-0015), and

d. Compensation and Classification Records GSA/OAD-17 (23-00-0017).

5. A system of records notice, OPM Government-wide notices, is being added. This notice serves as a recap of the records maintained by GSA that are a part of the Office of Personnel Management's (OPM) system of records or subject to control by OPM.

6. To reflect organizational changes within GSA, the system numbers of the following systems of records have been changed:

a. GSA/OAD-1 to GSA/HRO-1,
b. GSA/OAD-4 to GSA/HRO-2,
c. GSA/OAD-6 to GSA/HRO-3,
d. GSA/OAD-7 to GSA/HRO-4,
e. GSA/OAD-9 to GSA/HRO-5,
f. GSA/OAD-22 to GSA/HRO-6,
g. GSA/OAD-26 to GSA/HRO-7,
h. GSA/OAD-25 to GSA/HRO-8,
i. GSA/OAD-27 to GSA/HRO-9,
j. GSA/OAD-29 through 34 to GSA/PPFM-1, through 6, and
k. GSA/OAD-36 to GSA/OEA-1.

7. Minor changes have been made throughout the GSA notices in the system location, system manager, notification procedures, records access procedures, contesting record procedures, and address appendixes portions of all the GSA notices to reflect changes due to reorganizations and/or relocations.

8. The safeguard portions of notices GSA/NARS-1 through GSA/NARS-10 have been reworded to more accurately reflect the procedures in effect.

9. The following systems of records are consolidated into one system of records notice now designated as Employee Related Files GSA/AGENCY-1:

a. Office Personnel Files GSA/OAD-19 (23-00-0019),
b. Employee Related Files GSA/NARS-10 (23-00-0055),
c. Employee Related Files GSA/REGADM-2 (23-00-0069),
d. Employee Related Files GSA/PBS-1 (23-00-0073),
e. Employee Related Files GSA/FSS-8 (23-00-0090),
f. Employee Related Files GSA/FPRS-1 (23-00-0109),
b. Employee Related Files GSA/TPUS-1 (23-00-0108),
h. General Personnel Files GSA/OGC-5 (23-00-0043),
i. Discretionary Supervisor Files GSA/ADTS-3 (23-00-0078),
j. Personnel Administrative Files GSA/ADTS-6 (23-00-0081), and
k. Staffing Reporting System GSA/OAD-23 (23-00-0023).

Dated: August 14, 1980.

Ben Schiffman,

Director of Administrative Services.

GSA No.	OMB No.	Name of system
.....		OPM governmentwide notices.
GSA/Agency-1.		Employee related files.
GSA/HRO-1.....	23-00-0001	Standards of conduct files.
GSA/HRO-2.....	23-00-0004	Employee drug abuse/alcoholism files.
GSA/HRO-3.....	23-00-0006	Occupational health and injury files.
GSA/HRO-4.....	23-00-0007	Labor-management relations files.
GSA/HRO-5.....	23-00-0009	Employee benefits files.
GSA/HRO-6.....	23-00-0022	Listing of physicians.
GSA/HRO-7.....	23-00-0027	Motor vehicle operator applications.
GSA/HRO-8.....	23-00-0026	Credentials, passes, and licenses.
GSA/HRO-9.....	23-00-0104	Emergency notification rosters and files.
GSA/HRO-10..		Grievance records.
GSA/HRO-37..	23-00-0110	Security staff files.
GSA/PPFM-1...	23-00-0032	Disbursement and accounts payable files.
GSA/PPFM-2...	23-00-0033	Accounts receivable claims files.
GSA/PPFM-3...	23-00-0034	Travel system.
GSA/PPFM-4...	23-00-0035	Manpower and payroll statistics system (MAPS).
GSA/PPFM-5...	23-00-0036	Payroll, time, and attendance reporting system.
GSA/PPFM-6..	23-00-0100	Employee credit reports.
GSA/ADM-24..	23-00-0024	Investigation case files.
GSA/OEA-1.....	23-00-0103	Defunct agency records.
GSA/OGC-2.....	23-00-0040	Attorney placement.
GSA/OGC-4.....	23-00-0042	General law files.
GSA/OGC-8.....	23-00-0044	Potential employee referrals.

GSA No.	OMB No	Name of system
GSA/NARS-1	23-00-0046	Researcher application files.
GSA/NARS-2	23-00-0047	Reference request files.
GSA/NARS-3	23-00-0048	Donors of historical materials files.
GSA/NARS-4	23-00-0049	National archives advisory council files.
GSA/NARS-5	23-00-0050	Conference and related activities files.
GSA/NARS-6	23-00-0051	Mailing list files.
GSA/NARS-7	23-00-0052	Review of classified document/request files.
GSA/NARS-8	23-00-0053	Classified records access authorization files.
GSA/NARS-9	23-00-0054	Authors files.
GSA/REGADM-3.	23-00-0070	Biographical sketches.
GSA/REGADM-4.	23-00-0071	Official correspondence files.
GSA/REGADM-6.	23-00-0102	Council of governments carpool system.
GSA/PBS-3	23-00-0075	Incident reporting, investigation, and security case files.
GSA/ADTS-1	23-00-0076	Classified control files.
GSA/ADTS-2	23-00-0077	Congressional files.
GSA/ADTS-4	23-00-0079	Emergency notification files.
GSA/ADTS-5	23-00-0080	Financial management files.
GSA/ADTS-7	23-00-0082	Workload measurement files.
GSA/ADTS-8	23-00-0096	Special purpose telephone contact listings.
GSA/FSS-9	23-00-0091	Cataloging action master file-work measurement.
GSA/FSS-12	23-00-0094	Accountability and property inventory.
GSA/FPRS-2	23-00-0110	Hazardous materials exposure history system.
GSA/TPUS-2	23-00-0107	Accountability and property inventory system.

SYSTEM NAME:

OPM Government-wide notices

The General Services Administration maintains personnel records and files which are a part of the Office Personnel Management's (OPM) systems of records or subject to control by OPM. These systems are as follows:

OPM/GOVT-1	General personnel records.
OPM/GOVT-3	Adverse action records.
OPM/GOVT-5	Recruiting, examining, and placement records.
OPM/GOVT-6	Personnel research and test validation records.
OPM/GOVT-7	Applicant race, sex, ethnicity and disability status records.
OPM/GOVT-9	Position classification review and retained rate of pay appeals
CSC/GOVT-1	Appeals, grievances and complaint records.

SYSTEM LOCATION:

The above systems are located in the personnel offices of the General Services Administration at the locations listed in the appendix for the Office of Personnel following the notice GSA/HRO-7.

NOTIFICATION PROCEDURES:

Current employees may obtain information about whether they are a part of these systems of records from their personnel officer at the appropriate address listed in the appendix for the Office of Personnel following the notice GSA-HRO-7. Former employees may obtain information as set forth in the OPM system notices.

RECORD ACCESS PROCEDURES:

Requests from current employees to gain access to information pertaining to them should be directed to their personnel officer at the appropriate address listed in the appendix for the Office of Personnel following the notice GSA/OHR-7. Former employees should direct requests to gain access to information pertaining to them as set forth in the OPM system notices.

CONTESTING RECORD PROCEDURES:

GSA rules for access to records and for contesting the contents and appealing initial determination are promulgated in 41 CFR 105-64 published in the Federal Register. OPM rules are promulgated in 5 CFR 297.201 and 208, published in the Federal Register.

SYSTEM NAME:

Employee related files.

SYSTEM LOCATION:

This system may be maintained at the supervisory or administrative office level at all facilities throughout the General Services Administration, nationwide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYTEM:

Former and current GSA employees, applicants or potential applicants for employment, employees of other agencies for employee relief bills, volunteer workers, uncompensated workers, and relatives of employees of the National Personnel Records Center.

CATEGORIES OF RECORDS IN THE SYTEM:

This system consists of a variety of employee related records maintained by operating officials for the purpose of administering personnel matters affecting their employees and uncompensated workers. The documents include, but are not limited to, information on the individuals relating to name, social security number, birth, home and emergency addresses and telephone numbers, personnel actions, professional registration, qualifications, training, congressional employee relief bills, injuries, employment history, awards and other recognition, counseling, warnings, reprimands, grievances, appeals, conduct, leave, pay, attendance, work assignments, performance, assessments, applications for permits and passes, indebtedness complaints, travel, and outside employment. The documents include military service data on employees of the National Personnel Records Center and their relatives accumulated by operating officials in administering the records security program at the Center. This system does not include official personnel files which are covered by the Office of Personnel Management's systems of records OPM/GOVT-1 through 9 and CSC/GOVT-1.

AUTHORITY FOR MAINTENANCE OF THE SYTEM:

Federal Property and Administrative Services Act of 1949, as amended, (63 Stat. 377); Title 5 U.S.C. generally; and Title 31 U.S.C. generally.

PURPOSE(S):

The purposes of this system are to initiate requests for personnel actions, to plan and schedule training, to counsel employees on their performance, to establish a basis for proposing recommendations for disciplinary actions, and to carry out personnel management responsibilities in general.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To disclose pertinent information to the appropriate Federal, State, or local agency responsibile for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the General Services Administration becomes aware of an indication of a violation of potential violation of civil or criminal law or regulation.

b. To provide information to a Member of Congress or to a congressional staff member from the records of an individual in response to an inquiry from that congressional office made at the request of that individual.

c. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

d. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of a job, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

e. To disclose information to officials of the Merit Systems Protection Board, including the Office of Special Counsel; the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission

when requested in performance of their authorized duties.

f. To disclose information to an authorized appeal or grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator, exclusive representative, or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee.

g. To disclose information to the Office of Personnel Management in accordance with the agency's responsibility for evaluation of Federal personnel management.

h. To disclose information to an expert, consultant, or a contractor of GSA to the extent necessary to further the performance of a Federal duty and to a physician to conduct a fitness-for-duty examination of a GSA officer or employee.

i. Additionally, U.S. Army military service relating to National Personnel Records Center (St. Louis) employees and their relatives may be disclosed to United States Army Reserve Components Personnel and Administration Center officials when required for the operation of their record security program.

Note.—To the extent that official personnel records in the custody of GSA are covered within systems of record published by the Office of Personnel Management as Government-wide records, they will be considered to be as a part of that Government-wide system. Other official personnel records covered by notices published by GSA and considered to be separate systems of records may be transferred to the Office of Personnel Management in accordance with official personnel programs and activities as a routine use.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file holders and card files.

RETRIEVABILITY:

The records within this system are primarily retrieved by name.

SAFEGUARDS:

When not in use by an authorized person, these records are stored in lockable file cabinets, lockable desk drawers, and/or in secured rooms.

RETENTION AND DISPOSAL:

Records are reviewed annually, documents are updated, and irrelevant documents destroyed. No copies of records are retained in this system after the original or copies of the same records have been purged from the Office of Personnel Folders. When an employee leaves the agency through transfer or other separation, the records in this system are immediately forwarded to the office maintaining the Official Personnel Folder. There the records are screened to ensure that there are no records that should be permanently filed in the Official Personnel Folder. The records in this system are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Agency officials with overall responsibility for systems of records under their jurisdiction are the Heads of Services and Staff Offices for Central Office employees and the Regional Administrators for regional employees. Officials responsible for geographically dispersed systems of records are the senior official at the facility or the supervisor of the employees (or of the former employees, or volunteers at all locations). The addresses of the Central Office and regional offices are listed in the appendix following this notice. The addresses of the field activities are listed following the notices GSA/ADTS–8, GSA/NARS–9, GSA/PBS–3, GSA/FSS–12, and GSA/FPRS–2.

NOTIFICATION PROCEDURES:

Information about whether an individual is a part of this system of records may be obtained from the supervisors or officials at the appropriate repository where the individuals have records. If not known, general inquiries should be made to the Head of the Service or Staff Office for Central Office employees, or to the Regional Administrator for regional office employees at the addresses listed in the appendix following this notice.

RECORD ACCESS PROCEDURES:

Same as above. For identification requirements, refer to the agency regulations as outlined in 41 CFR 105–64.

CONTESTING RECORD PROCEDURES:

GSA rules for access to records and for contesting the contents and appealing initial determinations are promulgated in 41 CFR 105–654, published in the Federal Register.

RECORD SOURCE CATEGORIES:

The individuals themselves, other employees, supervisors, personnel records, and third parties submitting indebtedness complaints.

Appendix—GSA/Agency Addresses of Locations

Central Office

General Services Building, 18th and F Streets NW., Washington, D.C. 20405.

Crystal Mall Building 4, 1941 Jefferson Davis Highway, Arlington, VA 20406.

Crystal Square Building 5, 1755 Jefferson Davis Highway, Arlington, VA 20406.

Chester Arthur Building, 425 I Street NW., Washington, DC 20405.

Archives Building, 7th and Pennsylvania Avenue NW., Washington, DC 20408.

Region Offices

National Capital Region, Regional Office Building, 7th and D Streets SW., Washington, DC 20407.

Region 1, J.W. McCormack Post Office and Courthouse Building, Boston, MA 02109.

Region 2, 26 Federal Plaza, New York, NW 1007.

Region 3, Regional Office Building, 9th and Market Streets, Philadelphia, PA 19107.

Region 4, 75 Spring Street SW., Atlanta, GA 30303.

Region 5, John C. Kluczynski Federal Building, 230 South Dearborn Street, Chicago, IL 60604.

Region 6, Federal Building, 1500 East Bannister Road, Kansas City, Missouri 64131.

Region 7, 819 Taylor Street, Fort Worth, Texas 76102.

Region 8, Building N. 41, Denver Federal Center, Denver, Colorado 80225.

Region 9, 525 Market Street, San Francisco, California 94105.

Region 10, GSA Center, Auburn, Washington, 98002.

GSA/HRO-1 (23-00-0001)

SYSTEM NAME:

Standards of Conduct Files.

SYSTEM LOCATIONS:

The system is located in the personnel offices of GSA at the addresses listed in the appendix for the Office of Personnel following the notice, GSA/HRO–7; the Central Office, Office of Personnel, 18th & F Sts. NW., Washington, DC 20405; and the offices of supervisors and management officials who have a need for information relating to an employee's outside employment.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees who have requested permission to engage in outside employment, received a copy of the standards of conduct, or have been the object of debt complaints.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Application to engage in outside employment, business or professional activities (GSA Form 1974).

2. Acknowledgement of receipt of GSA Standards of Conduct (GSA Form 2160).

3. Debt complaint files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7351; 5 C.F.R. 735.203 and 207.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the General Services Administration (GSA) becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To provide information to a Member of Congress or to a congressional staff member from the records of an individual in response to an inquiry from that congressional office made at the request of that individual.

c. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

d. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of a job, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

e. By the Office of Personnel Management in the production of summary descriptive statistics in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

f. To disclose information to any source where necessary to obtain information relevant to a conflict-of-interest investigation or determination.

g. To disclose information to the Office of Management and Budget (OMB) in connection with the review of private relief legislation at any stage of the legislative coordination and clearance process.

h. To disclose information to officials of the Merit Systems Protection Board, including the Office of Special Counsel; the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

i. To an authorized appeal or grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator, or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee.

j. To the Office of Personnel Management in accordance with the agency's responsibility for evaluation of Federal personnel management.

k. To the extent that official personnel records in the custody of GSA are covered within systems of records published by the Office of Personnel Management as Government-wide records, they will be considered as a part of that Government-wide system. Other official personnel records covered by notices published by GSA and considered to be separate systems of records may be transferred to the Office of Personnel Management in accordance with official personnel programs and activities as a routine use.

l. To an expert, consultant, or a contractor of GSA to the extent necessary to further the performance of a Federal duty.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file cabinets.

RETRIEVABILITY:

Filed alphabetically at each location by name.

SAFEGUARDS:

When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

RETENTION AND DISPOSAL:

Disposition or records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

The Director of Personnel at 18th and F Streets NW., Washington, DC 20405. Mailing address: General Services Administration (HP), Washington, DC 20405.

NOTIFICATION PROCEDURE:

Current employees may obtain information about whether they are a part of this system of records from their supervisor or from their personnel officer at the appropriate address listed in the appendix following the notice GSA/HRO-7, or from the Director of Personnel at the address noted above, whichever is applicable. Former employees may obtain information from the personnel officers at the addresses listed in the appendix.

RECORD ACCESS PROCEDURES:

Requests from current employees to gain access to information pertaining to them should be directed to their supervisor or to their personnel officer at the appropriate address listed in the appendix following the notice GSA/HRO-7, or to the Director of Personnel at the address noted above, whichever is applicable. Former employees should direct requests to gain access to information pertaining to them to the appropriate personnel officer at the address listed in the appendix. For identification requirements refer to the agency regulations as outlined in 41 CFR 105-64.

CONTESTING RECORDS PROCEDURES:

GSA rules for access to records and for contesting the contents and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Employees requesting permission to engage in outside employment, firms and/or collection agencies filing debt complaints, supervisors, and management officials.

GSA/HRO-2 (23-00-0004)

SYSTEM NAME:

Employee Drug Abuse/Alcoholism Files.

SYSTEM LOCATION:

The system is located in the personnel offices of GSA at the addresses listed in the appendix for the Office of Personnel following the notice GSA/HRO-7; the Central Office, Office of Personnel at 18th & F Sts. NW., Washington, DC 20405; in the offices of designated counselors; and in the offices of supervisors who have had employees suspected or known to have drug abuse problems (including alcoholism).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

GSA employees who have been suspected or known to have an alcohol abuse or other drug abuse problem.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Records of referrals for counseling.
2. Records of counseling.
3. Records of referrals for rehabilitative assistance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 92-255 and 5 U.S.C. 7901.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To document that supervisors have properly dealt with employees whose work is affected by alcohol abuse or other drug abuse.

b. To communicate information to personnel having a need for the information in connection with their duties; such as medical or health personnel, alcohol or other drug abuse counselors, alcohol or other drug abuse program administrators, and qualified service organizations.

c. To provide a basis for meeting reporting requirements to the Office of Personnel Management.

d. To disclose information to the Department of Justice or other appropriate Federal agencies in defending claims against the United States, when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of the activities of GSA in connection with such individual.

Such disclosures will be restrictively made; in particular, disclosures of information pertaining to an individual with a history of alcohol or other drug abuse will be limited in compliance with the restrictions of the confidentiality of Alcohol and Drug Abuse Patient Records regulations, 45 CFR Part 2.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records in file drawers or cabinets.

RETRIEVABILITY:

Filed alphabetically at each location by name.

SAFEGUARDS:

When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

RETENTION AND DISPOSAL:

Records are maintained for 1 year after the employee's last contact with the counselor, or until the employee's separation or transfer, whichever comes first. Records are destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Director of Personnel at 18th & F Sts. N.W., Washington, DC 20405. Mailing address: General Services Administration (HP), Washington, DC 20405.

NOTIFICATION PROCEDURE:

Current employees may obtain information about whether they are a part of this system of records from their supervisor or from their personnel officer at the appropriate address listed in the appendix for the Office of Personnel following the notice GSA/HRO-7, or from the Director of Personnel at the address noted above, whichever is applicable. Former employees may obtain information from the personnel officers at the addresses listed in the appendix.

RECORD ACCESS PROCEDURES:

Requests from current employees to gain access to information pertaining to them should be directed to their personnel officer at the appropriate address listed in the appendix for the Office of Personnel following the GSA/HRO-7 notice, or to the Director of Personnel at the address noted above, whichever is applicable. Former employees should direct requests to gain access to information pertaining to them to the appropriate personnel officer at the address listed in the appendix. For identification requirements refer to the agency regulations outlined in 41 CFR 105-64.

CONTESTING RECORD PROCEDURES:

GSA rules to access to records and for contesting the contents and appealing initial determination are promulgated in 41 CFR 105-64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Supervisors, counselors, personnel specialists, and the employees themselves.

GSA/HRO-3 (23-00-0006)

SYSTEM NAME:

Occupational Health and Injury Files.

SYSTEM LOCATION:

The system is located in the personnel offices of GSA at the locations listed in the appendix for the Office of Personnel following the notice GSA/HRO-7; the Central Office, Office of Personnel, 18th & F Sts. NW., Washington, DC 20405; the Accident and Fire Prevention Branch, Buildings Management Division, PBS; and the offices of all supervisors who have had employees injured on the job or other occupational health problems with employees supervised.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

GSA employees who have sustained injuries or other occupational health problems with employees supervised.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Accident reports (including CA-1 & 2: Federal Employees Notice of Injury or Occupational Disease).
2. Claims for compensation for injury or occupational disease (CA 4).
3. Claims for continuance of compensation on account of disability (CA 8).
4. Lists of employees receiving medical services.
5. Health records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chap 81 and 5 U.S.C. 7153 and 7901.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To identify and record those employees who have sustained injuries or other occupational health problems.

b. To refer information required by applicable law to be disclosed to a Federal, State, or local public health service agency concerning individuals who have contracted certain communicable diseases or conditions. Such information is used to prevent further outbreak of the disease or condition.

c. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

e. To disclose information to the Office of Workers Compensation Programs in connection with a claim for benefits filed by an employee.

f. To provide information to a Member of Congress or to a congressional staff member from the records of an individual in response to an inquiry from that congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records in file cabinets.

RETRIEVABILITY:

Filed alphabetically at each location by name.

SAFEGUARDS:

When not in use by an authorized person, these records are stored in

lockable metal file cabinets or in secured rooms.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

The Director of Personnel, 18th & F Sts. NW., Washington, DC 20405. Mailing address: General Services Administration (HP), Washington, DC 20405.

NOTIFICATION PROCEDURE:

Current employees may obtain information about whether they are a part of this system of records from their supervisor or from their personnel officer at the appropriate address listed in the appendix for the Office of Personnel following the notice GSA/HRO–7, or from the Director of Personnel at the address noted above, whichever is applicable. Former employees may obtain information from the personnel officers at the addresses listed in the appendix.

RECORD ACCESS PROCEDURES:

Requests from current employees to gain access to information pertaining to them should be directed to their supervisor or to their personnel officer at the appropriate address listed in the appendix for the Office of Personnel following the notice GSA/HRO–7, or to the Director of Personnel at the address noted above, whichever is applicable. Former employees should direct requests to gain access to information pertaining to them to the appropriate personnel officer at the address listed in the appendix. For indentification requirements refer to the agency regulations as outlined in 41 CFR 105–64.

CONTESTING RECORD PROCEDURES:

GSA rules for access to records and for contesting the contents and appealing initial determinations are promulgated in 41 CFR 105–64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

The information in this system of records is provided by the individuals to whom the records pertain, or by the personnel specialists who prepare various records or claims.

GSA/HRO–4 (23–00–0007)

SYSTEM NAME:

Labor-Management Relations Files

SYSTEM LOCATION:

The system is located in the personnel offices of GSA at the locations listed in the appendix for the Office of Personnel following the notice GSA/HRO–7; the Central Office, Office of Personnel at 18th & F Sts. NW., Washington, DC 20405, and various service and staff offices throughout GSA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

GSA employees who are union officials or are in an exclusively recognized unit. Also GSA employees who have filed grievances under the negotiated grievance procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Union dues withholding request or revocation.
2. List of employees who are elected or appointed union officers or officials.
3. Arbitration awards based on employee or union grievance.
4. GSA Form 3079, Official Time for Representational Functions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5. U.S.C. 7101 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To identify and record those employees who are included in exclusively recognized units, are under dues withholding, are elected or appointed as union officers, whose grievances have been resolved by arbitration awards, and who use official time for representational functions.

b. To the Department of Labor in carrying out its functions regarding labor-managemnt relations in the Federal service.

c. To officials of labor organizations recognized under Pub. L. 95–454, when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

d. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the General Services Administration (GSA) becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

e. To provide information to a Member of Congress or to a congressional staff member from the records of an individual in response to an inquiry from that congressional office made at the request of that individual.

f. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

g. By the Office of Personnel Management in the production of summary descriptive statistics in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

h. To disclose information to the Office of Management and Budget in connection with the review of private relief legislation at any stage of the legislative coordination and clearance process.

i. To disclose information to officials of the Merit Systems Protection Board, including the Office of Special Counsel; the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

j. To an authorized appeal or grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator, or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee.

k. To the Office of Personnel Management in accordance with the agency's responsibility for evaluation of Federal personnel management.

l. To the extent that official personnel records in the custody of GSA are covered within systems of records published by the Office of Personnel Management as Government-wide system, they will be considered as part of that Government-wide system. Other official personnel records covered by notices published by GSA and considered to be separate systems of records may be transferred to the Office of Personnel Management in accordance with official personnel programs and acitivities as a routine use.

m. To an expert, consultant, or a contractor of GSA to the extent necessary to further the performance of a Federal duty.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records and machine listings in file cabinets.

RETRIEVABILITY:

Filed alphabetically at locations by name.

SAFEGUARDS:

When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

The Director of Personnel at 18th & F Sts. NW., Washington, DC 20405. Mailing address: General Services Administration (HP), Washington, DC 20405.

NOTIFICATION PROCEDURE:

Current employees may obtain information about whether they are a part of this system of records from their supervisor or from their personnel officer at the appropriate address listed in the appendix for the Office of Personnel following the notice GSA/HRO-7, or from the Director of Personnel at the address noted above, whichever is applicable. Former employees may obtain information from the personnel officers at the addresses listed in the appendix.

RECORD ACCESS PROCEDURES:

Requests from current employees to gain access to information pertaining to them should be directed to their supervisor or to their personnel officer at the appropriate address listed in the appendix for the Office of Personnel following the notice GSA/HRO-7, or to the Director of Personnel at the address noted above, whichever is applicable. Former employees should direct requests to gain access to information pertaining to them to the appropriate personnel officer at the address listed in the appendix. For identification requirements refer to the agency regulations as outlined in 41 CFR 105-64.

CONTESTING RECORD PROCEDURES:

GSA rules for access to records and for contesting the contents and appealing initial determination are promulgated in 41 CFR 105-64 published in the Federal Register.

RECORD SOURCE CATEGORIES:

Officials preparing files and records submitted by employees.

GSA/HRO-5 (23-00-0009)

SYSTEM NAME:

Employee Benefits Files.

SYSTEM LOCATION:

The system is located in the personnel offices of GSA at the addresses listed in the appendix for the Office of Personnel following the notice GSA/HRO-7; the Central Office, Office of Personnel at 18th & F Sts. NW., Washington, DC 20405, and the offices of supervisors and management officials promoting blood donation and savings bonds programs and soliciting employees to attend White House ceremonies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees receiving severance pay, contributing blood, authorizing withholding for savings bonds, attending White House ceremonies, and deceased employees with survivors entitled to death benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Severance pay files.
2. Savings bonds lists.
3. Blood donation requests.
4. White House ceremonies files.
5. Death case files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chap. 81, 5 U.S.C. 7153 and 7901.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To identify and record those employees who have received severance pay, authorized withholding for savings bonds, made blood donations, attended White House ceremonies, and/or died leaving survivors entitled to death benefits.

b. To disclose, to the following recipients, information needed to adjudicate a claim for benefits under the recipient's benefit program(s), or information needed to conduct an analytical study of benefits being paid under such programs: Office of Personnel Management; Office of Workers Compensation Program; Veterans Administration Pension Benefits Program; DHEW's Social Security Old Age, Survivor and Disability Insurance and Medical Programs; Health Care Financing Administration, and Supplemental Security Income Program; military retired pay programs; Federal civilian employee retirement programs (other than the Civil Service Retirement System); or other national, State, county, municipal, or other publicly recognized charitable or social security administrative agency.

c. When an individual to whom a record pertains dies, to disclose to any person possibly entitled in the order of precedence for lump sum benefits, information in the individual's record which might be properly disclosed to the individual, and the name and relationship of any other person whose claim to benefits takes precedence or who is entitled to share the benefits payable. When a representative of the estate has not been appointed, the individual's next-of-kin may be recognized as the representative of the estate.

d. To provide an official of another Federal agency information needed in the performance of official duties related to reconciling or reconstructing data files, compiling descriptive statistics, and making analytical studies in support of the function for which the records were collected and maintained.

e. To disclose to another agency, or to an instrumentality of any governmental jurisdiction within or under the control of the United States, for a civil or criminal law enforcement activity, if the activity is authorized by a law, and if the head of the agency or instrumentality has made a written request to GSA specifying the particular portion(s) of the record(s) desired (including an address) and the law enforcement activity for which the record is sought.

f. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the General Services Administration (GSA) becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

g. To provide information to a Member of Congress or to a congressional staff member from the records of an individual in response to an inquiry from that congressional office made at the request of that individual.

h. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

i. By the Office of Personnel Management in the production of summary descriptive statistics in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

j. To disclose information to the Office of Management and Budget in connection with the review of private relief legislation at any stage of the legislative coordination and clearance process.

k. To disclose information to officials of the Merit Systems Protection Board, including the Office of Special Counsel; the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

l. To the Office of Personnel Management in accordance with the agency's responsibility for evaluation of Federal personnel management.

m. To the extent that official personnel records in the custody of GSA are covered within systems of records published by the Office of Personnel Management as Government-wide records, they will be considered as a part of that Government-wide sytem. Other official personnel records covered by notices published by GSA and considered to be separate systems of records may be transferred to the Office of Personnel Management in accordance with official personnel programs and activities as a routine use.

n. To an expert, consultant, or a contractor of GSA to the extent necessary to further the performance of a Federal duty.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records in files.

RETRIEVABILITY:

Filed alphabetically at each location by name.

SAFEGUARDS:

When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

The Director of Personnel at 18th & F Sts. NW., Washington, DC 20405. Mailing address: General Services Administration (HP), Washington, DC 20405.

NOTIFICATION PROCEDURE:

Current employees may obtain information about whether they are a part of this system of records from their supervisor or from their personnel officers at the addresses listed in the appendix.

RECORD ACCESS PROCEDURES:

Requests from current employees to gain access to information pertaining to them should be directed to their supervisor or to their personnel officer at the appropriate address listed in the appendix for the Office of Personnel following the notices GSA/HRO-7, or to the Director of Personnel at the address noted above, whichever is applicable. Former employees should direct requests to gain access to information pertaining to them to the appropriate personnel officer at the address listed in the appendix. For identification requirements refer to the agency regulations as outlined in 41 CFR 105-64.

CONTESTING RECORD PROCEDURE:

GSA rules for access to records and for contesting the contents and appealing initial determination are promulgated in 41 CFR 105-64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

The information in this system of records is provided by the individuals to whom the records pertain or by the personnel specialists who prepare various records for claims.

GSA/HRO-6 (23-00-0023)

SYSTEM NAME:

Listing of Physicians.

SYSTEM LOCATION:

This system is located in the personnel offices of GSA at the addresses listed in the appendix for the Office of Personnel following the notice GSA/HRO-7.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Physicians certified by a board of qualified medical officials established by the Office of Personnel Management and in some cases, other physicians approved by GSA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, addresses, and phone numbers of the physicians included in this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

FPM Chapter 339.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To serve as a referral source for those who are in need of a physician for a fitness for duty examination or for on-the-job inquiries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

The records within this system are primarily on papers.

RETRIEVABILITY:

The records within this system are primarily retrievable by name.

SAFEGUARDS:

When not in use by an authorized person, these records are stored in lockable metal file cabinets or secured rooms.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2)

SYSTEM MANAGER(S) AND ADDRESS:

The Director of Personnel at 18th & F Sts. NW., Washington, D.C. 20405. Mailing address: General Services Administration (HP), Washington, D.C. 20405.

NOTIFICATION PROCEDURE:

Individuals may obtain information about whether they are included in this system by contacting the personnel office listed in the appendix for the Office of Personnel following the notice GSA/HRO-7.

RECORD ACCESS PROCEDURES:

Individuals should direct requests to access records to the personnel office listed in the appendix for the Office of Personnel following the notice GSA/HRO-7, which is in their particular area. For identification requirements, refer to the agency regulations as outlined in 41 CFR 105-64.

CONTESTING RECORD PROCEDURES:

GSA rules for access to records and contesting the contents and appealing initial determination are promulgated in 41 CFR 105-64, published in the Federal Register.

RECORDS SOURCE CATEGORIES:

The information in this system of records is provided by the individual themselves to either GSA or to the Office of Personnel Management of Public Health Service who forwarded the information to GSA.

Appendix GSA/OAD Addresses of Locations

Central Office

Central Office Personnel Division (HPO), General Services Administration, 18th & F Streets NW.,

Washington, DC 20405, Area Code 202–566–0040.

Regional Offices

National Capital Region (WBP), Regional Personnel Office, General Services Administration, 7th & D Streets SW., Washington, DC 20407, Area Code 202–472–1939.

Region 1

Regional Personnel Office (1BP), General Services Administration, John W. McCormack Post Office and Courthouse, Boston, MA 02109, Area Code 617–223–2624.

Region 2

Regional Personnel Office (2BP), General Services Administration, 26 Federal Plaza, New York, NY 10007, Area Code 212–264–8318.

Region 3

Regional Personnel Office (3BP), General Services Administration, 9th and Market Sts. Rm. 4203, Philadelphia, PA 19107, Area Code 215–597–1351.

Baltimore Area Office, Federal Building, Room 110B, Baltimore, MD 21201, Area Code 301–962–4357.

Region 4

Regional Personnel Office (4BP), General Services Administration, Richard B. Russell Building, 75 Spring Street SW., Atlanta, GA 30303, Area Code 404–221–5127.

Region 5

Regional Personnel Office (5BP), General Services Administration, 230 South Dearborn Street, Chicago, IL 60604, Area Code 312–253–5550.

Region 6

Regional Personnel Office (6BP), General Services Administration, 1500 E. Bannister Road, Kansas City, MO 64131; Area Code 816–926–7206.

St. Louis Area Office, 9700 Page Boulevard, Overland, MO 63132, Area Code 314–268–7273.

Region 7

Regional Personnel Office (7BP), General Services Administration, 819 Taylor Street, Fort Worth, TX 76102, Area Code 817–334–2366.

Region 8

Regional Personnel Office (8BP), General Services Administration, Denver, CO 80225, Area Code 303–234–2346.

Region 9

Regional Personnel Office (9BP), General Services Administration, 525 Market Street, San Francisco, CA 94105, Area Code 415–556–6527.

Region 10

Regional Personnel Office (10BP), General Services Administration, GSA Center, Auburn, WA 98002, Area Code 206–833–5212.

GSA/HRO–7 (23–00–0027)

SYSTEM NAME:

Motor Vehicle Operator Applications.

SYSTEM LOCATION:

This system of records is maintained in the personnel offices of GSA at the addresses listed in the appendix for the Office of Personnel following this notice and in the offices of all designated officials who require such forms prior to issuing a U.S. Government Motor Vehicle Operator's Identification Card.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees who require the issuance of a motor vehicle operators license.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. SF 47, Physical Fitness Inquiry for Motor Vehicle Operators.
2. SF 78, Certificate of Medical Examination.
3. GSA 1293, Application for Motor Vehicle Operator's Identification Card (SF 46).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 491

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To assess the ability of an employee to safely operate a Government motor vehicle and to determine the issuance of a government drivers license (SF 46).

b. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the General Services Administration (GSA) becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

c. To provide information to a Member of Congress or to a congressional staff member from the records of an individual in response to an inquiry from that congressional office made at the request of that individual.

d. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

e. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of a job, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision of the matter.

f. By the Office of Personnel Management in the production of summary descriptive statistics in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

g. To disclose information to the Office of Management and Budget in connection with the review of private relief legislation at any stage of the legislative coordination and clearance process.

h. to disclose information to officials of the Merit Systems Protection Board, including the Office of Special Counsel; the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

i. To an authorized appeal or grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator, or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee.

j. To the Office of Personnel Management in accordance with the agency's responsibility for evaluation of Federal personnel management.

k. To the extent that official personnel records in the custody of GSA are covered within systems of records published by the Office of Personnel Management as Government-wide system, they will be considered as a part of that Government-wide system. Other official personnel records covered by notices published by GSA and considered to be separate systems of records may be transferred to the Office of Personnel Management in accordance with official personnel programs and activities as a routine use.

1. To an expert, consultant, or a contractor of GSA to the extent

necessary to further the performance of a Federal duty.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper.

RETRIEVABILITY:

Name.

SAFEGUARDS:

When not in use by an authorized person, these records are stored in lockable metal file cabinest or in secured rooms.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

The Director of Personnel at 18th & F Sts. NW., Washington, DC 20405.

NOTIFICATION PROCEDURE:

Current employees may obtain information about whether they ar a part of this system of records from the designated official or from their personnel officer at the appropriate address listed in the appendix for the Office of Personnel following this notice or from the Director of Personnel at the address noted above, whichever is applicable. Former employees may obtain information from the personnel officer at the addressed listed in the appendix.

RECORD ACCESS PROCEDURES:

Requests from current employees to gain access to information pertaining to them should be directed to the designated official or to their personnel officer at the appropriate address listed in the appendix for the Office of Personnel following this notice or to the Director of Personnel at the address noted above, whichever is applicable. Former employees should direct requests to the appropriate personnel officer at the address listed in the appendix. For identification requirements refer to the agency regulations as outlined in 41 CFR 105–64.

CONTESTING RECORD PROCEDURES:

GSA rules for access to systems of records, contesting the contents of a system of record, and appealing initial determinations are promulgated in 41 CFR 105–64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

The employee, designated officials, and physicians.

GSA/HRO–8 (23–00–0026)

SYSTEM NAME:

Credentials, Passes, and Licenses.

SYSTEM LOCATION:

This system of records is maintained by the Director of Administrative Services, 18th & F Sts. NW., Washington, DC and by the regional Administrative Services Divisions as listed in the appendix following notice GSA/HRO–9.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees whose assigned responsibilities require the issuance of credentials for identification and security purposes.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. GSA Form 15, Weekend and Holiday Pass (Various personal characteristics).
2. GSA Form 22, Employee Identification Credential-Regional (Photo, name, birth date, Social Security Number (SSN), description of individual, issuance date, serial number, employee signature, and issuing official).
3. GSA Form 47, Physical Fitness Inquiry for Motor Vehicle Operators (Name, date of birth, title of position, home address, agency, medical inquiry, applicant's signature, date, signature of designated official, date).
4. GSA Form 48, Request for and Record of Credential or Pass (Name, description of individual, and place of employment).
5. GSA Form 208, Employee Identification Card (Name, service, and date of issuance).
6. GSA Form 277, Employee Identification and Authorization Credential-General (Photo, signature of bearer, name of employee, signature of issuing official, date issued, identification serial number, SSN, and date of birth).
7. GSA Form 1293, Application for Motor Vehicle Operator's identification Card (SF 46) (Name, organization, type of SF 46 applied for, previously issued SF 46 by GSA, mailing address, type of vehicle, personal data and driving record, applicant's signature and date, physical fitness certification by signature of certifying official, certification of eligibility by signature of certifying official).
8. GSA Form 1315, Civil Defense Identification Card Data (Name, address, and personal characteristics).
9. SF 138, Civil Defense Identification Card (Name, service, and ID number).
10. OF 7, Property Pass (Name, building, description of property, agency, and effective date).
11. OF 55, U.S. Government Identification.
12. GSA Form 2941, Parking application (Name, address, agency, correspondence symbol, office telephone number, and length of service).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Federal Property and Administrative Services Act of 1949 (63 Stat. 377) as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To facilitate the issuance and control of cards, parking permits, building passes, drivers licenses, and similar credentials.

b. To disclose pertinent information to the appropriate Federal, State or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the General Services Administration (GSA) becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

c. To provide information to a Member of Congress or to a congressional staff member from the records of an individual in response to an inquiry from that congressional office made at the request of that individual.

d. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

e. To disclose information to a Federal agency, in response to its requests, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of a job, the letting of a contract, or the issuance of license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

f. By the Office of Personnel Management in the production of summary descriptive statistics in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structed in such a way as to make the data individually identifiable by influence.

g. To disclose information to the Office of Management and Budget in

connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in the circular.

h. To disclose information to officials of the Merit Systems Protection Board, including the Office of Special Counsel; the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

i. To an authorized appeal or grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator, or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee.

j. To the Office of Personnel Management in accordance with the agency's responsibility for evaluation of Federal personnel management.

k. To the extent that official personnel records in the custody of GSA are covered within systems or records published by the Office of Personnel Management as Government-wide records, they will be considered as a part of that Government-wide system. Other official personnel records covered by notices, published by GSA and considered to be separate systems of records may be transferred to the Office of Personnel Management in accordance with official personnel programs and activities as a routine use.

m. To an expert, consultant, or a contractor of GSA to the extent necessary to further the performance of a Federal duty.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper forms.

RETRIEVABILITY:

Name.

SAFEGUARDS:

When not in use by an authorized person, these records will be stored in lockable metal file cabinets or in secured areas.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

The official responsible for this system is the Director of Administrative Services, 18th & F Sts. NW., Washington, DC 20405. Since this is a geographically dispersed system, individuals may gain access to it by contacting the officials at locations as listed in the appendix following notice GSA/HRO-9.

NOTIFICATION PROCEDURE:

The address of the agency offices to which inquires should be addressed and addresses of locations at which the individual may present a request as to whether a system contains records pertaining to himself or herself is the same as that shown in the appendix following notice GSA/HRO-9. Individuals should provide name, social security number, period of employent, and position held to assist the office in locating the record.

RECORD ACCESS PROCEDURES:

An individual can obtain information on the procedures for gaining access to an contesting records form the Director, Office of Administrative Services, or Regional Director, Administrative Services Division, as shown in the appendix following notice GSA/HRO-9.

CONTESTING RECORD PROCEDURES:

GSA rules for access to system of records, contesting the contents of system of record, and appealing initial determination are promulgated in 41 CFR 105-64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Information is provided by employee being issued credential and issuing official.

GSA/HRO-9 (23-00-0104)

SYSTEM NAME:

Emergency Notification Rosters and Files.

SYSTEM LOCATION:

This system of records is maintained in the Office of Administrative Services, 18th & F Sts. NW., Washington, DC and in the regional Administrative Services Divisions listed in the appendix following this notice. In addition, subsidiary records are maintained by the Central Office and regional offices which have provided input into this system of records.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

GSA officials at division director level and above, and GSA officials and employees with emergency assignments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of GSA Form 2177, Roster of GSA Officials; employee emergency assignments; and essential residence telephone service. Information includes name, office and home telephone numbers, home address, title and emergency assignment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To maintain current directory information on key GSA regional office officials or for use by the Central Office contact point during weekends, holidays, and emergencies; provide essential telephone service to key employees during emergencies; and to notify officials and employees under emergency conditions.

b. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the General Services Administration (GSA) becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

c. To provide information to a Member of Congress or to a congressional staff member from the records of an individual in response to an inquiry from that congressional office made at the request of that individual.

d. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

e. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of a job, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

f. By the Office of Personnel Management in the production of summary descriptive statistics in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

g. To disclose information to the Office of Management and Budget in connection with the review of private relief legislation at any stage of the legislative coordination and clearance process.

h. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

i. To disclose information to officials of the Merit Systems Protection Board, including the Office of Special Counsel; the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

j. To an authorized appeal or grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator, or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee.

k. To the Office of Personnel Management in accordance with the agency's responsibility for evaluation of Federal personnel management.

l. To the extent that official personnel records in the custody of GSA are covered within systems of records published by the Office of Personnel Management as Government-wide records, they will be considered as a part of that Government-wide system. Other official personnel records covered by notices published by GSA and considered to be separate systems of records may be transferred to the Office of Personnel Management in accordance with official personnel programs and activities as a routine use.

m. To an expert, consultant, or a contractor of GSA to the extent necessary to further the performance of a Federal duty.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

When not in use by an authorized person, these records will be stored in lockable metal file cabinets, or in secured areas, except for cascade lists which are kept in the possession of each applicable individual.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

The official with overall responsbility for the system of records is the Director of Administrative Services, 18th & F Sts., NW., Washington, DC 20405. Officials responsibile for the regional system of records are the applicable regional directors as shown in the appendix following this notice.

NOTIFICATION PROCEDURE:

Employees may obtain information as to whether they are part of this system of records from the Director of Administrative Services or the applicable regional director as shown in the appendix following this notice.

RECORD ACCESS PROCEDURES:

An individual can obtain information on the procedures for gaining access to records from the Director of Administrative Services or the applicable regional director listed in the appendix following this notice.

CONTESTING RECORD PROCEDURES:

GSA rules for access to system of records, contesting the contents of a system of record and appealing initial determinations are promulgated in 41 CFR 105–64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Information is provided by subject individuals, their supervisors, or the applicable service and staff office.

GSA/HRO–10

SYSTEM NAME:

Grievance Records.

SYSTEM LOCATION:

These records are located in the personnel offices of GSA at the location listed in the appendix following the notice GSA/HRO–6 or designated offices in GSA in which the grievances were filed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former employees who have submitted grievances with GSA in accordance with part 771 of the Office of Personnel Management (OPM) Regulations (5 CFR 771) or a negotiated procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by agency employees under part 771 of the OPM regulations. These case files contain all documents related to the grievance including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that are established through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, and 3302; E.O. 10577; 3 CFR 1954–1958 Comp., p218; E.O. 10987; 3 CFR 1959–1963 Comp., p519.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purposes(s) of the request, and identify the type of information requested.

c. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security of suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the agency's decision on the matter.

d. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. By GSA or the Office of Personnel Management in the production of summary description statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published

statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

g. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

h. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

i. To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

j. To an expert, a consultant, or a contractor of GSA to the extent necessary to further the performance of a Federal duty.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY

These records are retrieved by the names of the individuals on whom they are maintained.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

These records are disposed of 3 years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Director of Personnel, 18th and F Streets NW., Washington, DC 20405. Mailing address: General Services Administration (HP), Washington, DC 20405.

NOTIFICATION PROCEDURE:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the GSA personnel, or other designated office, where the action was processed regarding the existence of such records on them. They must furnish the following information for their records to be located and identified: Name, date of birth, approximate date of closing of the case and kind of action taken, and the organization component involved.

RECORDS ACCESS PROCEDURES:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. However, after the action has been closed, an individual may request access to the official copy of the grievance file by contacting the GSA personnel or designated office where the action was processed. Individuals must provide the following information for their records to be located and identified: Name, date of birth, approximate date of closing of the case and kind of action taken, and organization component involved. Individuals requesting access must also follow the GSA regulations as outlined in 41 CFR 105–64 regarding access to records.

CONTESTING RECORD PROCEDURES:

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determine if the record accurately documents the action of GSA's ruling on the case and will not include a review of the merits of the action, determination, or finding. Individuals wishing to request amendment to their records to correct factual errors should contact the GSA personnel or designated office where the grievance was processed. Individuals must furnish the following information for their records to be located and identified: Name, date of birth, approximate date of closing of the case and kind of action taken, and organizational component involved. Individuals must also follow the GSA Privacy Act regulations regarding amendment to records (ADM 7900.4).

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by the individual on whom the record is maintained, by testimony of witnesses, by agency officials, and from related correspondence from organizations or persons.

Appendix GSA/HRO Addresses of Locations of Administrative Services Divisions

Central Office

Office of Administrative Services (HR), General Services Administration, 18th and F Streets NW., Washington, DC 20405.

Regional Offices

Region 1: Director, Administrative Services Division (1BR), General Services Administration, McCormack Post Office and Courthouse, Boston, MA 02109.

Region 2: Director, Administrative Services Division (2BR), General Services Administration, 26 Federal Plaza, New York, NY 10007.

Region 3: Director, Administrative Services Division (3BR), General Services Administration, Ninth and Market Streets, Philadelphia, PA 19107.

National Capital Region: Director, Administrative Services Division (WBR), General Services Administration, 7th and D Streets SW., Washington, DC 20497.

Region 4: Director, Administrative Services Division (4BR), General Services Administration, Richard B. Russell Building, Atlanta, GA 30303.

Region 5: Director, Administrative Services Division (5BR), General Services Administration, 230 South Dearborn Street, Chicago, IL 60604.

Region 6: Director, Administrative Services Division (6BR), General Services Administration, 1500 E. Bannister Road, Kansas City, MO 64131.

Region 7: Director, Administrative Services Division (7BR), General Services Administration, 819 Taylor Street, Fort Worth, TX 76102.

Region 8: Director, Administrative Services Division (8BR), General Services Administration, Denver Federal Center, Bldg. 41, Denver, CO 80225.

Region 9: Director, Administrative Services Division (9BR), General Services Administration, 525 Market Street, San Francisco, CA 94105.

Region 10: Director, Administrative Services Division (10BR), General Services Administration, GSA Center, Auburn, WA 98002.

GSA/HRO-37 (23-00-0110)

SYSTEM NAME:

Security Staff Files.

SECURITY CLASSIFICATION:

Some of the material contained in the system has been classified in the interests of the national security pursuant ot Executive Order 12065.

SYSTEM LOCATION:

The system in the Office of Security and Occupational Safety and Health,

Office of Human Resources and Administration, GS Building, 18th and F Sts. NW., Washington, DC 20405.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system are employees, applicants for employment, and former employees of GSA and of commissions, committees, and small agencies serviced by GSA. Also included are historical researchers, experts or consultants, and employees of contractors performing services under GSA jurisdiction.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel security files contain information such as name, date and place of birth, address, social security number, education, occupation, experience, and investigatory material. These records are used as bases for issuance of security and ADP clearances; suitability determinations; and civil, criminal, and administrative action. Information security files contain records of security violations which may include employees' names and positions. These records are used for recommending administrative action against employees found to be in violation of GSA document security regulations. The assets protection files contain survey and inspection reports of all GSA owned or leased facilities and may include employees' names and positions. These records are used for recommending assets protection measures and procedures.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, April 27, 1953, as amended; Executive Order 12065, June 28, 1978; 31 U.S.C. 686; and 40 U.S.C. 318(a) through (d).

ROUTINE USES FOR RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigation, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the General Services Administration (GSA) becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To provide information to a Member of Congress or to a congressional staff member from the records of an individual in response to an inquiry from that congressional office made at the request of that individual.

c. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

d. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of a job, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

e. To an expert, consultant, or a contractor of GSA to the extent necessary to further the performance of a Federal duty.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records in card file folders.

RETRIEVABILITY:

Retrieved manually by name from files that are indexed alphabetically and filed numerically by location and incident.

SAFEGUARDS:

Records are stored in locked alarmed vault type room and/or three-way combination dial safes with access limited to authorized personnel. Information is released only to authorized officials on a need-to-know basis.

RETENTION AND DISPOSAL:

Disposition of records is in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2). Records are destroyed by burning, pulping, or shredding.

SYSTEM MANAGER AND ADDRESS:

The official responsible for the system is the Director, Office of Security and Occupational Safety and Health, Office of Human Resources and Organization, 18th and F Streets NW., Washington, DC. Mailing address: General Services Administration (HS), Washington, DC 20405.

NOTIFICATION PROCEDURES:

Inquiries by individuals as to whether the system contains a record pertaining to themselves should be addressed to the system manager.

RECORD ACCESS PROCEDURES:

Requests from individuals for access to records should be addressed to the system manager and should include full name (maiden name where appropriate), address, and date and place of birth. Only general inquiries may be made by phone.

CONTESTING RECORD PROCEDURES:

GSA rules for access to records and for contesting the contents and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Individuals, employees, informants, law enforcement agencies, other Government agencies, employees references, co-workers, neighbors, educational institutions, and intelligence sources.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k), the personnel security case files in this system of records are exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of the act.

GSA/PPFM-1 (23-00-0032)

SYSTEM NAME:

Disbursement and accounts payable files.

SYSTEM LOCATION:

The system is located in the General Services Administration Central Office service and staff offices and other GSA offices at the addresses listed in the appendix following notice GSA/PPFM-6.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system provides for reporting each account's status. Accordingly, records may include but are not limited to name, address, telephone number, vendor identification number, and social security number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 65 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the extent necessary the records are available outside GSA to monitor and document adverse action proceedings, and advise on credit inquiries. The routine use statements A, D, and E, described in the appendix following the GSA notices, also apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records in file folders and card files.

RETRIEVABILITY:

Filed alphabetically by name or identifying number.

SAFEGUARDS:

Stored in guarded buildings and/or in areas controlled by authorized personnel.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2)

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Financial Systems Branch, Communications and ADP Accounting Division, General Services Administration, 18th & F Sts. NW., Washington, DC 20405. Mailing address: General Services Administrations (BCNP), Washington, DC 20405.

NOTIFICATION PROCEDURES:

Individuals may obtain information about whether they are part of this system of records from the finance office at the appropriate address listed in the appendix following the notice GSA/PPFM-6 or the Chief, Financial Systems Branch, at the above address.

RECORD ACCESS PROCEDURE:

Request to access records should be directed to the finance officer at the appropriate address listed in the appendix following notice GSA/PPFM-6. Inquiries should provide full name, social security number, vendor number, address, and telephone number and appropriate dates and transactions giving rise to the record. For identification requirements, refer to the agency regulations as outlined in 41 CFR 105-64.

CONTESTING RECORD PROCEDURE:

GSA rules for access to records and for contesting the contents and appealing the initial determinations are promulgated in 41 CFR 105-64 published in the Federal Register.

RECORD SOURCE CATEGORIES:

The individuals themselves, employees, other agencies, management officials, and non-Federal sources such as private firms.

GSA/PPFM-2 (23-00-0033)

SYSTEM NAME:

Accounts receivable claims files.

SYSTEM LOCATION:

The system is located in the General Services Administration Central Office service and staff offices and other GSA offices at the addresses listed in the appendix following notice GSA/PPFM-6.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system provides for reporting each account's status. Accordingly, records may include but are not limited to name, address, telephone number, vendor identification number and social security number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

21 U.S.C. 65 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the extent necessary the records are vailable outside GSA to monitor and document adverse action proceedings, and advise on credit inquiries. The routine use statements A, D, and E, described in the appendix following the GSA notices, also apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records in file folders and card files and magnetic tape files.

RETRIEVABILITY:

Filed alphabetically by name or identifying number.

SAFEGUARDS:

Stored in guarded buildings and/or in areas controlled by authorized personnel.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Financial systems Branch, Communications and ADP Accounting Division, General Services Administration, 18th & F Sts. NW., Washington, DC 20405. Mailing address: General Services Administration (BCNP), Washington, DC 20405.

NOTIFICATION PROCEDURE:

Individuals may obtain information about whether they are part of this system of records from the finance office at the appropriate address listed in the appendix following notice GSA/PPFM-6 or the Chief, Financial Systems Branch, at the above address.

RECORD ACCESS PROCEDURES:

Request to access records should be directed to the finance officer at the appropriate address listed in the appendix following notice GSA/PPFM-6. Inquiries should provide full name, social security number, vendor number, address, and telephone number and appropriate dates and transactions giving rise to the record. For identification requirements, refer to agency regulations as outlined in 41 CFR 105-64.

CONTESTING RECORD PROCEDURES:

GSA rules for access to records and for contesting the contents and appealing the initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

The individuals themselves, employees, other agencies, management officials, and non-Federal sources such as private firms.

GSA/PPFM-3 (23-00-0034)

SYSTEM NAME:

Travel System.

SYSTEM LOCATION:

This system is located in the General Services Administration (GSA) Central Office service and staff offices and other GSA offices at the addresses listed in the appendix following notice GSA/PPFM-6.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals include employees and former employees of GSA and other independent offices and commissions, such as Presidential commissions, serviced by GSA including those persons other than full time employees authorized to travel on Government business.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system provides control over expenditure of funds for travel and related expenses. Therefore, provisions are made to authorize travel, provide and account for advances, and to pay for travel costs. In this connection, the system contains records which may include, but are not limited to, name, social security number, residence address, dependents names and ages, duty stations, and itinerary.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 5701–5709.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

The routine use statements A, B, C, D, E, F, and G, described in the appendix following the GSA notices, apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records in file folders and card files and magnetic tape files.

RETRIEVABLILITY:

Filed alphabetically.

SAFEGUARDS:

Stored in guarded buildings and/or in areas controlled by authorized personnel.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Payroll, Travel, and Property Liaison Branch, General Services Administration, 18th & F Sts. NW., Washington, DC 20405. Mailing address: General Services Administration (BCAP), Washington, DC 20405.

NOTIFICATION PROCEDURES:

Current employees may obtain information about whether they are a part of this system of records from their supervisor or finance office at the appropriate address listed in the appendix or from the Chief, Payroll, Travel, and Property Accounting Liaison Branch, at the above address, whichever is applicable. Former employees may obtain information from the finance office at the appropriate address listed in the appendix following notice GSA/PPFM–6.

RECORD ACCESS PROCEDURES:

Requests to access records from current employees should be directed to the employee's supervisor, the appropriate regional finance offices, or to the Chief, Payroll, Travel, and Property Accounting Liaison Branch, at the address listed in the appendix following GSA/PPFM–6. Former employees should direct requests to access records to the appropriate regional finance officer or the the Chief, Payroll, Travel, and Property Accounting Liaison Branch, at the address listed in the appendix following notice GSA/PPFM–6. For written request, former employees should provide full name, social security number, address, and telephone number, and approximate dates and places of employment. For identification requirements, refer to the agency regulations as outlined in 41 CFR 105–64.

CONTESTING RECORD PROCEDURES:

GSA Rules for access to records and for contesting the contents and appealing initial determinations are promulgated in 41 CFR 105–64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

The individuals themselves, other employees, supervisors, other agencies, management officials, and non-Federal sources such as private firms.

GSA/PPFM–4 (23–00–0035)

SYSTEM NAME:

Manpower and Payroll Statistics System (MAPS).

SYSTEM LOCATION:

The system is located in the General Services Administration Central Office service and staff offices and other GSA offices at the addresses listed in the appendix following notice GSA/PPFM–6.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals include employees and former employees of the General Services Administration including those persons in intern, youth employment, and work study programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Manpower and Payroll Statistic System (MAPS) is a comprehensive computerized payroll and personnel statistics information system with the dual purposes of paying employees salaries and providing for related accounting and statistical reporting. Thus, MAPS achieves multiple benefits from each data element introduced into the system which is patently designed to meet payroll and personnel statistics needs of all types and sizes of Government departments, agencies, bureaus and commissions. To accomplish the above, MAPS can and does provide a number of outputs to the payroll office such as a comprehensive payroll, detail accounting distribution of costs, annual—LWOP—sick leave data reports summary, an employee's statement of earnings deductions and leave every payday for each employee, State and city unemployment compensation report, quarterly Federal and State tax report, W–2 wage and tax statements, and produces reports of withholdings and contributions.

For the personnel office, MAPS produces reports such as organization roster, classification survey lists, retention register, retirement lists, report of the Federal civilian employment, personnel change listing, length of service and awards lists, and listing of within grade increases.

Records consist of information accumulated by operating officials as well as personnel and finance officials in administering payroll and personnel matters for or about employees. In addition the system contains data necessary to perform detail accounting distributions and to automatically provide for such tasks as mailing checks and bonds, and preparing and mailing tax returns and reports. Accordingly the system contains a large number of records which may include, but are not limited to, name, social security number, date of birth, sex, region and agency, veterans preference, tenure group, service computation date, physical handicap, agency transferred to (former employee), position title, position classification number, supervisory code, organization location, geographic location—State or continent, geographic location—city, geographic location—county or country, type of appointment, occupation code, pay plan, grade, step, annual salary-table, hourly salary, second shift differential-rate, third shift differential rate, post differential, quarters allowance, cost of living allowance, hazardous duty allowance, within-grade beginning date, days worked since last step increase, date of next within-grade eligibility, within-grade withheld date, full-time/part-time intermittent code, pay rate determinate, employment limits—expiration date, employment limits—total hours, employment limits—balance of hours, employment limits—total salary, employment limits—balance of salary, Government life insurance code, type of retirement status code, normal hours, accounting distribution fund code (designates specific appropriation or revolving fund to be charged), accounting distribution allotment or general ledger account, accounting distribution location facility, accounting distribution craft code, accounting distribution object class, wage board shift differentials, sick leave award, in-out of DC., retirement annuity, date of last past period, State tax code, State tax exemptions, Federal tax exemptions, Federal tax marital status/options or additional withholdings, Federal employee health benefits plan number,

Federal health benefits employee share of costs, balance of terminal leave repayment, per pay period terminal leave repayment, balance of Internal Revenue levy, per pay period Internal Revenue levy, union codes and dues, charity codes and amounts, other deduction code and amount, residence code, shift code, severance pay—total entitled and unpaid balance, check mail code, premium pay. percent code, savings allotments deductions amounts, constant for deducting regular Government life insurance, wage board schedule number, days worked calendar year-to-date, review date—detail, review date—temporary promotion, review date—temporary position, position occupied, promotion exception, U.S. citizenship, Federal employees health benefits Government share of costs, competitive service level, permanent from date, entered on duty date, date entered present grade, probationary period beginning date, educational level, degree—year and academic discipline, city tax code, city tax deduction, city tax deduction calendar year-to-date, military retired pay grade, military service retired from, military retirement date, calendar year-to-date (cytd) base salary, cytd night differential, cytd post differential, cytd holiday pay, cytd Sunday premium pay, cytd post differential, cytd quarters allowance, cytd cost of living, cytd awards, cytd education allowance, cytd terminal leave, cytd other earnings, cytd gross pay, cytd retirement, cytd Federal tax, cytd savings bond, cytd FICA deduction, cytd FICA gross, cytd Internal Revenue levy, cytd leave repayment, cytd union dues, cytd charity deductions, cytd savings allotments, cytd health insurance—employee share and Government share, cytd State taxes, cytd Government life insurance employee deduction and Government deduction, cytd other deduction, cytd net pay, cytd severance pay, leave category, annual leave (AL) ceiling, AL carry-over, AL credited, AL used year-to-date (ytd), AL credit balance, AL earned ytd, AL earned balance, sick leave (SL) carry-over, SL credited ytd, SL used ytd, SL balance, compensatory leave (CL) earned ytd, CL used ytd, CL balance, leave without pay (LWOP) used ytd, LWOP used since date shown for last step increase, LWOP carryover, absent without authorized leave (AWOL) used ytd, AWOL used since last step increase, military leave (ML) ytd, court leave ytd, other leave ytd, net terminal leave hours, ML used prior year, bond denomination, bond deduction, bond accumulated balance, bond direct mail code, bond designee number (refers to an individual), bond designee counter (shows which designee is to appear on next bond issued), bond issue date, Mr.—Mrs. Miss code, bond owner name (may be employee or another person such as a child), bond owner social security number, bond address line 1, bond address line 2, bond address line 3, W–2 street address, W–2 city-State-zip codes, savings allotments (SA) institution name, SA bank identification, SA bank employee account number, SA address line 1, SA bank address line 1, SA bank address line 2, SA bank zip code, net pay deposit for employee (NPD) bank name, NPD employee account number, NPD bank identification—composite checks, NPD bank address line 1, NPD bank address line 2, NPD bank zip code, check direct mail address and zip code pay, earnings history by pay period, and year-to-date cumulative earnings and deduction records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., Part III, is the authority for the overall system. Specific authority for use of Social Security numbers is contained in Executive Order 9397, 26 CFR 31.6011(b)–2, and 26 CFR 31.6109–1.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine uses of records maintained in the system shall include providing a copy of an employee's Department of the Treasury Form W–2, Wage and Tax Statement, to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, and 5520.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the Assistant Administrator for Plans, Programs, and Financial Management, General Services Administration (B), Washington, DC 20405.

To the extent necessary, records are available outside GSA to monitor and document grievance proceedings, EEO complaints, and adverse actions; to provide references to other agencies and persons for employees seeking employment elsewhere; to conduct counseling sessions; and to prepare biographical sketches of employees for release to other agencies and persons.

Some routine uses of MAPS output data are shown by examples listed below:

1. SF 1150 Leave transcript; The SF 1150 is printed when an employee separates from an agency and is transferred along with the employee to wherever his or her destination may be. This is the primary vehicle by which an employee's leave is transferred from one agency to another. Information is provided for annual and sick leave, military leave, health benefits, and Government life insurance;

2. Alphabetical listing of employees: The alphabetical listing is a monthly general use printout of all employees arranged alphabetically by last name. The listing contains information of interest to both payroll and personnel, and it serves as a handy reference in place of the official personnel folders to locate employees, verify employment and to supply basic employment information to answer questions for credit and other purposes outside GSA;

3. Alpha listing of employees by service: This report is identical to the alphabetical listing of employees except that is sorted by the service in which the employee is located. The report contains the basic personnel employment record for each listed employee; therefore, the report is used in the same manner as the alphabetical listing of employees to locate employees, verify employment, and to supply basic employment information for credit and other purposes rather than refer to an employee's official personnel folder;

4. Organization Roster. The organizational roster is a monthly listing of all employees by their organizational location. A separate report is produced for the Central Office and each of the 11 regions. The uses of this listing are the same as those for the alphabetical listing of employees and the alpha listing of employees by service except this report is better for showing an accurate picture or the organizational structure of an office or other units;

5. Retention register: The retention register is a listing of all employees grouped by the factors which determine retention rights for reduction in force (RIF) purposes;

6. Executive health maintenance list: The executive health maintenance list is a listing of all employees over 40 years of age who are qualified for the Executive Health Maintenance Program according to parameters set by each region. The listing is available upon request to management officials and Health Unit officials on a need-to-know basis.

7. The routine use statements A, B, C, D, E, F, and G, described in the

appendix following the GSA notices, also apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and card files, microfilm records in reels and cabinets, magnetic tapes and cards in cabinets and storage libraries, computer records within a computer and attached equipment.

RETRIEVABILITY:

Filed alphabetically by name, by social security number, or both methods at each location for each person.

SAFEGUARDS:

When not in use by an authorized person, these records are stored in lockable metal containers or in secured rooms.

RETENTION AND DISPOSAL:

Dispositions of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Systems Staff, Finance Division, General Services Administration (6BCS), 1500 E. Bannister Road, Kansas City, MO 64131.

NOTIFICATION PROCEDURE:

Current employees may obtain information about whether they are part of this system of records from their supervisor or from their personnel office at the appropriate address listed in appendix following notice GSA/PPFM-6 or from the Director of Personnel at General Services Administration, 18th & F Sts. NW., Washington, DC 20405 whichever is applicable. Former employees may obtain information from the Director of Personnel or the Chief of the Systems Staff at the above listed address.

RECORD ACCESS PROCEDURES:

Requests to access records from current employees should be directed to the employees' supervisor or to the personnel officer at the address in the appendix noted below or to the Director of Personnel or the Chief of the Systems Staff at the address noted above, whichever is applicable. Former employees should direct requests to access records to the personnel officer at the proper address listed in appendix following notice GSA/PPFM-6 or the Director of Personnel or the Chief of the Systems Staff at the address noted above, whichever is applicable. For written requests, former employees should provide full name, social security number, address, and telephone number, and approximate dates and place of employment. For identification requirements, refer to the agency regulations as outlined in 41 CFR 105-64.

CONTESTING RECORD PROCEDURES:

GSA rules for access to records and for contesting the contents and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

The individuals themselves, other employees, supervisors, other agencies management officials, and non-Federal sources such as private firms.

GSA/PPFM-5 (23-00-0036)

SYSTEM NAME:

Payroll and time and attendance reporting system.

SYSTEM LOCATION:

The system is located in the General Services Administration Central Office service and staff offices and other offices wherever there are timekeepers and at the addresses listed in the appendix following notice GSA/PPFM-6.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system provides for reporting each employee's status as either on the job time or as paid or unpaid time including absences without authorized leave. Accordingly, records include but are not limited to name, home address, telephone number, work location, social security number, hours of duty and attendance information for processing of the data to the Manpower and Payroll Statistics System.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., Part III, is the authority for the overall system. Specific authority for use of Social Security Number is contained in Executive Order 9397.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the extent necessary, the records are available outside GSA to monitor and document grievance proceedings, EEO complaints, and adverse actions; and to conduct counseling sessions. The routine use statements A, B, C, D, E, F, and G, described in the appendix following the GSA notices, also apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records in filed folders and card files.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Stored in guarded buildings and/or in areas controlled by authorized personnel.

RETENTION AND DISPOSAL:

Dispostion of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Payroll, Travel, and Property Accounting Liaison Branch, General Services Administration, 18th and F Streets NW., Washington, DC 20405. Mailing address: General Services Administration (BCAP), Washington, DC 20405.

NOTIFICATION PROCEDURE:

Current employees may obtain information about whether they are part of this system of records from their supervisor or from the Chief, Payroll, Travel, and Property Accounting Liaison Branch, Office of Finance, at the General Services Administration, 18th & F Sts. NW., Washington, DC 20405, whichever is applicable. former employees may obtain information at the address listed above.

RECORD ACCESS PROCEDURES:

Requests from current or former employees to access records should be directed to the employees' supervisor or to the Chief, Payroll, Travel, and Property Accounting Liaison Branch, Office of Finance, at the address noted above, whichever is applicable. For written request, former employee should provide full name, social security number, address, and telephone number, and approximate dates and places of employment. For identification requirements, refer to the agency regulations as outlined in 41 CFR 105-64.

CONTESTING RECORD PROCEDURES:

GSA rules for access to records, for contesting the contents, and appealing initial determinations are promulgated in 41 CFR 105-64 published in the Federal Register.

RECORD SOURCE CATEGORIES:

The individuals themselves, other employees, supervisors, other agencies,

management officials, and non-Federal sources such as private firms.

GSA/PPFM-6 (23-00-0100)

SYSTEM NAME:

Employee credit reports GSA/OAD.

SYSTEM LOCATION:

The system is located in the General Services Administration, Office of Finance, Financial Management Division, Credit and Finance Branch, 18th & F Sts. NW., Washington, DC 20405.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former employees who have refused to abide by the terms of their training agreement and/or other employment related contracts, and thereby have incurred a liability to the Government. If appropriate, similar information will be gathered on spouses.

CATEGORES OF RECORDS IN THE SYSTEM:

The categories of records are as follows: Name and address; age; number of dependents; name of employer; nature of business; position held/length held; full time or part-time employment; prospects for continued permanent employment; net worth and what it consist of; annual earned income; additional income; reputation; credit record; and financial record and personal history. Records are used in GSA to investigate employees who have defaulted on employment related contracts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 951–953.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Referred to GAO. The routine use statement A described in the appendix following the GSA notices, also applies to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

The records for both GSA and the contractor will be stored on paper.

RETRIEVABILITY:

The records within the system will be kept in alphabetical order by name.

SAFEGUARDS:

All correspondence between GSA and the contractor will be secured in a locked cabinet in the Credit and Finance Branch. Only those people designated authority will handle this data. The contracor will retain his or her records in a secured office.

RETENTION AND DISPOSAL:

Disposal is in accordance with HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Credit and Finance Branch, Financial Management Division, Office of Finance, 18th & F Sts. NW., Washington, DC 20405. Mailing address: General Services Administration (BCFC), Washington, DC 20405.

NOTIFICATION PROCEDURE:

Information may be obtained from the official listed above.

RECORD ACCESS PROCEDURES:

Procedures for contesting records are contained in 41 CFR 105–64.

CONTESTING RECORD PROCEDURES:

Procedures for access to records are contained in 41 CFR 105–64.

RECORD SOURCE CATEGORIES:

Credit companies, individuals, employers/supervisors, former employers, banks, and GSA contracted credit investigators.

Appendix GSA/PPFM Addresses of Locations

Central Office, Office of Plans, Programs, and Financial Management, Office of Finance, GS Building, Room 3127, 18th and F Streets NW., Washington, DC 20405.

Automated Data and Telecommunications Service, Financial Management Division, GS Building, Room 1204, 18th & F Sts. NW., Washington, DC 20405.

Federal Supply Service, Office of Executive Director, Crystal Mall, Building 4, 1941 Jefferson Davis Highway, Room 1111, Arlington, VA 20406.

National Archives and Records Service, Office of Executive Director, Archives Building, 7th & Pennsylvania Ave., NW., Room 108, Washington, DC 20408.

Public Buildings Service, Office of Executive Director, GS Building, Room 6340, 18th & F Sts. NW., Washington, DC 20405.

Regional Offices

National Capital Region (NCR), Finance Division, General Services Administration, 7th and D Sts. SW., Washington, DC 20407.

Region 1

Finance Division, General Services Administration, John W. McCormack, Post office and Courthouse, Boston, MA 02109.

Region 2

Finance Division, General Services Administration, 26 Federal Plaza, New York, NY 10007.

Region 3

Finance Division, General Services Administration, 9th and Market Streets, Room 1350, Philadelphia, PA 19107.

Baltimore Area Office, Federal Building, Room 110B, Baltimore, MD 21201.

Region 4

Finance Division, General Services Administration, 75 Spring St. SW., Atlanta, GA 30303.

Region 5

Finance Division, General Services Administration, 230 South Dearborn Street, Chicago, IL 60604.

Region 6

Finance Division, General Services Administration, 1500 E. Bannister Road, Kansas City, MO 64131.

St. Louis Area Office, 9700 Page Boulevard, Overland, MO 63132.

Region 7

Finance Division, General Services Administration, 819 Taylor Street, Fort Worth, TX 76102.

Region 8

Finance Division, General Services Administration, Denver Federal Center, Bldg. 41, Denver, CO 80225.

Region 9

Finance Division, General Services Administration, 525 Market Street, San Francisco, CA 94105.

Stockton Area Office, Building 414, Rough and Ready Island, Stockton, CA 95204.

Region 10

Finance Division, General Services Administration, GSA Center, Auburn WA 98002.

GSA/ADM-24 (23-00-0024)

SYSTEM NAME:

Investigation Case Files.

SECURITY CLASSIFICATION:

Some of the material contained in the system has been classified in the interests of the national security pursuant to Executive Order 11652.

SYSTEM LOCATION:

The system is located in the Office of Inspector General, 18th and F Streets NW., Washington, DC 20405.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system are employees, applicants for employment, and former employees of GSA and commissions, committees, and small agencies serviced by GSA. Also included are historical researchers, employees of contractors performing custodial or guard services in buildings under GSA jurisdiction, individuals who were the source of an individual complaint or an allegation that a crime had taken place, witnesses having information or evidence on any side of an investigation, and identification of possible and actual suspects in the criminal, administrative, or civil actions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative files contain information such as name, date and place of birth, experience, and investigatory material. These records are used as a basis for issuance of subpoenas; security clearances; suitability determinations; and civil, criminal, and administrative actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. App. Section 2 et seq.; Executive Order 10405, April 27, 1953; Executive Order 11478, August 8, 1969; Executive Order 11652, March 8, 1972, Executive Order 11246, September 24, 1965; and 40 U.S.C. 276a through a-7, 276c, 318 (a) through (d), and 327 through 331.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used by GSA officials and representatives of other Government agencies on a need-to-know basis in the performance of their official duties under the authorities set forth above and also for the following routine uses:

1. *Law enforcement:* Records maintained by the Office of Inspector General may be disseminated in any of the following manners:

a. A record of any case in which there is an indication of a violation of law, whether civil, criminal, or regulatory in nature, may be disseminated to the appropriate Federal, State, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law;

b. A record may be disseminated to a Federal, State, local, or foreign agency or to an individual organization in the course of investigating a potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

c. A record relating to a case or matter may be disseminated in an appropriate Federal, State, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice;

d. A record relating to a case or matter may be disseminated to an actual or potential party or his or her attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

e. A record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement or that involves a case or matter within the jurisdiction of any agency may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made or to make such other inquiries and reports as are necessary during the processing of the case or matter;

f. A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement;

g. A record may be disseminated to a Federal, State, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

h. A record may be disseminated to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letter of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; or

i. A record may be disseminated to the public, news media, trade associations, or organized groups when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than such modus operandi.

2. *Grievance, complaint, appeal:* A record from this system of records may be disclosed to an authorized appeal or grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator, or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Office of Personnel Management in accordance with the agency's responsibility for evaluation of Federal personnel management.

3. *Congressional inquiries:* A record from this system of records may be disclosed as a routine use to a Member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

4. *Private relief legislation:* The information contained in this system or records may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in the circular.

5. *GSA agents:* A record from this system of records may be disclosed as a routine use (a) to an expert, a consultant, or a contractor of GSA to the extent necessary to further the performance of a Federal duty and (b) to a physician to conduct a fitness-for-duty examination of a GSA officer or employee.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records in card files and file folders.

RETRIEVABILITY:

Retrieved manually by name from files that are indexed alphabetically and filed numerically by location and incident.

SAFEGUARDS:

Records are stored in locked alarmed vault type rooms and/or three-way combination dial safes with access limited to authorized personnel. Information is released only to authorized officials on a need-to-know basis.

RETENTION AND DISPOSAL:

Disposition of records is in accordance with the HB, GSA Records

Maintenance and Disposition System (OAD P 1820.2). Records are destroyed either by burning or pulping.

SYSTEM MANAGER(S) AND ADDRESS:

The official responsible for the system is the Executive Director, Office of Inspector General, 18th and F Sts. NW., Washington, DC 20405. Mailing address: General Services Administration (JM), Washington, DC 20405.

NOTIFICATION PROCEDURES:

Inquiries by individuals as to whether the system contains a record pertaining to themselves should be addressed to the system manager or to the Director of Information (XI), 18th and F Sts. NW., Washington, DC 20405.

RECORD ACCESS PROCEDURES:

Requests from individuals for access to records should be addressed to the Executive Director, Office of Inspector General, and should include full name (maiden name where appropriate), address, and date and place of birth. Only general inquiries may be made by phone.

CONTESTING RECORD PROCEDURES:

GSA rules for access to records and for contesting the contents and appealing initial determinations are promulgated in 41 CFR 105–64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Individuals, employees, informants, law enforcement agencies, other government agencies, employers, references, co-workers, neighbors, educational institutions, and intelligence sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(j), this system of records is exempt from all provisions of the Privacy Act of 1974 with the exception of subsections (b); (c) (1) and (2); (e)(4) (A) through (F); (e) (6), (7), (9), (10), and (11); and (i) of the act, to the extent that information in the system pertains to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals; to the activities of prosecutors, courts, and correctional, probation, pardon, or parole authorities; and to (1) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (2) information compiled for the purpose of a criminal investigation, including reports of informants and investigators, that is associated with an identifiable individual; or (3) reports of enforcement of the criminal laws, from arrest or indictment through release from supervision. This system is exempted to maintain the efficacy and integrity of the Office of Inspector General's law enforcement function.

In accordance with 5 U.S.C. 552a(k), this system of records is exempt from subsections (c)(3); (d); (e)(1); (e)(4) (G), (H), and (I); and (f) of the Privacy Act of 1974. The system is exempt:

a. To the extent that the system consists of investigatory material compiled for law enforcement purposes; however, if any individual is denied any right, privilege, or benefit to which the individual would otherwise be eligible as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of the act, under an implied promise that the identity of the source would be held in confidence; and

b. To the extent the system consists of investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of the act, under an implied promise that the identity of the source would be held in confidence.

This system has been exempted to maintain the efficacy and integrity of lawful investigations conducted pursuant to the Office of Inspector General's law enforcement responsibilities and responsibilities in the areas of Federal employment, Government contracts, and access to security classified information.

GSA/OEA–1 (23–00–0103)

SYSTEM NAME:

Defunct Agency Records.

SYSTEM LOCATION:

The system records are located in the GSA Regional Office Building, 7th & D Sts., SW, Washington, DC 20407, and the National Payroll Center, Kansas City, KS.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of defunct agencies, including but not limited to Presidential Commissions, committees, small agencies, and boards, the records of which were serviced by GSA under a reimbursable administration support agreement.

CATEGORIES OF RECORDS IN THE SYSTEM:

Varied payroll and financial records including but not limited to time and attendance cards, payment vouchers, comprehensive listing of employees, health benefits records, requests for deductions, tax forms, W–2 forms, overtime requests, leave data, retirement records, and vendor register and payment tapes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Economy Act, 31 U.S.C. 686 and the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 377.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records are used by GSA personnel in concluding the administrative operations of the defunct agency. Routine uses of records maintained in the system shall include providing a copy of an employee's Department of the Treasury Form W–2, Wage and Tax Statement, to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, and 5520, or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Regional Administrator, General Services Administration (WA), Washington, DC 20407. The request must include a copy of the applicable statute or ordinance authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the Regional Administrator, General Services Administration (WA), Washington, DC 20407.

Records are also released to the General Accounting Office for audits, to the Internal Revenue Service for

investigations, and to the Office of Personnel Management (OPM) concerning pay, benefits, retirement deductions, and other information necessary for the OPM to carry out its Government-wide personnel management functions.

The routine use statements A, B, C, D, E, F, and G, described in the appendix following the GSA notices, also apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records in file folders and card files, microfilm records in reels and cabinets, magnetic tapes and cards in cabinets and storage libraries, and computer records within a computer and attached equipment.

RETRIEVABILITY:

Payroll records are retrieved by the social security number and all other records by name.

SAFEGUARDS:

When not in use by an authorized person, the records are stored in lockable metal containers or in secured rooms.

RETENTION AND DISPOSAL:

Disposition of records will be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2)

SYSTEM MANAGER(S) AND ADDRESS:

The system manager is the Director, Agency Liaison Division, Regional Office Building, 7th and D Sts., SW., Washington, DC. Mailing address: General Services Administration (WXL), Washington, DC 20407.

NOTIFICATION PROCEDURE:

Requests for assistance should be made to the Director of Information, General Services Administration (AVI), Washington, DC 20405.

RECORD ACCESS PROCEDURES:

GSA procedures for record access are contained in 41 CFR 105–64. Address request in writing to the system manager. The legend "Privacy Act Request" shall appear on the letter and envelope.

CONTESTING RECORD PROCEDURES:

GSA procedures for contesting records are contained in 41 CFR 105–64.

RECORD SOURCE CATEGORIES:

Upon termination, the agency being serviced by GSA publishes a notice in the Federal Register transferring administration responsibilities for the records to GSA.

GSA/OGC. 2 (23-00-0040)

SYSTEM NAME:

Attorney Placement, GSA/OGC. This notice covers six unique systems of records of related subject matter.

SYSTEM LOCATION:

Each system is located in one of the following six offices; the supervisor in each of these six offices is the official who sets policies and procedures for the records in his or her own office; the General Counsel, L, and the Office of the Regional Counsels, Regions 1, 2, 5, 6, and 7. See appendix following notice OGC 6 for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Each of the six systems covers attorneys and law students applying for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Each of the six systems covers qualifications of applicants for legal positions; the General Counsel, L, and the Regional Counsels for Regions 1, 2, 5, 6, and 7 and other authorized OGC employees use the records in their respective offices to fill vacancies and new positions with qualified applicants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Each of the six systems is authorized by 5 U.S.C. 3101 and the Federal Property and Administrative Service Act of 1949 as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine use statements A, B, C, D, E, and G, described in the appendix following the GSA notices, apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper.

RETRIEVABILITY:

Manual by name.

SAFEGUARDS:

File folders are kept in guarded buildings and released only to authorized persons.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 18202.2).

SYSTEM MANAGER(S) AND ADDRESS:

The system managers for the six systems are respectively: General Counsel, L; and Regional Counsels, Region 1, 2, 5, 6, and 7 for records within their offices. See appendix following notice OGC 6 for addresses.

NOTIFICATION PROCEDURE:

GSA notification procedures are contained in 41 CFR 105–64.

RECORD ACCESS PROCEDURES:

GSA procedures for record access are contained in 41 CFR 105–64.

CONTESTING RECORD PROCEDURES:

GSA rules for contesting records are contained in 41 CFR 105–64.

RECORD SOURCE CATEGORIES:

Information in each of the six systems comes from one of the following sources: Applicants, placement offices, and interviewers.

GSA/OGC 4 (23-00-0042)

SYSTEM NAME:

General Law Files, GSA/OGC. This notice covers 22 unique systems of records involving related subject matter.

SYSTEM LOCATION:

The General Law Files of OGC are divided into 22 unique systems of related subject matter. Each system is located in one of the following 22 offices; the supervisor in each of these 22 offices is the official who sets policies and procedures for the records in his own office: L, LL, LB, LC, LE, LF, LM, LP, LR, LT, LX, and office of the Regional Counsels, Regions 1–10 and the National Capital Region, for records in their respective offices. See appendix following notice OGC 6 for addreses.

For information on the location of specific law files contact L at the address listed in the appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Each of the 22 systems covers one or more of the following categories of individuals:

GSA employees, past and present; other agency employees, members of the public (including individuals, corporations, and firms); witnesses in regulatory proceedings; persons who have made Freedom of Information and Privacy Act requests and persons about whom such requests have been made; persons pursuing tort claims or involved in litigation with GSA; and grievances under collective bargaining agreement appellants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Each of the 22 systems covers one or more of the following categories of records: Among other data, name of individual; position description; grade; salary; SSN; work history; complaint; history of the case; applicable law; working papers of attorney; testimony of witnesses; background investigation materials; records subject to complaint, request, or litigation; correspondence; damage reports; contracts; accident reports; GSA Form 1593; SF 91; SF 91A; SF 92; pleadings; affidavits; credit ratings; medical diagnoses and prognoses; doctor's bills; estimates of repair costs; invoices; litigation reports; and financial data. Records are used to give general legal advice, as requested, throughout GSA, and to prepare attorneys for hearings and trials, to reference past actions, and to maintain internal statistics.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Each of the 22 systems is authorized by one or more of the following statutes or Executive Orders:

Federal Property and Administrative Services Act of 1949, 63 Stat. 377 as amended; Freedom of Information Act, 5 U.S.C. 552 as amended; the Privacy Act of 1974, 5 U.S.C. 552a; 5 U.S.C., Part II (Civil Service Commission); 5 U.S.C., Chap. 33 (examination, selection and placement); Equal Employment Opportunity Act of 1972, 86 Stat. 103, 5 U.S.C. 5108, 5314–5316 and 42 U.S.C. 20003, et seq.; 5 U.S.C. 7151–7154 (antidiscrimination in employment); 5 U.S.C. 7301 (regulation of conduct); 5 U.S.C. 7501, note (adverse actions); 5 U.S.C., Chapter 77 (appeals); title 11 U.S.C. (bankruptcy); Federal Tort Claims Act, 28 U.S.C. 1291, 1346(b)(c), 1402(b), 1504, 2110, 2401(b), 2402, 2411(b), 2412(c), 2671–2680; 1 Stat. 515, 676, 31 U.S.C. 191 (debts owed by or due to U.S.); Federal Claims Collection Act of 1972, 80 Stat. 308–309; 31 U.S.C. 951–953, 78 Stat. 767, 768, 79 Stat. 789, 82 Stat. 998, 84 Stat. 412, 86 Stat. 491, 31 U.S.C. 240–243 (settlement of claims); E.O. 6166 Reorganization of Executive Agencies; E.O. 10577, Amending the Civil Service Rules and Authorizing a new Appointment System for the Competitive Service; E.O. 11491, Labor-Management Relations in the Federal Service; E.O. 11787, Revoking Executive Order 10987, Relating to Agency Systems for Appeals from Adverse Actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be released to the Department of Justice in review, settlement, defense, and prosecution of claims, complaints, and law suits involving contracts, torts, debts, bankruptcy, personnel adverse action, EEO, unit determination, unfair labor practices, and Freedom of Information and Privacy Act requests. The routine use statements A, B, C, D, E, and G, described in the appendix following the GSA notices, also apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper.

RETRIEVABILITY:

Manual, by name.

SAFEGUARDS:

Records are stored in secured buildings; available to authorized persons only.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

The system managers for the 22 systems are respectively:

General Counsel, L; Deputy General Counsel for Law, LL; Assistant General Counsels, LB, LC, LE, LF, LM, LP, LR, LT, LX and regional Counsels for Regions 1–10 and the National Capital Region. See appendix following notice OGC 6 for addresses.

NOTIFICATION PROCEDURE:

GSA notification procedures are contained in 41 CFR 105–64.

RECORD ACCESS PROCEDURES:

GSA procedures for record access are contained in 41 CFR 105–64.

CONTESTING RECORD PROCEDURES:

GSA rules for record access are contained in 41 CFR 105–64.

RECORD SOURCE CATEGORIES:

Information in each of the 22 systems comes from one or more of the following sources: Federal employees and private parties involved in tort, contracts, personnel actions, unfair labor practices, and debts concerning the Federal Government; general law texts and sources; Dun and Bradstreet and other sources of financial information; law enforcement officers; witnesses; and others.

GSA/OGC 6 (23-00-0044)

SYSTEM NAME:

Potential employees referrals.

SYSTEM LOCATION:

LC. See appendix following notice GSA/OGC 6 for address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for employment at GSA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Resumes, applications, recommendations, and replies, previous work history, reference checks, and notes. Used inside the agency in connection with litigation and hearings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Civil Service Rule 5, 5 CFR 5.1–5.4.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine use statements A, B, C, D, E, and G, described in the appendix following the GSA notices, apply to this system of records. Also may be transferred to OPM, outside counsel, and respondents in connection with ongoing litigation and hearings.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper.

RETRIEVABILITY:

Manually, by name.

SAFEGUARDS:

Stored in locked room in guarded building, accessible to authorized persons only.

RETENTION AND DISPOSAL:

At the termination of all litigation and hearings relevant to the records, records will be integrated into individual Official Personnel Folders, to the extent possible. The remaining records will be disposed of in accordance with normal procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant General Counsel, LC. See appendix following notice GSA/OGC 6 for address.

NOTIFICATION PROCEDURE:

GSA notification procedures are contained in 41 CFR 105–64.

RECORD ACCESS PROCEDURES:

GSA procedures for record access are contained in 41 CFR 105–64.

CONTESTING RECORD PROCEDURES:

GSA rules for contesting records are contained in 41 CFR 105–64.

RECORD SOURCE CATEGORIES:

GSA Personnel Office, the individual, persons who provided reference, former employees, and GSA employees involved in personnel work.

Appendix GSA/OGC Address of Locations

Office of General Counsel, Central Office Divisions located at the General Services Building, 18th and F Sts. NW., Washington, DC 20405. Business hours are 8:00–4:30 EST.

L—General Counsel, (202) 566–1200.

LL—Deputy General Counsel for Law, (202) 566–0050.

LA—Administrative Officer, (202) 566–0681.

LB—Assistant General Counsel, Public Buildings Division, (202) 566–0500.

LC—Assistant General Counsel Claims and Litigation Division (202) 566–1594.

LE—Assistant General Counsel Preparedness and Policy Division (202) 566–0528.

LM—Assistant General Counsel Labor Law Division (202) 566–1146.

LR—Assistant General Counsel Administration and Records Division (202) 566–1460.

LT—Assistant General Counsel Regulatory Law Division (202) 566–0750.

LX—Assistant General Counsel Automated Data and Telecommunications Division (202) 566–1156.

Office of General Counsel, Central Office Division (Transportation Audit), located at 425 I Street NW, Washington, DC 20406. Business hours are 7:45–4;15 EST.

LF—Assistant General Counsel Transportation Audit Division (202) 275–6101

Office of General Counsel, Central Office Division (Procurement), located at Crystal Mall, Building 4, Room 819, Washington, DC 20406. Business hours are 7:45–4:15 EST.

LP—Assistant General Counsel, Procurement Division, (202) 557–8417.

Office of General Counsel, Regional Offices located at National Capital Region—GSA Regional Counsel, 7th and D Streets SW., Washington, DC 20407, (202) 472–1809, 8:15–4:45 EST.

Region 1—GSA Regional Counsel, J. W. McCormack Post office and Courthouse, Boston, MA 02109, (617) 223–2621, 8:20–4:50 EST.

Region 2—GSA Regional Counsel, 26 Federal Plaza, New York, NY 10007.

Region 3—GSA Regional Counsel, 9th and Market Sts., Rm. 5214, Philadelphia, PA 19107, Area Code 215–597–1319, 8:00–4:30 EST.

Region 4—GSA Regional Counsel, 75 Spring St. SW., Atlanta, GA 30303, (404) 221–5105, 8:00–4:30 EST.

Region 5—GSA Regional Counsel, 230 S. Dearborn Street, Chicago, IL 60604, (312) 353–5392, 8:30–5:00 CST.

Region 6—GSA Regional Counsel, 1500 E. Bannister Road, Kansas City, MO 64131, (816) 926–7212, 8:00–4:30 CST.

Region 7—GSA Regional Counsel, 819 Taylor Street, Fort Worth, TX 76102, (817) 334–2325, 7:45–4:15 CST.

Region 8—GSA Regional Counsel, Building 41, Denver Federal Center, Denver, CO 80225, (303) 234–3813, 7:30–4:00 MST.

Region 9—GSA Regional Counsel, 525 Market Street, San Francisco, CA 94105, (415) 556–3963, 7:45–4:15 PST.

Region 10—GSA Regional Counsel, GSA Center, Auburn, WA 98002, (206) 833–5225, 7:30–4:00 PST.

GSA/NARS 1 (23-00-0046)

SYSTEM NAME:

Researcher Application Files, GSA/NARS.

SYSTEM LOCATION:

The system is located in the National Archives Building, Presidential libraries, Washington National Records Center, National Personnel Records Center, Federal Records Centers, and Federal archives and records centers. The addresses are listed in the appendix, following notice GSA/NARS 10.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Researchers who apply to use records in the National Archives, Presidential libraries, and records centers.

CATEGORIES OF RECORDS IN THE SYSTEM.

Applications to use records including name, address, telephone number, occupation, research topic, education level, and field of interest. The records are used by officers and employees of GSA who have a need for the records in the performance of their duties to identify and record the individuals who use records in the National Archives and other repositories listed above, to provide a means of contacting the individual if additional information of research interest to him or her is found, and to mail notices of events and programs of interest to users of the records in the National Archives.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2104.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine use statements A, B, C, E, and G, described in the appendix following the GSA notices, apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records in card files and file folders.

RETRIEVABILITY

Filed alphabetically at each location by name of individual.

SAFEGUARDS:

During normal hours of operation, records are maintained in areas accessible only to authorized personnel of NARS. After hours, buildings employ security guards and/or doors are secured and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Records are cut off annually, held one year, and retired. After 14 additional years they are destroyed. These procedures are in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

The agency with overall responsibility for the system of records is the Archivist of the United States, National Archives Building, Eighth and Pennsylvania Avenue, NW., Washington, DC 20408. Officials responsible for the geographically dispersed system of records are the Assistant Archivist for the National Archives at the National Archives Building, the Directors of the Presidential Libraries, The Directors of the Federal Archives and Records Centers, and the Directors of Federal Records Centers at the addresses listed for these locations in the appendix following Notice GSA/NARS 10.

NOTIFICATION PROCEDURE:

Information may be obtained from the officials cited above at the appropiate respository where individuals have used records.

RECORD ACCESS PROCEDURES:

Requests from individuals to access records should be addressed to the Assistant Archivist for the National

Archives, the directors of the Presidential libraries, the directors of Federal archives and records centers, or the directors of Federal records centers, depending on where individuals have used records. In person requests may be made during business hours listed for each location in the appendix following notice GSA/NARS 10. For written requests, the individual should provide full name, address, and telephone number, and the approximate dates records were used. For personal visits, the individual should be able to provide some acceptable identification, such as driver's license or student or employee identification. Only general inquiries may be made by telephone.

CONTESTING RECORD PROCEDURES:

GSA/NARS rules for access to records and for contesting the contents and appealing initial determinations are found in 41 CFR 105–64.

RECORD SOURCE CATEGORIES:

Researchers.

GSA/NARS 2 (23–00–0047)

SYSTEM NAME:

Reference request files, GSA/NARS.

SYSTEM LOCATION:

The system is located in the National Archives Building, Presidential libraries, Washington National Records Center, National Personnel Records Center, Federal records centers, and Federal archives and records centers. The addresses are listed in the appendix following notice GSA/NARS 10.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Researchers and correspondents requesting information from the records in the National Archives, Presidential libraries, and record centers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence, reference service slips, receipts for money, deposit account records, reproduction orders, reference logs, lending files, and reference files pertaining to requests for information, including all or parts of the following requester's name, address, telephone number, occupation, research topic, education level, and field of interest. Biographical material relating to the individuals who are the subject of the reference inquiries may also be included. The records are used by officers and employees of GSA who have a need for the records in the performance of their duties to record individual requests for information and the responses to those requests; to maintain control over information requests received and answered; to enable later contact with the requester if required; to assist in the preparation of standard replies to similar questions; to facilitate preparation of statistical and other reports; to establish researcher accountability for records; to maintain control of records being used; to record payment for reproduction orders; and funds placed on deposit; to record loans of materials or records from the above locations; to monitor Freedom of Information Act requests and prepare reports; and, when requested by the individual researcher, to write recommendations for researchers for grants or employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2104 and 2907.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES.

The routine use statements A, B, C, E, and G, described in the appendix following the GSA notices, apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records in card files and file folders.

RETRIEVABILITY:

Filed alphabetically at each location by name of individual.

SAFEGUARDS:

During normal hours of operation, records are maintained in areas accessible only to authorized personnel of NARS. After hours, buildings employ security guards and/or doors are secured and all entrances are monitored by electronic surveillance equipment.

RETENTION OF DISPOSAL:

Records which are:

(1) Created in the administration of loans of materials are cut off after the return of the materials, held one year, and destroyed.

(2) Created in the process of providing reference service by mail are cut off annually, held two years, and destroyed.

(3) Created in the process of providing records to researchers in the National Archives research rooms are cut off annually, held one year and retired. After 14 additional years they are destroyed.

These procedures are in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

The agency official with overall responsibility for the system of records is the Archivist of the United States, National Archives Building, Eighth and Pennsylvania Ave. NW., Washington, DC 20408. Officials responsible for the geographically dispersed system of records are the Assistant Archivist for the National Archives at the National Archives Building, the Directors of the Presidential Libraries, the Directors of the Federal Archives and Records Centers, and the Directors of Federal Records Centers at the addresses listed for these locations in the appendix following notice GSA/NARS 10.

NOTIFICATION PROCEDURE:

Information may be obtained from the officials cited above at the appropriate repository where individuals have used records or directed inquires. The addresses are listed in the appendix following notice GSA/NARS 10.

RECORD ACCESS PROCEDURES:

Requests from individuals to access records should be addressed to the Assistant Archivist for the National Archives, the Directors of the Presidential libraries, the Directors of Federal Archives and Records Centers, or the Directors of Federal Records Centers, depending on where individuals used records or directed inquiries. In person requests may be made during normal business hours listed for each location in the appendix following notice GSA/NARS 10. For written requests, the individual should provide full name, address, and telephone number, and the approximate dates of the correspondence or transaction.

For personal visits, the individual should be able to provide some acceptable identification, such as driver's license or student or employee identification. Only general inquiries may be made by telephone.

CONTESTING RECORD PROCEDURES:

GSA/NARS rules for access to records and for contesting the contents and appealing initial determinations are found in 41 CFR 105–64.

RECORD SOURCE CATEGORIES:

Researchers, correspondents, and employees of the National Archives.

GSA/NARS 3 (23–00–0048)

SYSTEM NAME:

Donors of historical materials files GSA/NARS.

SYSTEM LOCATION:

The system is located in the National Archives Building and the Presidential libraries. The addresses are listed in the appendix following notice GSA/NARS 10.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Donors and potential donors of papers or other historical materials to the National Archives and Presidential libraries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence, deeds of gift, deposit agreements, accession files, accession cards, administrative files, inventory of museum objects, oral history use agreements, tapes, and transcripts, all of which are related to the solicitation and preservation of donations. Also included are biographical data on donors as well as their addresses, telephone numbers, and occupations. The records are primarily used by officers and employees of GSA who have a need for the records in the performance of their duties to record solicitation efforts and accessioning of papers and other historical materials for preservation in the above locations; to maintain control over the accessions program; to facilitate future solicitations of gifts; to record deeds of gift; and to record agreements of use.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2107 and 2108.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses of records include releasing biographical material about donors and prospective donors to the public as well as the routine use statements A, B, C, E, and G, described in the appendix following the GSA notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records in file folders; sound recordings.

RETRIEVABILITY:

Filed alphabetically at each location by name of individual donor.

SAFEGUARDS:

Buildings employ security guards, and records and other materials are maintained in areas accessible only to authorized personnel of NARS.

RETENTION AND DISPOSAL:

Records are permanent. These procedures are in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

The agency official with overall responsibility for the system of records is the Archivist of the United States, National Archives Building, Eighth and Pennsylvania Ave. NW., Washington, DC 20408. Officials responsible for the geographically dispersed system of records are the Assistant Archivist for the National Archives and the Assistant Archivist for Presidential Libraries at the National Archives Building, and the Directors of the Presidential Libraries. The addresses are listed in the appendix following notice GSA/NARS 10.

NOTIFICATION PROCEDURES:

Information may be obtained from the officials cited above at the appropriate repository where individuals have donated materials or from which they have received requests for donations. The addresses are listed in the appendix following notice GSA/NARS 10.

RECORD ACCESS PROCEDURES:

Requests from individuals to access records should be addressed to the Assistant Archivist for the National Archives or the Assistant Archivist for Presidential Libraries or the directors of Presidential libraries depending on which repository the individual has been associated with. In person requests may be made during normal business hours listed for each location in the appendix following notice GSA/NARS 10. For written requests, the individual should provide full name, address, and telephone number, and the approximate dates of the correspondence or transaction. For personal visits the individual should be able to provide some acceptable identificated such as driver's license, employee identification card, etc. Only general inquiries may be made by telephone.

CONTESTING RECORD PROCEDURES:

GSA/NARS rules for access to records and for contesting the contents and appealing initial determinations are found in 41 CFR 105-64.

RECORD SOURCE CATEGORIES:

Donors, potential donors, and employees of the National Archives.

GSA/NARS 4 (23-00-0049)

SYSTEM NAME:

National and Regional Archives Advisory Council files, GSA/NARS.

SYSTEM LOCATION:

The system is located in the National Archives Building, the Federal archives and records centers, and the regional archives headquarters. The addresses are listed in the appendix following notice GSA/NARS 10.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former, current, and prospective Council members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence with and biographical information about former, current, and prospective Council members including all or parts of the following: name, address, telephone number, education, professional vita, and publications. The records are used by officers and employees of GSA who have a need for the records in the performance of their duties to review professional qualifications of prospective council members; to document activities of the Councils themselves; to conduct future correspondence with Council members; to serve as a mailing list with current and past members; to record the individual Council members' role; and to help formulate Council policy.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., Appendix I, Section 8.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

Biographic material relating to Council members is made available to the public for purposes of publicizing the membership and activities of the Councils. The routine use statements A, B, C, E, and G, described in the appendix following the GSA notices, also apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically at each location by name of individual.

SAFEGUARDS:

During normal hours of operations, records are maintained in areas accessible only to authorized personnel of NARS. After hours, buildings employ security guards and/or doors are secured and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Records are cut off after each meeting, held five years, and offered to the National Archives (Regional council files are destroyed after five years). These procedures are in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

The agency official with overall responsibility for the system of records is the Archivist of the United States, National Archives Building, Eight and Pennsylvania Avenue NW., Washington, DC 20408. Officials responsible for the geographically dispersed system of records are the Assistant Archivist for the National Archives and the Assistant Archivist for Educational Programs at the National Archives Building, the Directors of the Federal Archives and Records Centers and the Assistant Regional Administrators, NARS. The addresses are listed in the appendix following notice GSA/NARS 10.

NOTIFICATION PROCEDURE:

Information may be obtained from the officials cited above at the appropriate location in the region where individuals serve, have served, or might serve on the Council. The addresses are listed in the appendix following notice GSA/NARS 10.

RECORDS ACCESS PROCEDURES:

Requests from individuals to access records should be addressed to the Assistant Archivist for the National Archives or to the Assistant Archivist for Educational Programs, or the Assistant Regional Administrators, National Archives and Records Service, depending on the location of the Council with which the individual has been associated. In person requests may be made during normal business hours listed for each location in the appendix, following Notice GSA/NARS 10. For written requests, the individual should provide full name, address, telephone number, and if applicable, dates of service. For personal visits, the individual; should be able to provide some acceptable identification, such as driver's license, employee identification card, etc. Only general inquires may be made by telephone.

CONTESTING RECORD PROCEDURES:

GSA/NARS rules for access to records and for contesting the contents and appealing initial determinations are found in 41 CFR 105–64.

RECORD SOURCE CATEGORIES:

Former, current, and prospective Council members, association of Council members, and employees of the National Archives.

GSA/NARS 5 (23-00-0050)

SYSTEM NAME:

Conference and related activities files GSA/NARS.

SYSTEM LOCATION:

The system is located in the National Archives Building, the Presidential libraries, Washington National Records Center, National Personnel Records Center, Federal records centers, the Federal archives and records centers, and NARS regional headquarters offices. The addresses are listed in the appendix following notice GSA/NARS 10.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants or potential participants in symposia, conferences, lectures, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information about individuals involved in these activities including the individuals name, address, telephone number, area of expertise, research interest, occupation, education, and publications. The records are used by officers and employees of GSA who have a need for the records in the performance of their duties in the various archival programs indicated above; to provide a record of previous activities; to promote the use of archival materials; to provide mailing lists; to facilitate publication of the activity's proceedings; and to register persons attending the activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2105.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine use statements A, B, C, E, and G, described in the appendix following the GSA notices, apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records in card files and file folders.

RETRIEVABILITY:

Filed alphabetically at each location by name of individual.

SAFEGUARDS:

During normal hours of operations, records are maintained in areas accessible only to authorized personnel of NARS. After hours, buildings employ security guards and/or doors are secured and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Records are cut off after the event, held for one year, and destroyed. These procedures are in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2)

SYSTEM MANAGER(S) AND ADDRESS:

The agency official with overall responsibility for the system of records is the Archivist of the United States, National Archives Building, Eighth and Pennsylvania Ave. NW., Washington, DC 20408. Officials responsible for the geographically dispersed system of records are the Assistant Archivist for the National Archives and the Assistant Archivist for Educational Programs at the National Archives Building, the directors of the Presidential Libraries, the directors of Federal Records Centers, and the Assistant Regional Administrators, National Archives and Records Service. The addresses are listed in the appendix following notice GSA/NARS 10.

NOTIFICATION PROCEDURE:

Information may be obtained from the officials cited above at the appropriate location which sponsored the activity which the individual attended or in which he or she participated. The addresses are listed in the appendix following notice GSA/NARS 10.

RECORD ACCESS PROCEDURES:

Requests from individuals to access records should be addressed to the Assistant Archivist for the National Archives, the Assistant Archivist for Educational Programs, the directors of Presidential libraries, the directors of Federal records centers, or the Assistant Regional Administrators, National Archives and Records Service. In person requests may be made during normal working hours listed for each location in the appendix following notice GSA/NARS 10. For written requests, the individual should provide full name, address, telephone number, and the dates of activity. For personal visits, the individual should be able to provide some acceptable identification such as a driver's license or an employee identification card. Only general inquiries may be made by telephone.

CONTESTING RECORD PROCEDURES:

GSA/NARS rules for access to records and for contesting the contents and appealing initial determinations are found in 41 CFR 105–64.

RECORD SOURCE CATEGORIES:

Participants, attendees, and employees of the National Archives.

GSA/NARS 6 (23-00-0051)

SYSTEM NAME:

Mailing list files, GSA/NARS.

SYSTEM LOCATION:

The system is located in the National Archives Building, Presidential libraries, Washington National Records Center, National Personnel Records Center, Federal records centers, Federal archives and records centers, and NARS regional headquarters offices. The addresses are listed in the appendix following notice GSA/NARS 10.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Researchers, tourists, government officials, professional colleagues, professionals in related fields, such as librarians, teachers, associates of the National Archives and others with an interest in National Archives activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Mailing lists include primarily the individual's name and address. Some lists also include telephone number, title, occupation, institutional affiliation and in the case of associates, type of membership. Records are used by officers and employees of GSA who have a need for the records in the performance of their duties, to address newsletters, announcements, programs, and material about special events; to bill researchers for reproduction orders; and to mail press releases and other information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2105, 2108, 2307, 2902, and 2904.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Where the proposed use is compatible with the purpose for which the mailing list was compiled, copies of the lists are occasionally provided to archival, historical, and records management associations whose purposes relate to the programs and aims of the National Archives and Records Service. The routine use statements A, E, and G, described in the appendix following the GSA notices, also apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records in card files, index cards, address plates, magnetic cards, punch cards, cassettes, and magnetic tape.

RETRIEVABILITY:

Filed alphabetically at each location by name of individual.

SAFEGUARDS:

During normal hours of operation, records are maintained in areas accessible only to authorized personnel of NARS. After hours, buildings employ security guards and/or doors are secured and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Lists are reviewed annually and updated. Outdated information is purged. These procedures are in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

The agency official with overall responsibility for the system of records is the Archivist of the United States, National Archives Building, Eighth and Pennsylvania Ave. NW., Washington, DC 20408. Officials responsible for the geographically dispersed system of records are the Assistant Archivist for the National Archives, the Assistant Archivist for Presidential Libraries, the Assistant Archivist for Educational Programs and the Assistant Archivist for Records Management, all located in the National Archives Building. Other officials are the directors of the Presidential libraries, the directors of federal records centers, directors of Federal archives and records centers, and the Assistant Regional Administrator, National Archives and Records Service. The addresses for these locations are listed in the appendix following notice GSA/NARS 10.

NOTIFICATION PROCEDURES:

Information may be obtained from the officials cited above at the appropriate location in which the individual has expressed an interest or in which he or she has a potential interest. The addresses are listed in the appendix following notice GSA/NARS 10.

RECORD ACCESS PROCEDURES:

Requests from individuals to access records should be addressed to the Assistant Archivist for the National Archives, the Assistant Archivist for Presidential Libraries, the Assistant Archivist for Educational Programs, the Assistant Archivist for Records Management, the directors of the Presidential libraries, the directors of the Federal records centers, or the Assistant Regional Administrator, National Archives and Records Service, depending on which archives activity the individual expressed an interest in. In person requests may be made during normal business hours listed for each location in the appendix following notice GSA/NARS 10. For written requests, the individual should provide full name, address, and telephone number, and the approximate date of communication with the repository. For personnel visits, the individual should be able to provide some acceptable identification, such as a driver's license or employee identification card. Only general inquiries may be made by telephone.

CONTESTING RECORD PROCEDURES:

GSA/NARS rules for access to records, for contesting the contents, and for appealing initial determinations are found in 41 CFR 105-64.

RECORD SOURCE CATEGORIES:

Individuals expressing an interest in archives activities and NARS employees.

GSA/NARS 7 (23-00-0052)

SYSTEM NAME:

Mandatory review of classified documents/request files, GSA/NARS.

SYSTEM LOCATION:

The system is located in the National Archives Building, Presidential libraries; Washington National Records Center, Federal records centers, and Federal archives and records centers. The addresses are listed in the appendix following GSA notice GSA/NARS 10.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Researchers requesting mandatory review of security classified documents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications requesting mandatory review of classified documents including requestor's name, address, telephone number, occupation, employer, and research topic. Records are used by officers and employees of GSA who have a need for the records in the performance of their duties to record requests for access to security-classified records; to record status of each mandatory review request; to assist in preparation of monthly reports on mandatory declassification review

requests; and to record action taken on requests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11652, June 1, 1972.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine use statements A, B, C, E, and G, described in the appendix following the GSA notices, apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records in card files and file folders.

RETRIEVABILITY:

Filed alphabetically at each location by name of individual.

SAFEGUARDS:

During normal hours of operation, records are maintained in areas accessible only to authorized personnel of NARS. After hours, buildings employ security guards and/or doors are secured and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Records are cut off annually, held one year, and retired. After 14 additional years they are destroyed. These procedures are in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

The agency official with overall responsibility for the system of records is the Archivist of the United States, National Archives Building, Eighth and Pennsylvania Ave. N.W., Washington, DC 20408. Officials responsibile for the geographically dispersed system of records are the Assistant Archivist for the National Archives at the National Archives Building, the Directors of the Presidential Libraries, the Directors of the Federal Archives and Records Centers, and the Directors of Federal Records Centers at the addresses listed for these locations in the appendix following notice GSA/NARS 10.

NOTIFICATION PROCEDURE:

Information may be obtained from the officials cited above at the appropriate repository where individuals have requested mandatory review of classified records. The addresses are listed in the appendix following notice GSA/NARS 10.

RECORD ACCESS PROCEDURES:

Requests from individuals to access records should be addressed to the Assistant Archivist for the National Archives, the directors of the Presidential libraries, directors of Federal archives and records centers, and the directors of the Federal records centers, depending on where the individual requested the mandatory review. In person requests may be made during normal business hours listed for each location in the appendix following notice GSA/NARS 10.

For written requests, the individual should provide full name, address, telephone number, and the approximate dates research was conducted. For personal visits, the individual should be able to provide some acceptable identification. Only general inquiries may be made by telephone.

CONTESTING RECORD PROCEDURES:

GSA/NARS rules for access to records, for contesting the contents, and for appealing initial determinations are found in 41 CFR 105–64.

RECORD SOURCE CATEGORIES:

Researchers who have requested mandatory review of records.

GSA/NARS 8 (23-00-53)

SYSTEM NAME:

Restricted and classified records/ access authorization files, GSA/NARS.

SYSTEM LOCATION:

The system is located in the National Archives Building, Presidential libraries, Washington National Records Center, National Personnel Records Center, Federal records centers, and Federal archives and records centers. The addresses are listed in the appendix following notice GSA/NARS 10.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Researchers who apply to use agency-restricted or classified records in the National Archives, Presidential libraries, and records centers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications and letters of authorization to use restricted/classified records, including name, address, telephone number, occupation, employer, security clearance, social security number, date and place of birth, purpose, field of interest, citizenship, intention to publish, and type of publication. Records are used by officers and employees of GSA who have a need for the records in the performance of their duties to control access to restricted materials; to maintain a record of requests for access; and to authorize access to restricted/classified matter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2104.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses of records include disclosing records to officials of the agencies whose records are restricted as well as the routine use statements, A, B, C, E, and G, described in the appendix following the GSA notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in card files and file folders.

RETRIEVABILITY:

Filed alphabetically at each location by name of individual.

SAFEGUARDS:

During normal hours of operation, records are maintained in areas accessible only to authorized personnel of NARS. After hours, buildings employ security guards and/or doors are secured and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Records relating to private individuals requesting access are cut off annually, held one year, and retired. After 14 additional years they are destroyed. Records relating to agency officials requesting access are destroyed on supersession or obsolescence of the authorization document, or on transfer or separation of the individual concerned. These procedures are in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

The agency official with overall responsibility for the system of records is the Archivist of the United States, National Archives Building, Eighth and Pennsylvania Ave. NW., Washington, DC 20408. Officials responsible for the geographically dispersed system of records are the Assistant Archivist for the National Archives at the National Archives Building, the Directors of the Federal Archives and Records Centers, and the Directors of Federal records Centers at the addresses listed for these locations in the appendix following notice GSA/NARS 10.

NOTIFICATION PROCEDURE:

Information may be obtained from the officials cited above at the appropriate repository where individuals have applied for access to records. The addresses are listed in the appendix, following notice GSA/NARS 10.

RECORD ACCESS PROCEDURES:

Requests from individuals to access records should be addressed to the Assistant Archivist for the National Archives, the directors of the Presidential libraries, directors of Federal archives and records centers, or the directors of the Federal records centers, depending on where the individual submitted his or her application for access to the records. In person requests may be made during normal business hours listed for each location in the appendix following notice GSA/NARS 10. For written requests, the individual should provide full name, address, telephone number, and the approximate dates the application was made. For personal visits, the individual should be able to provide some acceptable identification, such as a driver's license or employee identification card. Only general inquiries may be made by telephone.

CONTESTING RECORD PROCEDURES:

GSA/NARS rules for access to records and for contesting the contents and appealing initial determinations are found in 41 CFR 105–64.

RECORD SOURCE CATEGORIES:

Researchers and agency officials.

GSA/NARS 9 (23–00–0054)

SYSTEM NAME:

Authors files, GSA/NARS.

SYSTEM LOCATION:

The system is located in the National Archives Building, the Presidential libraries, and the Federal archives and records centers. The addresses are listed in the appendix following notice GSA/NARS 10.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Authors, whose publications are based on National Archives holdings, authors who have submitted manuscripts which have been published or considered for publications in Prologue: The Journal of the National Archives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information about the authors including such information as name, address, telephone number, occupation, education, and research interests, and manuscript copies of writtings. Records are used by officers and employees of GSA who have a need for the records in the performance of their duties to provide an indication of specific areas of interest in archival holdings and the extent to which the scholarly community relies on National Archives holdings as primary source material; and to maintain a record of manuscripts which Prologue has rejected or accepted and published.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2307.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine use statements A, B, C, E, and G, described in the appendix following the GSA notices, apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

RETRIEVABILITY:

Filed alphabetically at each location by name of individual.

SAFEGUARDS:

During normal hours of operations, records are maintained in areas accessible only to authorized personnel of NARS. After hours, buildings employ security guards and/or doors are secured and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Records are cut off annually, held two years, and retired. These procedures are in accordance with the HB, GSA Records Maintenance and Disposition System (OAD 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

The agency official with overall responsibility for the system of records is the Archivist of the United States, National Archives Building, Eighth and Pennsylvania Ave. NW., Washington, DC 20408. Officials responsible for the geographically dispersed system of records are the Assistant Archivist for the National Archives and the Assistant Archivist for Educational Programs at the National Archives Building, the directors of the Presidential libraries, and the directors of the Federal archives and records centers. The addresses are listed in the appendix following notice GSA/NARS 10.

NOTIFICATION PROCEDURE:

Information may be obtained from the officials cited above at the appropriate repository where individuals have used records or submitted manuscripts for publication. The addresses are listed in the appendix following notice GSA/NARS 10.

RECORDS ACCESS PROCEDURES:

Requests for individuals to access records should be addressed to the Assistant Archivist for the National Archives, the Assistant Archivist for Educational Programs, the directors of the Presidential libraries, or the directors of Federal archives and records centers. In person requests may be made during normal business hours listed for each location in the appendix following notice GSA/NARS 10. For written requests, the individual should provide full name, address, telephone number, and the title of his or her publication. For personal visits, the individuals should be able to provide some acceptable identification such as a driver's license or an employee identification card. Only general inquiries may be made by telephone.

CONTESTING RECORD PROCEDURES:

GSA/NARS rules for access to records, for contesting the contents, and appealing initial determinations are found in 41 CFR 105–64.

RECORD SOURCE CATEGORIES:

Authors and National Archives employees.

Appendix: GSA/NARS Addresses of Locations, Telephone Numbers, and Business Hours

National Archives Building, Eighth and Pennsylvania Avenue NW., Washington, DC 20408, telephone (202) 655–4000, hours: 8:45 a.m. to 5:15 p.m. (Monday thru Friday).

Presidential Libraries

Herbert Hoover Library, South Downey Street, West Branch, IA 52358, telephone (319) 643–5301, hours: 9:00 a.m. to 5:00 p.m. (Monday through Friday).

Franklin D. Roosevelt Library, Albany Post Road, Hyde Park, NY 12538, telephone (914) 229–8114, hours: 9:00 a.m. to 5:00 p.m. (Monday thru Friday).

Harry S. Truman Library, Highway 24 at Delaware Street, Independence, MO 64050, telephone (816) 833–1400, hours: 9:00 a.m. to 5:00 p.m. (Monday through Friday).

Dwight D. Eisenhower Library, South East Fourth Street, Abilene, KS 67410, telephone (913) 263–4751, hours: 9:00 a.m. to 5:00 p.m. (Monday through Friday).

John F. Kennedy Library, Morrissey Boulevard, Columbia Point, Boston, MA 02125, telephone (617) 929–4500,

hours: 8:30 a.m. to 5:00 p.m. (Monday through Friday).

Lyndon B. Johnson Library, 2313 Red River, Austin, TX 78705, telephone (512) 397–5137, hours: 9:00 a.m. to 5:00 p.m. (Monday through Friday).

Washington National Records Center, 4205 Suitland Road, Suitland, MD—Mailing address: General Services Administration, Washington National Records Center, Washington, DC 20409.

National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, Overland, MO 63132, telephone (314) 268–7246, hours: 7:30 a.m. to 4:00 p.m. (Monday through Friday).

Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118, telephone (314) 425–5772, hours: 7:30 a.m. to 4:00 p.m. (Monday through Friday).

Federal Records Centers

Defense Activities, Building 308, Mechanicsburg, PA 17055, telephone (717) 790–3477, hours: 7:30 a.m. to 4:00 p.m. (Monday through Friday).

3150 Bertwynn Drive, Dayton, OH 45439, telephone (513) 225–2878, hours: 7:30 a.m. to 4:00 p.m. (Monday through Friday).

Federal Archives and Records Centers

380 Trapelo Road, Waltham, MA 02154, telephone (617) 223–2657, hours: 8:00 a.m. to 4:30 p.m. (Monday through Friday).

Military Ocean Terminal, Building 22, Bayonne, NJ 07002, telephone (201) 645–6455, hours: 8:00 a.m. to 4:30 p.m. (Monday through Friday).

5000 Wissahickon Avenue, Philadelphia. PA 19144, telephone (215) 951–5591, hours: 7:30 a.m. to 4:00 p.m. (Monday through Friday).

1557 St. Joseph Avenue, East Point, GA 30344, telephone (404) 763–7476, hours: 8:00 a.m. to 5:00 p.m. (Monday through Friday).

7358 South Pulaski Road, Chicago, IL 60629, telephone (312) 353–0164, hours: 8:00 a.m. to 4:30 p.m. (Monday through Friday).

2306 East Bannister Road, Kansas City, MO 64131, telephone (816) 926–7271, hours: 8:00 a.m. to 4:30 p.m. (Monday through Friday).

4900 Hemphill Street, Mailing address: P.O. Box 6216, Fort Worth, TX 76115, telephone (817) 334–5515, hours: 8:00 a.m. to 4:30 p.m. (Monday through Friday).

Building 48, Denver Federal Center, Denver, CO 80225, telephone (303) 234–5271, hours: 7:30 a.m. to 4:00 p.m. (Monday through Friday).

1000 Commodore Drive, San Bruno, CA 94066, telephone (415) 876–9003, hours: 8:00 a.m. to 4:30 p.m. (Monday through Friday).

24000 Avila Road, Laguna Niguel, CA 92677, telephone (714) 831–4220, hours: 8:00 a.m. to 4:30 p.m. (Monday through Friday).

6125 Sand Point Way, Seattle, WA 98115, telephone (206) 442–4502, hours: 8:00 a.m. to 4:30 p.m. (Monday through Friday).

National Archives and Records Service—Regional Offices

General Services Administration, McCormick Post Office and Courthouse, Boston, MA 02109, telephone (202) 472–1223, hours: 8:15 a.m. to 4:45 p.m. (Monday through Friday).

General Services Administration, 26 Federal Plaza, New York, NY 10007, telephone (212) 264–3514, hours: 8:15 a.m. to 4:45 p.m. (Monday through Friday).

General Services Administration, Room 7016, 7th & D Streets SW., Washington, DC 20407, telephone (202) 472–1223, hours: 8:15 a.m. to 4:45 p.m (Monday through Friday).

General Services Administration, 75 Spring Street SW., Atlanta, GA 30303, telephone (404) 221–5124, hours: 7:45 a.m. to 4:30 p.m. (Monday through Friday).

General Services Administration, 819 Taylor Street, Fort Worth, TX 76102, telephone (817) 334–2759, hours: 7:45 a.m. to 4:15 p.m. (Monday through Friday).

General Services Administration, 525 Market Street, San Francisco, CA 94105, telephone (415) 556–2782, hours: 8:00 a.m. to 4:30 p.m. (Monday through Friday).

GSA/REGADM 3 (23-00-0070)

SYSTEM NAME:

Biographical sketches.

SYSTEM LOCATION:

This system is located in the offices of the Regional Administrators at the addresses listed below:

GSA National Capitol Region, Office of the Regional Administrator (WA), 7th and D Streets SW., Washington, DC 20407.

GSA Region 4, Office of the Regional Administrator (4A), 75 Spring St. SW., Atlanta, GA 30303.

GSA Region 6, Office of the Regional Administrator (6A), 1500 East Bannister Road, Kansas City, MO 64131.

Region 7, Fort Worth Business Service Center (7X), 819 Taylor Street, Fort Worth, TX 76102.

GSA Region 8, Office of the Regional Administrator (8A), Building 41, Denver Federal Center, Denver, CO 80225.

GSA Region 9, Office of the Regional Administrator (9A), 525 Market Street, San Francisco, CA 94105.

GSA Region 10, Office of the Regional Administrator (10A), GSA Center, Auburn, WA 98002.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals include GSA and other Federal government officials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of biographical sketches of GSA and other Federal government officials. Records are used by the Regional Administrator and his or her staff for the purpose of preparing introductions for GSA and other Federal government officials for speeches, and public relations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S.C. Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine use statements A, B, C, D, and E, described in the appendix following the GSA notices, apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Access limited to official use only on a need-to-know basis.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

The officials responsible for the system of records are the Regional Administrators at the addresses listed above.

NOTIFICATION PROCEDURE:

Information may be obtained from the Regional Administrators at the addresses listed above.

RECORD ACCESS PROCEDURES:

Requests to access records may be directed to the Regional Administrators at the addresses listed above, in accordance with the GSA rules as promulgated in 41 CFR 105-64, published in the Federal Register.

CONTESTING RECORDS PROCEDURES:

GSA rules for access to systems of records, contesting the contents of a system of records and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Public information, the individuals themselves, or news releases.

GSA/REGADM 4 (23-00-0071)

SYSTEM NAME:

Official Correspondence Files.

SYSTEM LOCATION:

The system is located in the offices to the Regional Administrators listed below:

GSA Region 4, Office of Regional Administrator (4A), 75 Spring St. SW., Atlanta, GA 30303.

GSA Region 6, Office of the Regional Administrator (6A), 1500 East Bannister Road, Kansas City, MO 64131.

GSA Region 7, Office of the Regional Administrator (7A), 819 Taylor Street, Fort Worth, TX 76102.

GSA Region 8, Office of the Regional Administrator (8A), Building 41, Denver Federal Center, Denver, CO 80225.

GSA Region 9, Office of the Regional Administrator (9A), 525 Market Street, San Francisco, CA 94105.

GSA Region 10, Office of the Regional Administrator (10A), GSA Center, Auburn, WA 98002.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals include those corresponding with the Regional Administrators regarding savings bond campaigns, employees receiving letters of appreciation and commendation, members of Congress, mayors and their staffs, and other individuals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of incoming correspondence, background material, and outgoing correspondence to individuals described in the system. The system is used as a record of correspondence received by the offices of the Regional Administrators and as a reference in preparing and replying to immediate and future correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S.C. Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine use statements A, B, C, E, and G, described in the appendix following the GSA notices, apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name of the individual or firm.

SAFEGUARDS:

Access limited to Regional Administrator and staff for official use only on a need-to-know basis.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

The officials responsible for the system of records are the Regional Administrators at the addresses listed above.

NOTIFICATION PROCEDURE:

Information may be obtained from the Regional Administrators at the addresses listed above.

RECORD ACCESS PROCEDURES:

Requests to access records may be directed to the Regional Administrators at the addresses listed above, in accordance with the GSA rules as promulgated in 41 CFR 105-64, published in the Federal Register.

CONTESTING RECORD PROCEDURES:

GSA rules for access to systems of records, contesting the contents of a system of records, and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

The actual correspondence and agency records.

GSA/REGADM 6 (23-00-0102)

SYSTEM NAME:

Council of Governments Carpool System, GSA/Region 3.

SYSTEM LOCATION:

Public Buildings Service (WP), GSA Regional Office Building, 7th & D Sts. SW., Washington, DC 20407.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal employees in the Washington, DC metropolitan area who voluntarily participate in the system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Carpool applications which include the name, home address, and business address of the person interested in joining a carpool; individual lists which include names and business information; and master lists which include all the information solicited.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act of 1949, as amended and Air Pollution Prevention and Control Act, 42 U.S.C., Chap. 15B.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Employee applications are collected by Federal agencies and transferred without processing to GSA. GSA transfers the applications without processing to COG. COG transcribes the data on the applications to machine-readable form for computer processing. Computerized individual lists and master lists are prepared showing compatible carpool participants. The individual lists are sent from COG, through GSA, to employer agencies for distribution to the participating employees. The masterlists are retained by COG and GSA. The routine use statements A, B, and C, described in the appendix following the GSA notices, also apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Carpool applications are on paper forms. Individual and master carpool lists are computer printouts.

RETRIEVABILITY:

Individual printouts are by name. Master lists are organized alphabetically be name and by location of home address.

SAFEGUARDS:

Applications are stored in lockable files pending transfer to COG. Master lists are filed in lockable files.

RETENTION AND DISPOSAL:

Applications are transferred to COG promptly upon receipt and destroyed upon transcription to machine storage. Master lists are destroyed upon receipt of updated lists.

SYSTEM MANAGER(S) AND ADDRESS:

The official responsible for the system is the Assistant Regional Administrator, Public Buildings Service (WP), GSA Regional Office Building, 7th & D Sts. SW., Washington, DC 20407.

NOTIFICATION PROCEDURE:

Information may be obtained from the Assistant Regional Administrator, PBS, at the address listed above.

RECORD ACCESS PROCEDURES:

Requests to access records may be directed to the Office of the Regional Commissioner, PBS, at the address listed above, in accordance with the GSA rules as promulgated in 41 CFR 105–64, published in the Federal Register.

CONTESTING RECORD PROCEDURES:

GSA rules for access to records, for contesting the contents, and for appealing initial determinations are promulgated in 41 CFR 105–64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Federal employees who desire to avail themselves of the benefits of the COG carpool matching program.

GSA/PBS 3 (23-00-0075)

SYSTEM NAME:

Incident Reporting, Investigation, and Security Case Files.

SECURITY CLASSIFICATION:

Unclassified to Top Secret.

SYSTEM LOCATION:

The systems are located at each FPS Operations Office, each regional office and Central Office. (See addresses of each location listed in the appendix following notice GSA/PBS 3.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

These files include records on the following categories of individuals:

a. Individuals who were the source of (1) the initial complaint or (2) an allegation that a crime has taken place;

b. Witnesses having information or evidence relating to any side of an investigation;

c. Possible and actual suspects in the criminal situation that is subject of investigation;

d. Subjects of investigation, both those whose identity is known and and those who are unknown;

e. Employees of GSA contractors performing custodial or guard services in buildings and areas under GSA jurisdiction;

f. Individuals who are applicants for or have been appointed to the position of Federal Protective Officer; and

g. Sources of information and sources of evidence. The identity for these individuals may be confidential as well as the subject matter they contribute. These files contain information vital to the outcome of administrative procedures, civil and criminal cases. Much of this information is subject to the Jencks Act, the Freedom of Information Act, and the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system of records contains records consisting of:

a. Preliminary and other reports of criminal investigations from the opening of a case until it is closed. The cases may be closed administratively or by final court disposition. These records are used in the enforcement of criminal laws and rules and regulations that provide punitive sanctions. They are used in police efforts to prevent, control, or reduce crime and to apprehend criminals. They are also used by prosecutors, the courts, and in connection with correction, probation, pardon, and parole activities. These records are instituted and maintained at varying points in the process. The processes of criminal justice and civil or administrative remedies require their partial or total disclosure.

b. Security files. These records contain information such as name, date and place of birth, address, social security number, education, occupation, experience, and investigatory material. These records are used as a basis for suitability determinations for GSA contract guards and cleaners.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 276a through a–7, 276c, 318 (a) through (d), and 327 through 331; Executive Orders 10405, 11478, 11652, 11246, and 12065; GSA Order, Changes in organization (ADM 5440.154); and the GSA Organization Manual (OFA P 5440.1).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To officers and employees of the Federal Protective Service who need their content in the performance of their authorized duties;

b. To the various bureaus and divisions of the Justice Department that have primary jurisdiction in locations and on subject matters that the FPS shares, to some extent, the same jurisdiction;

c. To those subdivisions of the Justice Department that have the responsibility for prosecuting criminal cases and pursuing civil cases arising from authorized activities of the FPS;

d. To the Office of Personnel Management for purposes which they are authorized to use the information;

e. Law enforcement agencies which have lawfully participated in an investigation jointly conducted with the FPS. The routine use statements A, B, C, D, and E, described in the appendix following the GSA notices, also apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper, mag tape, index cards.

RETRIEVABILITY:

Manually by name, file number, case number, by incident and location as well as type of incident.

SAFEGUARDS:

Stored in steel filing cabinets with built in 3 position dial type combination safe locks, in space assigned FPS investigations in various Government owned and leased buildings.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

The official responsible for this system of records is:
Assistant Commissioner for Federal Protective Service Management, General Services Administration, Room 2042, 18th & F Streets NW., Washington, DC 20405.

NOTIFICATION PROCEDURE:

Same as above. Direct inquiries for information from these files to the system manager. Information as how to proceed under the act is set forth in 41 CFR 105–66. If a question of content or a protest of content arises the FPS must so notify recipients of all accounted disclosures; also of all corrections made in the record.

RECORD ACCESS PROCEDURES:

Same as above. GSA rules for access to systems of records, contesting the contents of a system of record, and appealing initial determinations are promulgated in 41 CFR 105–64, published in the Federal Register.

CONTESTING RECORDS PROCEDURES:

GSA rules for access to records, for contesting the contents, and for appealing initial determinations are promulgated in 41 CFR 105–64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Information contained in these record systems is developed through investigations, informants, witnesses, official records, investigative leads, statements, depositions, business records or any other information source available to the Federal Protective Service.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(j), the criminal investigation case files in this system of records are exempt from all provisions of the act with the exception of subsections (b), (c) (1) and (2); (e)(4) (A) through (F); (e) (6), (7), (9), (10), and (11); and (i) of the act. In accordance with 5 U.S.C. 552a(k), the general investigation and security files in this system of records are exempt from subsections (c)(3); (d); (e)(4) (G), (H), and (I); and (f) of the act.

Appendix GSA/PBS Addresses of Location

Regional Offices

Region 1, 840 John W. McCormack Post Office and Courthouse, Boston, MA 02109.

Region 2, 26 Federal Plaza, Room 2836, New York, NY 10007.

Region 3, Regional Office Building, 9th and Market Streets, Philadelphia, PA 19107.

Region 4, 75 Spring Street SW., Atlanta, GA 30303.

Region 5, John C. Kluczynski Federal Building, 230 South Dearborn Street, Chicago, IL 60604.

Region 6, Federal Building, 1500 East Bannister Road, Kansas City, Missouri 64131.

Region 7, 819 Taylor Street, Fort Worth, TX 76102.

Region 8, Building 41, Denver Federal Center, Denver, CO 80225.

Region 9, 525 Market Street, San Francisco, CA 94105.

Region 10, GSA Center, Auburn, Washington 98002.

National Capital Region, 7th and D Streets, SW., Washington, D.C. 20407.

Region 1

Area Office and Address

J. W. McCormack, Post Office and Courthouse, Rm. 501, Boston, MA 02109.

Field Offices and Addresses

John Fitzgerald Kennedy, Federal Building Field Office, Rm. E131, Government Center, Boston, MA 02203.

John W. McCormack, Post Office & Courthouse Field Office, Rm. 903, Post Office Square, Boston, MA 02109.

John F. Kennedy Library, South Shore Field Office—5th Floor, Columbia Point, Dorchester, MA 02125.

Area Office and Address

Manchester, 728 Norris Cotton Federal Building, 275 Chestnut Street, Manchester, NH 03103.

Field Office and Addresses

Andover, P.O. Box 521, Andover, MA 01810.

Augusta, Rm. 101E, Federal Building & Post Office, 40 Western Avenue, Augusta, ME 04330.

Burlington, Rm. 607, Federal Building, Burlington, VT 05401.

Manchester, Rm. 722, Norris Cotton Federal Building, 725 Chestnut Street, Manchester, NH 03103.

Area Offices and Addresses

Providence, Rm. 240, Federal Building, Post Office, Exchange Terrace, Providence, RI 02903.

Field Offices and Addresses

Hartford, Rm. 403, Federal Building, 450 Main Street, Hartford, Ct 06103.

New Haven, 150 Court Street, Rm. 107, New Haven, CT 06510.

Providence, Rm. 239, Federal Building, Post Office, Exchange Terrace, Providence, RI 02903.

Worchester, Rm. 400, Federal Building, Courthouse, 595 Main Street, Worchester, MA 01608.

Region 2

Area Office and Address,

Albany, Rm. 929, Federal Building, Clinton Ave. & N. Pearl St., Albany, NY 12207.

Field Offices & Addresses

Albany, Rm. 213, Post Office & Courthouse, Albany, NY 12201.

Plattsburg, Federal Building, Plattsburg, NY 12901.

Scotia, Bldg. 12, GSA Scotia Depot, Scotia, NY 12302.

Area Office and Address

Brooklyn, Building 245, Mezzine, Raritan Depot, Edison, NJ 08817.

Field Offices and Addresses

Airport, Rm. 101, Federal Building, JFK International Airport, Jamaica, NY 11430.

Belle Mead, GSA Belle Mead Depot, Belle Mead, NY 08502.

Brookhaven, Bldg. 1, IRS Center, 1040 Waverly Avenue, Holtsville, NY 11742.

Brooklyn, Rm. 327D, Federal Building and Courthouse, 225 Cadman Plaza East, Brooklyn, NY 11201

Field Offices and Addresses

Newark, Rm. 135, Federal Building, 970 Broad Street, Newark, NJ 07102.

Trenton, Rm. 207, Post Office and Courthouse, Trenton, NJ 08608.

Area Office and Address

Buffalo, Rm. 618, Federal Building, 111 W. Huron Street, Buffalo, NY 14202.

Field Offices and Addresses

Buffalo, Rm. 30, Federal Building, 111 W. Huron Street, Buffalo, NY 13901.

Binghamton, Rm. 200, Administration Building, GSA Depot, Hoyt Avenue, Binghamton, NY 13901.

Rochester, Rm. 309, Federal Building and Courthouse, 100 State Street, Rochester, NY 14614.

Area Office and Address

Manhatten, Rm. 2421, 26 Federal Plaza, New York City, NY 10007.

Field Offices and Addresses

Battery, Rm 881, 6 World Trade Center, New York City, NY 10048.

Federal Plaza, Rm. 309, Federal Building, 23 Federal Plaza, New York City, NY 10007

Greater Manhattan, 5th Floor, 252–7th Avenue, New York City, NY 10001

Courthouse

U.S. Courthouse, 40 Foley Square, Rm. 104, New York City, NY 10007.

Area Office and Address

Puerto Rico, GSA, PO Box 3672, San Juan, PR 00904.

Field Office and Address

San Juan, GSA, PO Box 3672, San Juan, PR 00904.

NCR

Area Offices and Address

South, Rm. 1G–024, Forrestal Building, 1000 Independence Ave., SW., Washington, DC 20407

Field Offices and Addresses

Anacostia, Building 205 NYA, 2nd and M Streets, SE., Washington, DC 20407.

Central Support, 10 P Street, SW., Washington, DC 20407.

Forrestal, Rm. 1G–024, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20407.

Agriculture, Rm. 1509 South Agriculture Bldg., 14th and Independence Avenue, SW., Washington, DC 20407.

HEW, Rm. 1264, HEW North Building, 330 Independence Avenue, SW., Washington, DC 20407.

Southwest, Rm. L–100, 1900 Half St. SW., Washington, DC 20407.

Mall, Rm. 1102, GSA Regional Office Building, 7th and D Streets, SW., Washington, DC 20407.

Suitland, Rm. 1037, Federal Building 3, Suitland, MD 20033.

Area Office and Address

White House, Rm. 44, EOB, 17th and Pennsylvania Ave., NW., Washington, DC 21056.

West, Rm. 355, 2000 K St., NW., Washington, DC 20037.

Field Offices and Addresses

ERDA, Rm. G–075, ERDA Building, Germantown, MD 20407.

Commerce, Rm. 1036, Commerce Building, 14th and Constitution Ave., NW., Washington, DC 20231.

Lafayette, Suite 700, 1612 K Street, NW., Washington, DC 20407.

Interior, Rm. 1332, Federal Building 9 1900 E Street, NW., Washington, DC 20415.

Rock Creek, Rm. 101, Gelman Building, 2120 L Street, NW., Washington, DC 20407.

State, Rm. 1481, State Building, 320 21st Street NW., Washington, DC 20520.

Veterans, Rm. 120, Veterans Building, 810 Vermont Ave. NW., Washington, DC 20005.

Area Office and Address

Arlington, Rm. 1A–1063, Pentagon Building, Arlington, VA 20301.

Field Offices and Addresses

Alexandria, Rm 428, Hoffman 1, 2461 Eisenhower Avenue, Alexandria, VA.

Columbia Pike, Rm. 1032, Federal Building 2, Columbia Pike, Arlington, VA 22202.

Jefferson Davis, Rm. 946, Crystal Plaza 6, 2221 Jefferson Davis Highway, Arlington, VA 22202.

McLean, Rm. 1E–12, CIA Building, McLean, VA 20505.

Pentagon, Rm. 1A–325, Pentagon Building, Arlington, VA 20301.

Rosslyn, Rm. 126, Architect Building, 1400 Wilson Boulevard, Arlington, VA 22209.

Area Office and Address

Heating Operation and Transmission Area, Rm. 600 ROB, 7th and D Streets SW., Washington, DC 20407.

Field Offices and Addresses

District, 409 Old Jefferson Davis Highway, Arlington, VA 20301.

MD–VA, SE Pentagon, Clark Street, Arlington, VA 20301.

Technical, Rm. 600, ROB, 7th and D Streets, SW., Washington, DC 20407.

Area Office and Address

North, Rm. 1346, New Post Office Bldg., 12th and Pennsylvania Ave. NW., Washington, DC 20407.

Field Offices and Addresses

GAO, Rm 1057, GAO Building, 441 G Street NW., Washington, DC 20407.

Hyattsville, Rm. 1010, 6525 Belcrest Road, Hyattsville, MD 20782.

Justice, Rm. 1B858, J. E. Hoover Bldg. NW., 935 Pennsylvania Ave., Washington, DC 20407.

Labor, Rm. S–1207, 3rd and Constitution Ave. NW., Washington, DC 20407.

Patrick Henry, Rm. 3326, 601 D Street NW., Washington, DC 20407.

Revenue, Rm. 1314, IRS Bldg. NW., Washington, DC 20407.

Region 3

Area Office and Address

Philadelphia, Rm. 9428, Federal Building, 600 Arch Street, Philadelphia, PA 19106.

Field Offices and Addresses

E. Philadelphia, Rm. 1211, Federal Building, 600 Arch Street, Philadelphia, PA 19106.

W. Philadelphia, 5000 Wissahickon Ave., Philadelphia, PA 19102.

Harrisburg, Rm. 863, Courthouse and Federal Building, 228 Walnut Street, Harrisburg, PA 17108.

Pittsburgh, Room 2136, Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

Wilkes-Barre, Rm. 504, Wyoming Valley, Vets Building, 19 N. Main Street, Wilkes-Barre, PA 18701.

Richmond, Federal Building, 400 North 8th Street, Richmond, VA 23240.

James River, Federal Building 2, 11th and Main Sts., Richmond, VA 23205.

Kanawha, Room 309, U.S. Post Office, 501 9th Street, Huntington, WV 25709.

Norfolk, Rm. 120, Bank of Virginia Building, 870 N. Military Highway, Norfolk, VA 23502.

Parkersburg, Rm. 3321, Federal Building, Juliana and 5th Streets, Parkersburg, WV 26101.

Charlottesville, Rm. 102, Federal Building, 220 7th Street NE., Charlottesville, VA 22901.

Roanoke, Rm. 106, Federal Building, 210 Franklin Rd. SW., Elkins, WV 26241.

Area Office and Address

Baltimore, Rm. 1111, Garmat 3, Federal Building and Courthouse, 101 W. Lombard St., Baltimore, MD 21201.

Field Offices and Addresses

Chesapeake, Rm. 315, Federal Building, 31 Hopkins Plaza, Baltimore, MD 21202.

Fort Meade, Rm. 9809, NSA Building, Fort Meade, MD 20755.

West Maryland, Rm. 1–J23, 6401 Security Blvd., Baltimore, MD 21235.

Woodlawn, 1 Rutherford Plaza, 7133 Rutherford Road, Baltimore, MD 21207.

Metro-West Field, 300 N. Greene Street, Baltimore, MD 21202.

Region 4

Field Office and Address

Atlanta, Federal Building, 272 Ivy Street NE., Atlanta, GA 30308.

Field Offices and Addresses

Birmingham, Rm. 428, Federal Building, 1800 5th Avenue N., Birmingham, AL 35203.

Huntsville, Rm. 1E, 1600 Ballistic Missile Center, P.O. Box 1367, West Station, Huntsville, AL 35807.

Jackson, Rm. 20, Post Office and Courthouse, 245 E. Capital Street, P.O. Box 1250, Jackson, MS 39205.

Mobile, Rm. 407, Federal Building and Courthouse, Mobile, AL 36602.

Montgomery, Rm. 400, Post Office and Courthouse, Corner Church and Lee Street, Montgomery, AL 36104.

Tupelo, Rm. 320, Federal Building and Post Office, 500 W. Main, P.O. Box 711, Tupelo, MS 38801.

Field Offices and Addresses

Ashville, Rm. 87, Federal Building, Battery Park Avenue, Ashville, NC 28801.

Charleston, Rm. 621, Federal Building, 334 Meeting Street, Charleston, SC 29403.

Columbia, Strom Thurmond Federal Building, 1835 Assembly Street, Rm. 813, Columbia, SC 29201.

Raleigh, Rm. 520, Federal Building Post Office and Courthouse, 310 New Bern Avenue, Raleigh, NC 27601.

Field Offices and Addresses

Jacksonville, Rm. 448, Federal Building, 400 W. Bay Street, P.O. Box 35005, Jacksonville, FL 32202.

Miami, Rm. 1517, Federal Building, 51 SW 1st Avenue, Miami, FL 33130.

Savannah, Rm. 232, Post Office and Courthouse, Bull and State Streets, Savannah, GA 31402.

Tampa, Rm. 733, Federal Building, 500 Zack Street, Tampa, FL 33602.

Thomasville, Rm. 208, Federal Building, P.O. Box 1355, Broad and Monroe Streets, Thomasville, GA 31792.

Field Offices and Addresses

Covington, Rm. 138, IRS Center, 4th and Russell Streets, Covington, KY 41011.

Louisville, Rm. 273, Federal Building, 600 Federal Place, Louisville, KY 40202.

Memphis, Rm. 382, Clifford Davis, Federal Building, 167 N. Main Street, Memphis, TN 38103.

Nashville, Rm. 117, Federal Building and Courthouse, 801 Broadway, Nashville, TN 37203.

Oak Ridge, Rm. 1206, Federal Building, Administration Road, P.O. Box 3474, Oak Ridge, TN 37830.

Region 5

Field Offices and Addresses

LOOP, Rm. 286, Everett McKinley, Dirksen Building, 219 S. Dearborn, Chicago, IL 60604.

Midwest, Rm. 2440, Everett McKinley Dirksen Building, 219 S. Dearborn, Chicago, IL 60604.

Central, Rm. 292, Federal Building, 536 S. Clark Street, Chicago, IL 60605.

Indianapolis, Rm. 349, Federal Building and Courthouse, 46 E. Ohio Street, Indianapolis, IN 46204.

Jeffersonville, Rm. 160, Federal Center, 1201 S. 10th Street, Jeffersonville, IN 47130.

Akron, Federal Building and Courthouse, 2 S. Main St., Akron, OH 44308.

Cincinnati, Rm. 440, Post Office and Courthouse, 5th Main and Walnut Streets, Cincinnati, OH 45202.

Cleveland, Rm. 227, Anthony J. Celebrezze Federal Building, 1240 E. 9th St., Cleveland, OH 44199.

Columbus, Rm. 445, Federal Building and Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

Detroit, Rm. 1196, Patrick C. McNamara, Federal Building, 477 Michigan, Detroit, MI 48226.

Grand Rapids, Rm. 180, Gerald R. Ford Federal Building and Courthouse, 110 Michigan Street NW., Grand Rapids, MI 49502.

Battle Creek, Rm. 214, Federal Center, 74 N. Washington, Battle Creek, MI 49017.

Twin Cities, Rm. 226, Federal Building, Ft. Snelling, Twin Cities, St. Paul, MN 55111.

Milwaukee, Rm. 102, Federal Building and Courthouse, 517 E. Wisconsin Avenue, Milwaukee, WI 53202.

Springfield, Rm. 1138, Federal Building and Courthouse, 600 E. Monroe Street, Springfield, IL 62701.

Region 6

Area Office and Address

Missouri/Kansas (except metropolitan Kansas City and St. Louis), Federal Building, U.S. Courthouse, 444 SE Quincy, Rm. 297, Topeka, KS 66683.

Field Office and Addresses

Columbia, Rm. 117, Federal Building, 608 E. Cherry Street, Columbia, MO 65201.

Rolla, 1400 Independence Road, Mail Stop 113, Rolla, MO 64801.

Topeka, Federal Building, U.S. Courthouse, 444 S.E. Quincy, Rm. 297, Topeka, Kansas 66683.

Wichita, U.S. Post Office and Courthouse, 401 N. Market St., Rm. 106, Wichita, KS 64106.

Area Office and Address

Room 635, U.S. Court and Customhouse, 1114 Market Street, St. Louis, MO 63102.

Field Offices and Addresses

Mart, Room 113, Federal Building, 405 S. 12th Street, St. Louis, MO 63102.

Downtown, Room 162B, Federal Building, 1520 Market Street, St. Louis, MO 63102.

MPRC, Room 2015, 9700 Page Boulevard, St. Louis, MO 63132.

Federal Center, Room 110, Building 107, Federal Center, 4300 Goodfellow Boulevard, St. Louis, MO 63120.

Area Office and Address

Rm. 1006, Federal Building and Courthouse, 215 N. 17th Street, Omaha, NE 68102.

Area Office and Address

Kansas City, Missouri, Federal Building, 1500 E. Bannister Road, Kansas City, MO 64131.

Field Offices and Address

Kansas City North, Room 109, Federal Building, 601 E. 12th Street, Kansas City, MO 64106.

Kansas City South, Room B-1, Federal Building, 1500 E. Bannister Road, Kansas City, MO 64131.

Region 7

Area Office and Address

Austin, Rm. 109, Courthouse, 200 W. 8th Street, Austin, TX 78701.

Field Offices and Addresses

Austin, Rm. G100, Federal Building and Post Office, 300 E. 8th Street, Austin, TX 78701.

Field Offices & Addresses

Cedar Rapids, Rm. 126, Federal Building and Courthouse, 101 First Street SE., Cedar Rapids, IA 52401.

Fort Dodge, Rm. B-2, Federal Building, Post Office and Courthouse, 205 S. 8th Street, Fort Dodge, IA 50501.

Des Moines, Rm. 118, Federal Building, 210 Walnut Street, Des Moines, IA 50309.

Omaha, Rm. 1118, Federal Building, Post Office and Courthouse, 215 N. 17th Street, Omaha, NE 68102.

North Platte, Rm. 104, Federal Building, Post Office and Courthouse, 300 E. 3rd Street, North Platte, NE 69101.

Lincoln, Rm. 181, Federal Building and Courthouse, 100 Centennial Mall North, Lincoln, NE 69101.

El Paso, Rm. 105, Courthouse, 500 E. San Antonio Street, El Paso, TX 79901.

Laredo, Rm. 103, Post Office and Courthouse, Matamores and Juarez Streets, Laredo, TX 78040.

San Antonio, Rm. A101, Federal Building, 727 East Durango, San Antonio, TX 78206.

Area Office & Address

Little Rock, Rm. 1329, Federal Building, 700 W. Capitol Street, Little Rock, AR 72201.

Field Offices and Addresses

Little Rock, Rm. 1120, Federal Building, 700 W. Capitol Street, Little, Rock, AR 72201.

Russellville, West Main and South Fargo Streets, PO box 723, Russellville, AR 72801.

Area Office and Address

New Orleans, Hale Boggs Federal Building, U.S. Courthouse, 500 Camp Street, New Orleans, LA 70130.

Field Offices and Addresses

Lafayette, Rm. 401, Federal Building, Post Office and Courthouse, Jefferson & Main Streets, Lafayette, LA 70501.

New Orleans, Rm. 1044, Hale Boggs Federal Building, U.S. Courthouse, 500 Camp Street, New Orleans, LA 70130.

Ruston, Rm. 108, Federal Building, Mississippi & Vienna Streets, Ruston, LA 72170.

Area Office and Address

Dallas, Rm. 101, Federal Building and Courthouse, 1114 Commerce Street, Dallas, TX 75242.

Field Offices and Addresses

Albuquerque, Rm. 1018, Federal Building, 517 Gold Avenue, SW, Albuquerque, NM 87103.

Dallas, Rm. 1B51, Earle Cabell Federal Building and U.S. Courthouse, 1100 Commerce Street, Dallas, TX 75242.

Fort Worth, Rm. 14A18, Fritz G. Lanham, Federal Building, 819 Taylor, Fort Worth, TX 76102.

Lubbock, Rm. 118, Federal Building and Courthouse, 1205 Texas Street, Lubbock, TX 79401.

Sante Fe, Rm. 1221, Federal Building, S. Federal and Grant, Sante Fe, NM 87501.

Area Office and Address

Houston, Rm. 3102, 515 Rusk Avenue, Houston, TX 77002.

Field Offices and Addresses

Beaumont, Rm. 256, Post Office and Courthouse, Broadway and Willow Streets, Beaumont, TX 77701.

Houston, Rm. 5009, Federal Building and Courthouse, 515 Rusk Avenue, Houston, TX 77002.

Area Office and Address

Oklahoma City, Rm. 5001, Federal Building, U.S. Courthouse, 200 NW 4th Street, Oklahoma, OK 73101.

Field Offices and Addresses

Muskogee, Rm. 012, Federal Building, U.S. Courthouse, 5th & W Okmulgee Streets, Muskogee, OK 74401.

Oklahoma City, Rm. B031, Post Office, Courthouse, and Federal Building, 201 NW 3rd Street, Oklahoma, OK 73101.

Tulsa, Rm. 106, Federal Building, 224 S. Boulder, Tulsa, OK 74103.

Region 8

Field Offices and Addresses

Denver Federal Center, Entrance E, Building 41, Denver, CO 80225.

Denver, Rm. 120, Federal Building and Courthouse, 1961 Stout Street, Denver, CO 80294.

Colorado Springs, Chidlaw Building, Peterson AFB, CO 80914.

Billings, Federal Building & Courthouse, PO Box 1477, Billings, MT 59103.

Helena, Federal Building, U.S. Courthouse, Drawer 10094, 301 South Park, Helena, MT 59601.

Missoula, Federal Building, Post Office & Courthouse, Rm. 1003, PO Box 8205, Missoula, MT 59807.

Bismarck, Federal Building, Post Office & Courthouse, Rm 228, 220 East Rosser, PO Box 2237, Bismarck, ND 58501.

Fargo, Federal Building and Post Office, Rm. 204, 657 2nd Avenue, N, Fargo, ND 58102.

Aberdeen, Federal Building, 115 4th Avenue, SE, Aberdeen SD 57401.

Pierre, Rm. 203, Federal Building, Post Office and Courthouse, 225 S. Pierre Street, Pierre, SD 57501.

Salt Lake City, Rm 2201, Federal Building, 125 S. State Street, Salt Lake City, UT 84138.

Ogden, c/o IRS Service Center, P.O. Box 9941, Ogden, VT 84409.

Casper, Rm. 1010, Federal Building and Post Office, 100 East B Street, Casper, WY 82601.

Cheyenne, Joseph O'Mahoney Federal Center, 2120 Capitol Avenue, Rm. 2016, Cheyenne, WY 82001.

Region 9

Field Offices and Addresses

Sansome Street, U.S. Customs House, Attic #2, 555 Battery Street, San Francisco, CA 94111.

Golden Gate, Rm. 13019 Federal Building, 450 Golden Gate, San Francisco, CA 94102.

East Bay, Rm. 416, Federal Building, 1515 Clay Street, Oakland, CA 94612.

Sacramento, Rm. 8538, Federal Building and Courthouse, 650 Capitol Mall, Sacramento, CA 95814.

San Jose, 175 W. Taylor, Building #3, San Jose, CA 95110.

Fresno, Rm. 4205, Federal Building and Courthouse, 1130 'O' Street, Fresno, CA 93721.

Santa Ana, Federal Building, 34 Civic Center Plaza, Delle, CA 92701.

North Spring Street, Rm. G-11, Courthouse, 312 N. Spring Street, Los Angeles, CA 90012.

West Los Angeles, Rm. 1021, Federal Building, 11000 Wilshire Boulevard, Los Angeles, CA 90024.

North Los Angeles, Federal Building, 300 N. Los Angeles Street, Los Angeles, CA 90012.

San Diego, Federal Building and Courthouse, 880 Fron Street, Rm. 1-5-3, San Diego, CA 92188.

Phoenix, Rm. 3041, Federal Building, 230 N. First Avenue, Phoenix, AZ 85025.

Tucson, 301 W. Congress, Tucson, AZ 85701.

Honolulu, Prince Kuhio Kalanianaoce Federal Building, Rm. 6119, 300 Ala Moana Blvd., Honolulu, HI 96850.

Reno, Rm. 1030 Booth Street, Reno, NV 89509.

Las Vegas, Rm. I-620, Federal Building and Courthouse, 300 Las Vegas Blvd. South, Las Vegas, NV 89101.

Region 10

Field Offices and Addresses

Seattle, Rm. 556, Federal Building, 915 2nd Avenue, Seattle, WA 98174.

Bellingham, Rm. 315, Federal Building, 104 West Magnolia, Bellingham, WA 98225.

Spokane, Rm. 120, Courthouse, W 920 Riverside Avenue, Spokane, WA 99201.

Richland, Rm. G62, Federal Building, Post Office and Courthouse, P.O. Box 400, Richland, WA 99352.

Auburn, Bldg. 815, GSA Center, Auburn, WA 98002.

Portland, Rm. 385, Federal Building, 1220 SW Third Ave., Portland, OR 97204.

Eugene, Federal Building and Courthouse, Rm. 220, 211 East Seventh Ave., Eugene, OR 97401.

Boise, Rm. 164, Federal Building and Courthouse, Box 021, Boise, ID 83724.

Field Offices and Addresses

Anchorage, Federal Building and Courthouse, Rm. C-522, 701 C. Street, Box 5, Anchorage, AK 99513.

GSA/ADTS 1 (23-00-0076)

SYSTEM NAME:

Classified Control Files, GSA/ADTS.

SYSTEM LOCATION:

Central Office and regional offices of ADTS at the addresses listed in the appendix following the GSA/ADTS notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of GSA, other Government agencies, and commercial corporations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records are maintained in this nonautomated system for the purpose of ensuring control over access to classified information and facilities. Contains records such as: Security clearance level, identification credentials, registers, access authorizations, official courier/messenger designations, security officer

appointments, files custodian lists, security briefings, and acknowledgements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, April 27, 1953.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Maintaining and exchanging current information regarding authority of personnel to gain access to classified material or facilities. Documenting responsibilities of designated personnel to administer the overall security program. Used to verify clearance for access to classified material or facilities, to allow performance of maintenance and repair of classified communications equipment, to verify authority to release, transport and receive classified material, both inter- and intra-agency. The routine use statements A, B, C, D, E, and G, described in the appendix following the GSA notices, also apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper files kept in safes or storage cabinets.

RETRIEVABILITY:

Filed alphabetically at each location by name of individual.

SAFEGUARDS:

Buildings employ security guards. Storage containers are either locked or located in a limited access area.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Secure and Emergency Communications Branch, Office of Systems Engineering and Operations, GSA, ADTS, 18th & F Streets NW., Washington, D.C.; mailing address: General Services Administration (CTDS), Washington, D.C. 20405, and the Assistant Regional Administrators, ADTS, at the addresses listed in the appendix following the GSA/ADTS notices.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the system managers listed above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

GSA rules for access to records, for contesting the contents, and for appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

The individuals themselves, requests for clearance and/or access, and other security forms.

GSA/ADTS 2 (23-00-0077)

SYSTEM NAME:

Congressional Files, GSA/ADTS.

SYSTEM LOCATION:

ADTS Central Office and in the regional offices of ADTS at the addresses listed in the appendix following the GSA/ADTS notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of Congress and their staffs, State governors and their staffs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records are maintained in this nonautomated system for the purpose of ensuring that proper action is being taken on Congressional and State requests for ADP and telecommunications service. Contains records used for ordering, billing, and budget purposes. Contains telephone service requests, ADP service requests, billing for FTS and extended service, general inquiries, records of meetings, service complaints, and remedial actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 31, U.S.C. Section 680a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine use statements A, B, C, D, E, and G, described in the appendix following the GSA notices, apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper files, storage cabinets, and file folders.

RETRIEVABILITY:

Filed alphabetically at each location by name of individual.

SAFEGUARDS:

Buildings employ security guards. Access is restricted to authorized personnel. Records are released only to authorized officials.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

Congressional Liaison (CLSS), GSA, ADTS, 7th and D Streets SW., Washington, DC 20407 and the Assistant Regional Administrators, ADTS, at the addresses listed in the appendix following the GSA/ADTS notices.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the system managers listed above.

RECORD ACCESS PROCEDURES:

Same individuals as above.

CONTESTING RECORD PROCEDURES:

GSA rules for access to records, for contesting the contents, and for appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

The individuals themselves (correspondence, telephone calls, etc.), the staffs of the individuals concerned, and other ADTS employees involved.

GSA/ADTS 4 (23-00-0079)

SYSTEM NAME:

Emergency Notification Files GSA/ADTS.

SYSTEM LOCATION:

Central Office and regional offices of ADTS at the addresses listed in the appendix following the GSA/ADTS notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

GSA/ADTS Central Office and regional employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records are maintained in this nonautomated system for the purpose of notifying and identifying employees or their designees under emergency conditions. Contains records such as: Employees, name, address, position title, office phone number, and home phone number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C. Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Maintaining a current listing of Federal officials to be contacted during national disasters, contingency and emergency situations, and providing this

information as necessary, in disasters or public or personal emergencies, to concerned agencies, telephone companies, telecommunications common carriers, civil defense and other activities and individuals involved in the emergency or relief effort. Contacting officials in support of Federal Emergency Plan D and NCS Plan for Communications Support in major disasters and emergencies. Notifying personnel in cases of operational or personal emergencies. The routine statements A, B, C, D, E, and G, described in the appendix following the GSA notices, also apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper files kept in safes or lockable storage cabinets.

RETRIEVABILITY:

Filed alphabetically at each location by name of individual.

SAFEGUARDS:

Buildings employ security guards. Storage containers are either locked or located in a limited access area.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Secure and Emergency Communications Branch, Office of Systems Engineering and Operations, GS Building, 18th & F Streets NW., Washington, DC; mailing address: General Services Administration (CTDS), Washington, DC 20405 and Assistant Regional Administrators, ADTS, at the addresses listed in the appendix following the GSA/ADTS notices.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the system managers identified above.

RECORD ACCESS PROCEDURES:

Same individuals as above.

CONTESTING RECORD PROCEDURES:

GSA rules for access to records, for contesting the contents, and for appealing initial deteminations are promulgated in 41 CFR 105–64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

The individuals themselves, their supervisors, emergency listings, disaster plans, and personnel files.

GSA/ADTS 5 (23-00-0080)

SYSTEM NAME:

Financial Management Files, GSA/ADTS.

SYSTEM LOCATION:

Financial Management Division and offices of the Central Office and regional offices of ADTS at the addresses listed in the appendix following the GSA/ADTS notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

GSA/ADTS Central Office and regional employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records are maintained in both paper and automated form for the purpose of financial management. Contains information on financial projections for short and long range planning, preparation of annual financial plans, monthly and quarterly analysis of operation funds, and verifying accounting reports. Contains records such as: Travel logs, transportation requests, claims, vouchers, within grade notices and pay changes, operator cost data, credit cards, requisitions, overtime requests, operating plans, time and attendance files, payroll, commercial call certifications, employment staffing, retirement eligibility, and manpower and payroll statistics.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 31 U.S.C. Sections 66a, 66b.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine use statements A, B, C, D, E, F, and G, described in the appendix following the GSA notices, apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files kept in storage containers. Magnetic tapes are filed in a tape library.

RETRIEVABILITY:

Filed alphabetically at each location by name of individual.

SAFEGUARDS:

Buildings employ security guards. Records containing personal information are maintained in metal lockable filing cabinets or metal lockable desk drawers, with limited access. Tapes and other records are stored in a limited access area.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Management Division, GS Building, 18th & F Streets NW., Washington, DC; mailing address: General Services Administration (CXM), Washington, DC 20405; Director, Budgetary Control Division (CXB), ADTS, GS Building, 18th and F Sts. NW., Washington, DC 20405, and the Assistant Regional Administrator, ADTS, at the addresses listed in the appendix following the GSA/ADTS notices.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the system managers identified above.

RECORD ACCESS PROCEDURES:

Same individuals as above.

CONTESTING RECORD PROCEDURES:

GSA rules for access to records, for contesting the contents, and for appealing initial determinations are promulgated in 41 CFR 105–64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Individuals submitting the various types of claims, vouchers, and requests and manpower and payroll statistics.

GSA/ADTS 7 (23-00-0082)

SYSTEM NAME:

Workload Measurement Files, GSA/ADTS.

SYSTEM LOCATION:

Regional and Central Offices, ADTS, at the addresses listed in the appendix following the GSA/ADTS notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees of GSA/ADTS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records are maintained in both paper and magnetic tape in this system for the purpose of measuring the productivity of ADTS technical and operational personnel in the Central Office and regions. Contains records such as: Tape, test, re-run logs, applied data processing time, productive performance, project status, personnel time summary, switchboard operator evaluation, RAMUS reports, systems and programming project status, tape error detection, FTS incoming and outgoing service message, switchboard operations reports, computer console,

balance and job control sheets, historical and workload files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C. Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine use statements A, B, C, D, E, F, and G, described in the appendix following the GSA notices apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper files are kept in file cabinets and desk drawers. Automated records are maintained in a tape library.

RETRIEVABILITY:

Records are filed alphabetically by individuals' name, number, initials or operating location.

SAFEGUARDS:

Buildings employ security guards and storage containers for paper records are either locked or in a limited access area. Automated records are maintained in a controlled tape library.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Management Services Staff (CMA), GSA, ADTS, 18th and F Streets, NW., Washington, DC 20405 and the Assistant Regional Administrators, ADTS at the addresses listed in the appendix following the GSA/ADTS notices.

NOTIFICATION PROCEDURE:

Inquires should be directed to the system managers identified above.

RECORD ACCESS PROCEDURES:

Same individuals as above.

CONTESTING RECORD PROCEDURES:

GSA rules for access to records, for contesting the contents, and for appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

The supervisor's review of message and tape logs, trouble reports, re-run sheets, the employee themselves, and other employees.

GSA/ADTS 8 (23-00-0096)

SYSTEM NAME:

Special purpose telephone contact listings GSA/ADTS.

SYSTEM LOCATION:

GSA/ADTS Regional Offices and GSA operated switchboards within the 11 GSA regions and the FTS Central Information Service and Emergency Poison Control listings at GSA, ADTS, National Capital Region, at the addresses listed in the appendix following the GSA/ADTS notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal agency personnel as designated by the Federal agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes listings such as key personnel and Essential Residence Telephone Listing for the purpose of identifying essential residential telephone service to designated key officials in time of emergency; FTS Central Information Service for the purpose of contacting key officials for necessary day-to-day operations and in emergency situations; Emergency Poison Control Listings for the purpose of providing emergency medical assistance; and other listings of key officials for the purpose of day-to-day operations and emergencies. These listings may include name, position title, office address, office telephone number, home address, and/or home telephone number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses of these records shall include: (1) The transfer of GSA of the above described information from the Federal agency responsible for collecting the information for inclusion in the GSA-maintained nationwide central information service and in regional listings of Federal personnel designated as key personnel or points of contacts; (Personnel information; i.e., home address or telephone number, will not be disclosed to a caller. The GSA switchboard operator will either 'patch' the call through to the subject, or will notify the subject that a call has been made to him or her for call-back purposes.); (2) the transfer of designated essential residence information (and deletions from such list) in the regions to the appropriate telephone companies to provide emergency line load control pursuant to 41 CFR 105-35.6; and (3) the routine use statements A, B, C, D, E, and G, described in the appendix following the GSA notices, apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper, tapes, and/or cards.

RETRIEVABILITY:

Indexed by name and/or agency.

SAFEGUARDS:

Limited access areas and records are accessible only to authorized personnel of GSA.

RETENTION AND DISPOSAL:

Maintained until rescinded by authorized agency.

SYSTEM MANAGER(S) AND ADDRESS:

The officials responsible for the telephone contact listings are (1) Central Information Service and Emergency Poison Control: Assistant Regional Administrators, ADTS, National Capital Region; (2) Regional listings: Assistant Regional Administrators, ADTS, in the appropriate regions. The addresses are listed in the appendix following the GSA/ADTS notices.

NOTIFICATION PROCEDURE:

Information may be obtained from the system managers listed above.

RECORD ACCESS PROCEDURES:

Same individuals as above.

CONTESTING RECORD PROCEDURES:

GSA rules for access to records, for contesting the contents, and for appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Information provided by Federal agencies and subject individuals.

Appendix GSA/ADTS Address of Locations

ADTS/GSA Central Office, 18th and F Streets, NW., Washington, DC 20405, Telephone: 202-566-1000.

National Capital Region, Assistant Regional Administrator, ADTS, 7th and D Streets, SW., Washington, DC 20407, Telephone: 202-472-1200.

Region 1

Assistant Regional Administrator, ADTS, John W. McCormack, P.O. and Courthouse, Post Office Square,

Boston, MA 02109, Telephone: 617–233–5055.

Region 2

Assistant Regional Administrator, ADTS, 26 Federal Plaza, New York, NY 10007, Telephone: 216–264–1711.

Region 3

Assistant Regional Administrator, ADTS, 9th and Market Streets, Philadelphia, PA 19107, Telephone: 215–597–4901.

Region 4

Assistant Regional Administrator, ADTS, Richard B. Russell Federal Building, 75 Spring Street, SW., Atlanta, GA 30303, Telephone: 404–242–5104.

Region 5

Assistant Regional Administrator, ADTS, 230 South Dearborn Street, Chicago, IL 60604, Telephone: 312–886–3807.

Region 6

Assistant Regional Administrator, ADTS, 1500 E. Bannister Road, Kansas City, MO 64131, Telephone: 816–926–7309.

Region 7

Assistant Regional Administrator, ADTS, 819 Taylor Street, Fort Worth, TX 76102, Telephone: 817–334–2871.

Region 8

Assistant Regional Administrator, ADTS, Building 41, Denver Federal Cen., Denver, CO 80225, Telephone: 303–234–4337.

Region 9

Assistant Regional Administrator, ADTS, 525 Market Street, San Francisco, CA 94105, Telephone: 414–556–3272.

Region 10

Assistant Regional Administrator, ADTS, GSA Center, Auburn, WA 98002, Telephone: 206–833–6500 X421.

ADTS Central Office Field Activities

GSA/ADTS/CF, Skyline Two, Rm. 1100, 5203 Leesburg Pike, Falls Church, VA. 22041.

GSA/ADTS/CIF, 1815 North Lynn St., Arlington, VA. 22209.

GSA/ADTS/CDDE, Rm. A–114, Bldg. 225, Gaitherburg, MD. 20762.

GSA/ADTS/CTDDM–R, P.O. Box 430, Romney, WV 26757.

GSA/ADTS/CTDDM–T, P.O. Box 17000, Austin, TX. 78764.

GSA/ADTS/CTOC, 218A West Main St., Scott Air Force Base, Belleville, IL 62220.

GSA/ADTS/CDPXW, Rm. 7A38, 819 Taylor St., Fort Worth, TX 76102.

GSA/FSS 9 (23-00-0091)

SYSTEM NAME:

Cataloging Action Master File—Work Measurement System.

SYSTEM LOCATION:

General Services Administration, Tape Library, 7th & D Streets SW, Washington, DC 20407.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Supply catalogers processing catalog action requests.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of records kept on each individual showing the status of transactions the individual has in process and the number of actions completed, rejected, or approved. The records are primarily used by officers and employees of the agency to determine status of transactions and to summarize work done by individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 40 U.S.C., Section 487.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine use statements A, B, C, and D, described in the appendix following the GSA notices, apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Mag-tape and print-outs.

RETRIEVABILITY:

Alphabetic code assigned to individuals.

SAFEGUARDS:

Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of FSS.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

The official responsible for the system of records is the Director, Programs and Systems Development Division, Office of Item Management, Crystal Mall 4, Federal Supply Service, Washington, DC 20405. Mailing address: General Services Administration (FRID), Washington, DC 20406.

NOTIFICATION PROCEDURE:

Information may be obtained from the official cited above.

RECORD ACCESS PROCEDURES:

Requests from individuals to access records should be addressed to the official cited above. In person, requests may be made during normal business hours listed for each location in the appendix following notice GSA/FSS 12.

For written requests, the individual should provide full name, address and telephone number, period of employment, and position held to assist the office in locating the record. For personal visits, the individual should be able to provide some acceptable identification such as driver's license or employee identification. Only general inquiries may be made by telephone.

CONTESTING RECORDS PROCEDURES:

GSA rules for access to records, for contesting the contents, and for appealing initial determinations are promulgated in 41 CFR 105–64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Data provided by individuals.

GSA/FSS 12 (23-00-0094)

SYSTEM NAME:

Accountability and Property Inventory Systems GSA/FSS.

SYSTEM LOCATION:

Assistant Regional Administrator's offices; regional offices of the Retail Services Division and Procurement Divisions; and supply distribution facilities at the addresses listed in the appendix following this notice. In addition, portions of the systems of records are maintained at retail stores in the regions. Addresses of these locations can be obtained from the applicable regional director.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Depot personnel, store managers, and contracting officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Custody of wax seals, records of keys issued, accountability of Government property and supplies, bonding of collection officers, contracting officer designations and discrepancy reports. (The records are primarily used by officers and employees of the agency who have a need for the record in the performance of their duties.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 40 U.S.C. Section 483; Title 5 U.S.C. generally; Title 21 U.S.C. generally.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine use statements A, B, and G, described in the appendix following the GSA notices, apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper Forms.

RETRIEVABILITY:

Filed alphabetically by individual name.

SAFEGUARDS:

Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of FSS.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

The official responsible for the system of records is the Support Services Supervisor, Administrative Services Division, Office of Management, Crystal Mall 4, Federal Supply Service, Washington, DC 20406. Mailing address: General Services Administration (FPC), Washington, DC 20406.

NOTIFICATION PROCEDURE:

Information may be obtained from the regional director of the applicable activity shown in the location portion of this notice in which the individual is or was employed with. If not known, general inquiries should be made to the Support Services Supervisor, Administrative Services Division, Office of Management, Federal Supply Service, Washington, DC 20406.

RECORD ACCESS PROCEDURES:

Requests from individuals to access records should be addressed to the officials cited above. In person requests may also be made during normal business hours listed for each location in the appendix following this notice.

For written requests, the individual should provide full name, address and telephone number, period of employment and position held to assist the office in locating the record. For personal visits, the individual should be able to provide some acceptable identification such as driver's license and employee identification. Only general inquiries may be made by telephone.

CONTESTING RECORD PROCEDURES:

GSA rules for access to records, for contesting the contents, and for appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Individual prepared forms, agency supervisors, and personnel action forms.

Appendix—GSA/FSS Addresses of Locations

Regional Offices

National Capital Region

7th and D Streets SW., Washington, DC 20407.

Region 1

805 John W. McCormack Post Office and Courthouse, Post Office Square, Boston, MA 02109.

Region 2

26 Federal Plaza, Room 2836, New York, NY 10007.

Region 3

9th and Market Sts, Philadelphia, GA 19107.

Region 4

75 Spring St. SW., Atlanta, GA 30303.

Region 5

John C. Kluezynski Federal Building, 230 South Dearborn Street, Chicago, IL 60604.

Region 6

Federal Building, 1500 East Bannister Road, Kansas City, MO 64131.

Region 7

819 Taylor Street, Fort Worth, TX 76102.

Region 8

Building No. 41, Denver Federal Center, Denver, CO 80225.

Region 9

525 Market Street, San Francisco, CA 94105.

Region 10

GSA Center, Auburn, WA 98002.

GSA Supply Distribution Facilities

GSA Supply Distribution Facility, 295 Lincoln Street, Hingham, MA 02043.

GSA Supply Distribution Facility, Belle Mead, NJ 08502.

GSA Supply Distribution Facility, Military Ocean Terminal Bayonne, NJ 07002.

GSA Supply Distribution Facility, Building 246, Raritan Depot, Edison, NJ 08817.

GSA Supply Distribution Facility, Springfield, VA 22150.

GSA Supply Distribution Facility, Federal Supply Service, 2800 Eastern Boulevard, Middle River, MD 21220.

GSA Supply Distribution Facility, Hampton Roads Army Terminal, 7737 Hampton Boulevard, Norfolk, VA 23505.

GSA Supply Distribution Facility, 3312 Berkely Lake Rd, Duluth, GA 30136.

GSA Supply Distribution Facility, Garden City Terminal, Savannah State Docks and Warehouses, P.O. Box 7076, Garden City, GA 31408.

GSA Supply Distribution Facility, 4100 W. 76th Street, Chicago, IL 60629.

GSA Supply Distribution Facility, Building 31, Shelby, OH 44875.

GSA Supply Distribution Facility, 1500 E. Bannister Road, Kansas City, MO 64131.

GSA Supply Distribution Facility, Warehouse 3, Federal Center, Fort Worth, TX 76115.

GSA Supply Distribution Facility, 500 Edwards Avenue, Harahan, LA.

GSA Supply Distribution Facility, Building 810, Denver Federal Center, Denver, CO 80225.

GSA Supply Distribution Facility, 1600 12th Street NW., Albuquerque, NM.

GSA Supply Distribution Facility, Building C6, Annex 3, Federal Depot, Clearfield, UT 84016.

GSA Supply Distribution Facility, Building T3069, Hickam AFB, Honolulu, HI 96824.

GSA Supply Distribution Facility, Building 414, Rough and Ready Island, Stockton, CA 95203.

GSA Supply Distribution Facility, Auburn, WA 98002.

GSA/FPRS-2 (23-00-0110)

SYSTEM NAME:

Hazardous materials exposure history system

SYSTEM LOCATION:

Records are maintained at the GSA/FPRS stockpile depots at the addresses shown in the appendix following this notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel working or visiting storage areas containing hazardous materials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of the daily dosage of radiation received and hourly exposure to dangerous levels of asbestos. The records are primarily used by officers and employees of the agency who have a need for the records in the performance of their duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act of 1970, as amended (84 Stat. 1590).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information on exposure readings is provided to the regulatory agencies charged with the responsibilities for regulating the handling of hazardous materials. The routine use statements A, B, C, D, and E, described in the appendix following the GSA notices, also apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper forms.

RETRIEVABILITY:

Filed alphabetically by individual's name.

SAFEGUARDS:

Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of FPRS.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER AND ADDRESS:

Assistant Commissioner, Office of Property Management (DM), Crystal Square Building 5, Arlington, VA. Mailing address: General Services Administration (DM), Washington, DC 20406.

NOTIFICATION PROCEDURES:

Individuals may obtain information about whether they are part of this system of records from the director of the applicable activity that the individual is or was employed with. If not known, general inquiries should be made to the system manager.

RECORD ACCESS PROCEDURES:

Requests from individuals to access records should be addressed to the official cited above. In person requests may also be made during normal business hours at each location listed in the appendix following this notice. For written requests, the individual should provide full name, address, telephone number, period of employment, and the position held to assist the office in locating the record. For personal visits, the individual should be able to provide some acceptable identification such as driver's license or employee identification card. Only general inquiries may be made by telephone.

CONTESTING RECORD PROCEDURES:

GSA rules for contesting records and for appealing initial determinations are contained in 41 CF 105–64.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from film badges, dosimeters, other instrumentation, work logs, and medical examinations.

Appendix—GSA/FPRS Location Addresses

Regional Offices

National Capital Regional (NCR), 7th and D Streets SW., Washington, DC 20407.

Region 1

John W. McCormack Post Office and Courthouse, Post Office Square, Boston, Massachusetts 02109.

Region 2

26 Federal Plaza, New York, New York 10007.

Region 3

7th and D Streets SW., Washington, DC 20407.

Region 4

75 Spring Street SW., Atlanta, Georgia 30303.

Region 5

230 South Dearborn Street, Chicago, Illinois 60604.

Region 6

1500 E. Bannister Road, Kansas City, Missouri 64131.

Region 7

89 Taylor Street, Forth Worth, Texas 76102.

Region 8

Building 41, Denver Federal Center, Denver, Colorado 80225.

Region 9

525 Market Street, San Francisco, California 94105.

Region 10

GSA Center, Auburn, Washington 98002.

GSA/FPRS Stockpile Depots

GSA–FPRS Baton Rouge Depot, 2695 N. Sherwood Forest Drive, Baton Rouge, LA 70810.

GSA–FPRS Federal Service Center (C/D), 4747 Eastern Avenue, Building 1, Bell, CA 90201.

GSA–FPRS Bethlehem Depot, Bethlehem, PA 18015.

GSA–FPRS Belle Mead Depot, Belle Mead, NJ 08502.

GSA–FPRS Binghamton Depot, Binghamton, NY 13901.

GSA–FPRS Casad Depot, New Haven, IN 46774.

GSA–FPRS Depot, The Federal Depot, Clearfield, UT 84016.

GSA–FPRS Curtis Bay Depot, Baltimore, MD 21226.

GSA–FPRS Dayton Depot, 2400 West Dorothy Lane, Dayton, OH 45439.

GSA–FPRS Erie Depot, P.O. Box 344, Port Clinton, OH 43452.

GSA–FPRS Fort Worth Depot, 819 Taylor Street, Fort Worth, TX 76102.

GSA–FPRS Gadsden Depot, P.O. Box 918, Hammond, IN 46325.

GSA–FPRS Marion Depot, P.O. Box 348, Marion, OH 43302.

GSA–FPRS Building 7050, P.O. Box 6, Mira Loma, CA 91752.

GSA–FPRS New Bedford Depot, King Street and Nash Road, New Bedford, MA 20745.

GSA–FPRS Point Pleasant Depot, 2601 Madison Avenue, Point Pleasant, WV 25550.

GSA–FPRS Scotia Depot, Scotia, NY 12302.

GSA–FPRS Sharonville Depot, P.O. Box 41131, Cincinnati, OH 45241.

GSA–FPRS Somerville Depot, Somerville, NJ 08876.

GSA–FPRS Depot, Rough and Ready Island, Building 606, Stockton, CA 95203.

GSA–FPRS Topeka Depot, Building 301, Topeka, KS 66601.

GSA–FPRS Warren Depot, Warren OH 44482.

GSA–FPRS Buffalo Depot (Address all mail to the Sharonville Depot).

GSA–FPRS Marietta Depot (Address all mail to Region 3).

GSA–FPRS Terre Haute Depot (Address all mail to the Sharonville Depot).

GSA–FPRS Voorheesville Depot (Address all mail to the Scotia Depot).

GSA/TPUS–2 (23–00–0107)

SYSTEM NAME:

Accountability and Property Inventory System.

SYSTEM LOCATION:

Records are maintained at the Assistant Regional Administrator offices and motor equipment divisions at the addresses listed in the appendix following this notice. In addition, portion of the records are maintained at motor pools located throughout the regions, the addresses of which can be obtained from the applicable regional director.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Motor pool personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of keys issued, accountability of Government property and supplies, bonding of collection officers, contractor officer designations, and discrepancy reports. The records are primarily used by officers and employees of the agency who have a need for the records in the performance of their duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 40 U.S.C. Section 483; Title 5 U.S.C. generally; and Title 31 U.S.C. generally.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine use statements A, B, C, D, E, and G, described in the appendix following the GSA notices, apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper forms.

RETRIEVABILITY:

Individual's name.

SAFEGUARDS:

Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of TPUS.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director (TS), Transportation and Public Utilities, Service, 425 I Street, NW., Chester A. Arthur Building, Washington, DC 20406. Mailing address: General Services Administration (TS), Washington, DC 20406.

NOTIFICATION PROCEDURES:

Individuals may obtain information about whether they are part of this system of records from the regional director of the applicable activity shown in the location portion of this notice in which the individual is or was employed. If not known, general inquiries should be made to the Office of the Executive Director (TS), Transportation and Public Utilities Service, 425 I Street, NW., Chester A. Arthur Building, Washington, DC 20406.

RECORD ACCESS PROCEDURES:

Requests from individual to access records should be addressed to the officials cited above. In person requests may also be made during normal business hours at each location listed in the appendix following this notice. For written requests, the individual should provide full name, address, and telephone number; approximate dates and places of employment; and any other information which the individual believes would facilitate locating the record. For personal visits, the individual should be able to provide some acceptable identification such as a driver's license or employment identification card. Only general inquiries may be made by telephone.

CONTESTING RECORDS PROCEDURES:

GSA rules for contesting records and for appealing initial determinations are contained in 41 CFR 105-64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from the individuals, agency supervisors, and personnel action forms.

Appendix—GSA/TPUS Addresses of Locations

Region 1

John W. McCormack Post Office and Courthouse Office Square, Boston, MA 02109.

Region 2

26 Federal Plaza, New York, NY 10007.

Region 3

9th and Market Streets, Philadelphia, PA 19107.

Region 4

75 Spring Street, SW., Atlanta, GA 30303.

Region 5

230 South Dearborn Street, Chicago, IL 60604.

Region 6

1500 E. Bannister Road, Kansas City, MO 64131.

Region 7

817 Taylor Street, Fort Worth, TX 76102.

Region 8

Building 41, Denver Federal Center, Denver, CO 80225.

Region 9

525 Market Street, San Francisco, CA 94105.

Region 10

GSA Center, Auburn, WA 98002.

National Capital Region

7th and D Streets SW., Washington, DC 20407.

Appendix

The following routine use statements will apply to General Services Administration notices where indicated:

A. Routine Use—Law Enforcement: In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or role, regulation or order issued pursuant thereto.

B. Routine Use—Disclosure When Requesting Information: A record from this system of records may be disclosed as a routine use to a Federal, State, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

C. Routine Use—Disclosure of Requested Information: A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to

the requesting agency's decision, on the matter.

D. Routine Uses—Grievance, Complaint, Appeal: A record from this system of records may be disclosed to an authorized appeal or grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator, or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Office of Personnel Management in accordance with the agency's responsibility for evaluation of Federal personnel management. To the extent that official personnel records in the custody of GSA are covered within systems of records published by the Office of Personnel Management as Government-wide records, those records will be considered as a part of that Government-wide system. Other official personnel records covered by notices published by GSA and considered to be separate systems of records may be transferred to the Office of Personnel Management in accordance with official personnel programs and activities as a routine use.

E. Routine Use—Congressional Inquiries: A record from this system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

F. Routine Use—Private Relief Legislation: The information contained in this systems of records may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation at any stage of the legislative coordination and clearance process.

G. Routine Use—GSA Agents: A record from this system of records may be disclosed as a routine use (1) to an expert, a consultant, or a contractor of GSA to the extent necessary to further the performance of a Federal duty and (2) to a physician to conduct a fitness-for-duty examination of a GSA officer or employee.

[FR Doc. 80-25712 Filed 8-28-80; 8:45 am]
BILLING CODE 6820-34-M

Friday
August 29, 1980

Part III

Department of Labor

Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Construction Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State.

California:	
CA78–5122	Aug. 11, 1978.
CA80–5110	Mar. 14, 1980.
CA80–5114	Apr. 18, 1980.
CA80–5117	May 23, 1980.
Mississippi:	
MS80–1001	Jan. 18, 1980.
MS80–1002	Jan. 18, 1980.
MS80–1003	Jan. 18, 1980.
MS80–1004	Jan. 18, 1980.
MS80–1005	Jan. 18, 1980.
MS80–1006	Jan. 18, 1980.
MS80–1028	Jan. 18, 1980.
Montana:	
MT80–5120	June 27, 1980.
MT80–5121	June 27, 1980.
MT80–5122	June 27, 1980.
Pennsylvania:	
PA79–3001	Feb. 2, 1979.
PA79–3020	July 20, 1979.
PA80–3027	Apr. 18, 1980.
PA80–3037	May 2, 1980.
PA80–3030	May 30, 1980.
PA80–3044	July 25, 1980.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the Federal Register are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Iowa:	
IA78–4107 (IA80–4048)	Nov. 24, 1978.
Kentucky:	
KY79–1031 (KY80–1101)	Feb. 9, 1979.
Maryland:	
MD78–3002 (MD80–3047)	Mar. 3, 1978.
MD79–3026 (MD80–3042)	Aug. 3, 1979.

Massachusetts:
MA79-2006 (MA80-2070)... Feb. 23, 1979.
New York:
NY79-3038 (NY80-3049).... Dec. 21, 1979.
NY79-3040 (NY80-3050).... Nov. 23, 1979.
North Carolina:
NC79-1027 (NC80-1099)... Mar. 16, 1979.
Pennsylvania:
PA78-3099 (PA80-3031).... Dec. 15, 1978.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C., this 22nd day of August 1980.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

MODIFICATION PAGE 1

DECISION NO. CA78-5122 - Mod. #9

(43 FR 35835 - August 11, 1978)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California					
Change:					
Roofers:					
San Luis Obispo and Santa Barbara Cos.	$13.37	.645	1.49		

MODIFICATION PAGE 2

DECISION #CA80-5110 - Mod. #5

(45 FR 16796-March 14, 1980)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties, California					
Change:					
Roofers:					
San Francisco and San Mateo Counties:					
Roofers	$13.54	$1.06	$1.70	$2.45	.10
Mastic Workers; Kettlemen (2 kettles w/o pumps)	13.79	1.06	1.70	2.45	.10
Bitumastic; Enamelers Pipewrappers; Coal tar	15.54	1.06	1.70	2.45	.10

MODIFICATION PAGE 3

DECISION #CA80-5114 - Mod. #4
(45 FR 26610 - April 18, 1980)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Alameda, Amador, Calaveras, Contra Costa, El Norte, El Dorado, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Sutter, Tuolumne, Yolo and Yuba Counties, California					
Change:					
Painters:					
Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Solano, and Yolo Counties (excluding portions of Counties in Lake Tahoe Area):					
Brush	$14.90	$1.50	$2.00	.80	.06
Spray	15.40	1.50	2.00	.80	.06
Tapers	15.90	1.50	2.00	.80	.06
Roofers:					
Marin, Napa, Solano, and Sonoma Counties:					
Roofers	13.44	1.10	1.65	2.45	.10
Mastic Workers;					
Kettlemen (2 Kettles w/o pumps)	13.69	1.10	1.65	2.45	.10
Bitumastic;					
Enamelers; Pipe-wrapper; Coal tar pitch	15.44	1.10	1.65	2.45	.10
San Francisco and San Mateo Counties:					
Roofers	13.54	1.06	1.70	2.45	.10
Mastic Workers and Kettlemen (2 kettles w/o pumps)	13.79	1.06	1.70	2.45	.10
Bitumastic;					
Enamelers; Pipe-wrappers; Coal tar	15.54	1.06	1.70	2.45	.10

MODIFICATION PAGE 4

DECISION NO. CA80-5117 - Mod. #5
(45 FR 35110 - May 23, 1980)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, Calif.					
Add:					
ELECTRICIANS:					
Kern Co. (China Lake Naval Ordnance Test Station, Edwards AFB):					
Electricians, Technicians	$19.00	1.10	3%+1.95		.15
Cable Splicers	20.90	1.10	3%+1.95		.15
LINE CONSTRUCTION:					
Kern Co. (China Lake Naval Ordnance Test Station, Edwards AFB):					
Lineman, Equipment Op.	19.00	1.10	3%+1.95		.15
Cable Splicer	20.90	1.10	3%+1.95		.15
Groundman	15.00	1.10	3%+1.95		.15
Change:					
ROOFERS:					
Area 5:	13.37	.645	1.49		

MODIFICATION PAGE 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. MS80-1001 - MOD. #1 (45 FR 3863 - January 18, 1980) Zone 1 Counties: Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union, and Webster Counties, Mississippi. CHANGE: DESCRIPTION OF WORK: SEWER LINE AND WATER LINE CONSTRUCTION *Zone 1 Counties: Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Itawamba, (excluding Tennessee-Tombigbee Waterway), Lafayette, Lee (excluding Tennessee-Tombigbee Waterway), Lowndes (excluding Tennessee-Tombigbee Waterway), Marshall, Monroe (excluding Tennessee-Tombigbee Waterway), Oktibbeha, Pontotoc, Prentiss (excluding Tennessee-Tombigbee Waterway), Tippah, Tishomingo (excluding Tennessee-Tombigbee Waterway), Union, and Webster					
DECISION NO. MS80-1002 - MOD. #2 (45 FR 3863 - January 18, 1980) *Zone II Counties: Bolivar, Carroll, Coahoma, De Soto, Grenada, Leflore, Montgomery, Panola, Quitman, Sunflower, Tallahatchie, Tate, Tunica,					

MODIFICAITON PAGE 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. MS80-1002 - MOD. #2 (Cont'd) Washington, and Yalobusha Counties, Mississippi CHANGE: DESCRIPTION OF WORK: SEWER LINE AND WATER LINE CONSTRUCTION					
DECISION NO. MS80-1003 - MOD. #1 (45 FR 3864 - January 18, 1980) Zone III: Claiborne, Copiah, Hinds, Holmes, Humphreys, Issaquena, Madison, Rankin, Sharkey, Simpson, Warren and Yazoo Counties, Mississippi. CHANGE: DESCRIPTION OF WORK: SEWER LINE AND WATER LINE CONSTRUCTION					
DECISION NO. MS80-1004 - MOD. #1 (45 FR 3864 - January 18, 1980) Zone IV Counties: Attala, Clarke, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Noxubee, Scott, Smith, and Winston Counties, Mississippi. CHANGE: DESCRIPTION OF WORK: SEWER LINE AND WATER LINE CONSTRUCTION					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. MS80-1005 - MOD. #1 (45 FR 3865 - January 18, 1980) Zone V Counties: Adams, Amite, Covington, Forrest, Franklin, Greene, Jefferson, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Perry, Pike, Walthall, Wayne, and Wilkinson Counties, Mississippi. CHANGE: DESCRIPTION OF WORK: SEWER LINE AND WATER LINE CONSTRUCTION					
DECISION NO. MS80-1006 - MOD. #1 (45 FR 3865 - January 18, 1980) Zone VI Counties: George, Pearl River, and Stone Counties, Mississippi. CHANGE: DESCRIPTION OF WORK: SEWER LINE AND WATER LINE CONSTRUCTION					
DECISION NO. MS80-1028 - MOD. #1 45 FR 3866 - January 18, 1980) Zone VII Counties: Hancock, Harrison, and Jackson Counties, Mississippi. CHANGE: DESCRIPTION OF WORK: SEWER LINE AND WATER LINE CONSTRUCTION					

DECISION #MT80-5120 Mod. #4
45 FR 43598 June 27, 1980

STATEWIDE, MONTANA

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Electricians					
Area 9	$12.35	.50	3%+.50		½%
Painters					
Area 6	10.90				
OMIT:					
Power Equipment Operators					
Heavy Duty Driller	11.78	.87	.75	.50	.07
ADD:					
Painters					
Area 9 (See below for jurisdiction)					
Signwriting	11.35	.69	.40		1%
Spray and roller (in shop)	11.35	.69	.40		1%
Spray and roller (out of shop)	12.75	.69	.40		1%
Power Equipment Operators					
Hoist Operator, Single Drum	11.96	.87	.75	.50	.07
Mechanic Shop (Dec. 1 to April 1)	11.89	.87	.75	.50	.07

JURISDICTION FOR PAINTER'S AREA 9: Glacier County, excluding the Northwest tip of the County; (that which contains Glacier National Park), Toole County, Pondera County, Teton County, the Northern part of Lewis & Clark County, from a line running East-West through the Northern limits of Craig, Montana, Cascade County, Judith-Basin County, Fergus County, Petroleum County, and the Northern portion of Wheatland County from a line running East-West through the Southern city limits of Harlowtown, Montana, the southern part of Choteau County from a line running East-West through the Southern limits of Big Sandy, Montana, Phillips County, Valley County, Daniels County, Sheridan County, Roosevelt County, Richland County, McCone County, Garfield County, and /or any area or territory which has been granted to Local Union #260 by the International Brotherhood of Painters and Allied Trades.

MODIFICATION PAGE 9

DECISION #MT80-5121 Mod. #4
45 FR 43608 June 27, 1980

page 1

STATEWIDE, MONTANA

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Bricklayers					
Area 1	$14.20		.55		
Carpenters					
Area 6					
Millwrights	11.69	.85	1.00		.04
Piledrivermen	10.94	.85	1.00		.04
Electricians					
Area 9	12.35	.50	3%+.50		½%
Laborers					
Carter, Custer, Dawson, Fallon, Powder River, and Wibaux Counties.					
Group 1	9.45	.70	.60	.20	.05
Group 2	9.67	.70	.60	.20	.05
Group 3	9.70	.70	.60	.20	.05
Big Horn, Carbon, Golden Valley, Musselshell, Rosebud, Stillwater, Treasure, and Yellowstone Cos.					
Group 1	9.60	.70	.60	.20	.05
Group 2	9.82	.70	.60	.20	.05
Group 3	9.85	.70	.60	.20	.05
Painters					
Area 5	10.90				
Power Equipment Operators:					
Hot plant oiler, 100 ton per hour	11.68	.87	.75	.50	.07
Hydralift and similar type	12.09	.87	.75	.50	.07
Rubber tired front end loader, over 3 cy. to and including 5cy.	12.31	.87	.75	.50	.07
Washing and Screening plant oiler	11.68	.87	.75	.50	.07
Chip gravel spreader, self propelled	11.91	.87	.75	.50	.07
Grade setter	11.65	.87	.75	.50	.07

MODIFICATION PAGE 10

DECISION #MT-5121 Mod. #4 cont'd

page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
OMIT:					
Power Equipment Operators					
Heavy duty driller	$11.78	.87	.75	.50	.07
ADD:					
Painters					
Area 7 (See below for jurisdiction)					
Spray & roller (in shop)	11.35	.69	.40	-	1%
Signwriter	11.35	.69	.40		1%
Spray & roller (out of shop)	12.75	.69	.40		1%
Power Equipment Operators					
Hoist Operator, single drum	11.96	.87	.75	.50	.07
Mechanic shop (Dec. 1 to April 1)	11.89	.87	.75	.50	.07

JURISDICTION FOR PAINTERS AREA 7: Glacier County, excluding the Northwest tip of the County; (that which contains Glacier National Park), Toole County, Teton County, the Northern part of Lewis and Clark County, from a line running East-West through the Northern limits of Craig, Montana, Cascade County, Judith Basin County, Fergus County, Petroleum County, and Northern portion of Wheatland County from a line running East-West through the Southern city limits of Harlowtown, MOntana, the southern part of Chotcau County from a line running East-West through the Southern limits of Big Sandy, MOntana, Phillips County, Valley County, McCone County, Garfield County, and or any area or territory which has been granted to Local Union #260 by the International Brotherhood of Painters and Allied Trades.

DECISION #MT80-5122 Mod. #4
45 FR 43624 June 27, 1980

Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow, and Valley Cos., Montana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Bricklayers:					
Area 6	$14.20		.55		
Painters:					
Area 5	10.90				
Plumbers, Pipefitters, and Steamfitters:					
Area 1	15.10	.75	1.10		.16
Power Equipment Operators					
Hot plant oiler, 100 ton per hour	11.68	.87	.75	.50	.07
Hydralift and similar type	12.09	.87	.75	.50	.07
Rubber tired-front end loader, over 3cy. to and including 5cy.	12.31	.87	.75	.50	.07
Washing and screening plant oiler	11.68	.87	.75	.50	.07
Chip or gravel spreader, self propelled	11.91	.87	.75	.50	.07
Grade setter	11.65	.87	.75	.50	.07
OMIT:					
Power Equipment Operators					
Heavy Duty Driller	11.78	.87	.75	.50	.07
ADD:					
Power Equipment Operators					
Hoist operator, single drum	11.90	.87	.75	.50	.07
Mechanic shop (Dec. 1 to April 1)	11.89	.87	.75	.50	.07

DECISION NO. PA79-3001
MOD. NO. 4
(44 FR 6886 - February 2, 1979)

Northampton County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos Workers	$12.26	1.12	.90		.01
Boilermakers	15.57	1.275	1.00		.02
Bricklayers & Stonemasons	12.10	.60	.75		.01
Carpenters	11.75	.84	.72		.05
Cement masons	12.00	.60	.75		.01
Electricians:					
Allen, Hanover, Lehigh, Bath, Freemansburg, Hellertown and Bethlehem	12.45	.70	3%+.80		.02
Remainder of County	13.50	7%	3%+1.00		.02
Ironworkers	13.45	1.34	1.36		
Laborers:					
Laborers & window cleaners	8.69	.62	.59		
Operator of jackhammer, paving breaking and mechanical tools coming under the jurisdiction of laborers, laying of all clay terra cotta, ironstone, vitified concrete or non-metallic pipe and the making of joints for same and cofferdams (below 10')	8.94	.62	.59		
Wagon drills and men handling burning torches in the wrecking of buildings	9.44	.62	.59		
Plaster and mason tenders, scaffold builders and handling of all material to be used by plasterers and masons, brick and block loaded on pallets, cement finisher tenders, gunniting and moldeo-D and sandblaster helpers, power buggiesm all floor hardner and "cure" application shall be work of the mason tender, all pumps such as the concrete,					

MODIFICATION PAGE 13

DECISION NO. PA79-3001 - MOD. NO. 4, CONT'D.

PAGE 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D.					
plaste mortar and water, installing rafractory materials in connection with the boiler work	9.19	.62	.59		
Barko tamper operator	9.71	.62	.59		
Millwrights	12.15	.84	.72		.05
Plasterers	11.89	.60	.75		.01
Piledrivermen	11.97	2.63	1.40	a	.13
Painters:					
Bethlehem					
Brush	11.45	1.28	.80		.05
Structural steel	12.65	1.28	.80		.05
Spray	12.45	1.28	.80		.05
POWER EQUIPMENT OPERATORS:					
Group 1	13.19	7.9%	10.3%	a	1.8%
Group 2	12.90	7.9%	10.3%	a	1.8%
Group 3	12.03	7.9%	10.3%	a	1.8%
Group 4	11.26	7.9%	10.3%	a	1.8%
Group 5	10.79	7.9%	10.3%	a	1.8%
Group 6	9.88	7.9%	10.3%	a	1.8%
Group 7	13.44	7.9%	10.3%	a	1.8%
Group 7-A	13.69	7.9%	10.3%	a	1.8%
Group 7-B	13.93	7.9%	10.3%	a	1.8%
Roofers:					
Composition, Slate & Tile	12.28		1.55		
Soft Floor Layers	10.25	.64	.72	.65	
Terrazzo Workers	11.00	.60	.75		.01
Sprinkler Fitters	14.53	.85	1.20		.08
Sheet metal workers	11.66	1.44	1.18		.14

MODIFICATION PAGE 14

DECISION NO. PA79-3020
MOD. NO. 2
(44 FR 42880 - July 20, 1979)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carbon, Monroe County, including Tobyhanna Army Depot, and Pike County, Pennsylvania					
CHANGE:					
Boilermakers	$15.57	1.275	1.00		.02
Bricklayers & Stonemasons:					
Zone 1	11.40	1.00	1.15		.01
Zone 2	11.75	.85	.75		
Zone 4	11.81	1.15	.50		
Carpenters					
Zone 2	11.86	.60	.70		.05
Cement masons					
Zone 2	11.81	1.15	.50		
ELECTRICIANS:					
Carbon County: Towamensing Lower Towamensing, East Penn Township and the Borough of Parryville in their entirety Penn Forest, Lehigh, Lausane, Banks, Packer, Mauch Chunk, Franklin, Mahoning Townships and East Side Borough in their entirety and that portion of Kidder Township south of State Highway 940, but excluding Perryville Borough	12.45	.70	3%+.80		.02
	12.52	.65	3%+.30	a	.05
Monroe County: Polk, Eldred, Chestnut Hill, Ross, Hamilton, Jackson, Pocono, Stroud, Smithfield, and Middle Smithfield Townships Barrett, Coolbaugh, Pardise and Price Townships, and that portion of Tobyhanna Townships east of State Highway 115.	13.50	7%	3%+1.00		.02
Zone A- From 20 to 30 miles from Zero milestone mAa marker	12.00	.85	3%+.50	1.00	.10
Zone B- All distance beyond 30 miles	12.50	.85	3%+.50	1.00	.10

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DECISION NO. PA79-3020
MOD. NO. 2 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (CONT'D)					
Pike County: Porter, Delaware and Lehman Townships in their entirety:	$13.50	7%	3%+1.00		.02
Remainder of County:					
Zone A- From 20 to 30 miles from Zero milestone marker	12.00	.85	3%+.50	1.00	.10
Zone B- All distances beyond 30 miles from Zero marker	12.50	.85	3%+.50	1.00	.10
Glaziers					
Zone 2	11.00	.65	.85		
Ironworkers:					
Zone 1	13.45	1.34	1.36		
Zone 2					
Structural	13.35	e			.10
Reinforcing	13.25	e			.10
Marble Setters					
Zone 3	10.88	1.15	.50		
Laborers:					
Zone 1					
Class 1	9.70	.67	1.00		
Class 2	9.85	.67	1.00		
Class 3	10.10	.67	1.00		
Zone 2					
Class 1	8.69	.62	.59		
Class 2	8.94	.62	.59		
Class 3	9.19	.62	.59		
Class 4	9.71	.62	.59		
Class 5	9.44	.62	.59		
Millwrights	13.52	.60	.70		.05
Painters:					
Zone 1					
Brush	10.35	.75	.60		.10
Tapers	11.61	.75	.60		.10
Hazardous	10.61	.75	.60		.10
Zone 2					
Brush & Roller	10.00		1.20		
Structural Steel	11.00		1.20		
Spray	11.50		1.20		

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DECISION NO. PA79-3020
MOD. NO. 2 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D)					
Zone 3					
Brush	$11.45	1.28	.80		.05
Spray	12.45	1.28	.80		.05
Steel	12.65	1.28	.80		.05
Piledrivermen	11.97	2.63	1.40	g	.13
Plasterers					
Zone 5	11.60	1.15	.50		
Plumbers					
Zone 1	12.54	.80	1.25		.05
Zone 2	13.23	.85	1.40		.14
Roofers:					
Zone 1					
Composition & Slate	12.28		1.55		
Slab & Concrete Plank	12.78		1.55		
Zone 3					
Composition & Kettleman	11.82		1.13		
Sheet metal workers	11.95	.75	.81		.02
Sprinkler Fitters	14.53	.85	1.20		.08
Tile Setters					
Zone 3	10.93	1.15	.50		
POWER EQUIPMENT OPERATORS:					
ZONE I					
Group 1	13.14	7.9%	10.3%	a	1.8%
Group 2	12.85	7.9%	10.3%	a	1.8%
Group 3	11.97	7.9%	10.3%	a	1.8%
Group 4	11.20	7.9%	10.3%	a	1.8%
Group 5	10.72	7.9%	10.3%	a	1.8%
Group 6	9.80	7.9%	10.3%	a	1.8%
Group 7	13.39	7.9%	10.3%	a	1.8%
Group 7-A	13.64	7.9%	10.3%	a	1.8%
Group 7-B	13.89	7.9%	10.3%	a	1.8%
ZONE II					
Group 1	13.19	7.9%	10.3%	a	1.8%
Group 2	12.90	7.9%	10.3%	a	1.8%
Group 3	12.03	7.9%	10.3%	a	1.8%
Group 4	11.26	7.9%	10.3%	a	1.8%
Group 5	10.79	7.9%	10.3%	a	1.8%
Group 6	9.88	7.9%	10.3%	a	1.8%
Group 7	13.44	7.9%	10.3%	a	1.8%
Group 7-A	13.69	7.9%	10.3%	a	1.8%
Group 7-B	13.93	7.9%	10.3%	a	1.8%

MODIFICATION PAGE 17

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DECISION NO. PA79-3020 MOD. NO. 2 CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Soft Floor Layers					
Zone 1	$10.35	.60	.70		.05
Zone 2	12.12	.70	.50		.05
Truck Drivers					
Class 1	10.32				
Class 2	10.39				
Class 3	10.88				
FOOTNOTE:					
e. Employer contributes $2.70 to a combined Health & Welfare and Pension Fund.					
OMIT: FOOTNOTE:					
b. .12 per day per employee.					

MODIFICATION PAGE 18

DECISION NO. PA80-3027 MOD. NO. 3 (45 FR 26654 - April 18, 1980) Schuylkill County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos Workers	$12.26	1.12	.90		.01
Boilermakers	15.57	1.275	1.00		.02
Carpenters	11.86	.60	.70		.05
Electricians: North Union, East Union, Union, West Mahanoy, (excluding Frackville Borough), Mahanoy), Delano, Kline, Rush, Ryan, Blythe, Schuylkill, Walker, Rahn, East Brunswick, and West Penn. Twps.	12.52	.65	3%+.50	a	.05

DECISION NO. PA80-3037 MOD. NO. 3 (45 FR 29522 - May 2, 1980) Sullivan County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Boilermakers	15.57	1.275	1.00		.02
Carpenters:					
Remainder of County	11.86	.60	.70		.05
Sprinkler Fitters	14.53	.85	1.20		.08

DECISION NO. PA80-3030 MOD. NO. 3 (45 FR 36764 - May 30, 1980) Luzerne County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Boilermakers	$15.57	1.275	1.00		.02
Carpenters:					
Hazleton, Freeland, Black Creek, Butler, Dennison, Foster, Hazle, Hollenback, Nescopeck, Sugarloaf and lower part of Salem Twps.	11.86	.60	.70		.05
Electricians:					
Hazleton, Nescopeck, Hollenbach, Black Creek, Sugar Loaf, Hazle, Butler, Foster Twps., and the Borough of White Haven in their entirety and that portion of Dennison Twp., south and west of the Central Railroad of New Jersey Line between Wright Township and White Haven	12.52	.65	3%+.50	a	.05
Truck Drivers:					
Pittston:					
Class I	10.32				
Class II	10.39				
Class III	10.88				
OMIT:					
Footnote:					
b. Employer shall contribute $0.12 per day per employee.					
DECISION NO. PA80-3044 MOD. NO. 1 (45 FR 49839 - July 25, 1980) Northumberland County, Pennsylvania					
CHANGE:					
Boilermakers	$15.57	1.275	1.00		.02
Carpenters	11.86	.60	.70		.05

STATE: Iowa COUNTY: Polk
DECISION NO.: IA80-4048 DATE: Date of Publication
Supersedes Decision No.: IA78-4107, dated November 24, 1978 in 43 FR 55171
DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including 4 stories)

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.75	1.04	1.125		.10
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS & STONEMASONS	12.03	.90	1.00		.02
CARPENTERS:					
Carpenters	11.75	.80	.88		.13
Millwrights; Piledrivermen	12.10	.80	.88		.13
CEMENT MASONS	10.56		.80		.04
ELECTRICIANS	14.30	.45	3%+I.30		3/4%
ELEVATOR CONSTRUCTORS	13.195	1.195	.82	a	.035
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	1.195	.82	a	.035
GLAZIERS	9.67	.70	.55	4.35%+c	.005
IRONWORKERS	12.27	.87	1.12		.05
LABORERS:					
GROUP 1 - General laborers	10.975	.40	.80		.05
GROUP 2 - Mortar mixers; motor buggies, when pouring concrete; power tool operators (air tools, concrete vibrator, gunnite nozzlemen, electric drills & hammers)	11.075	.40	.80		.05
GROUP 3 - Plasterers' tenders	11.10	.40	.80		.05
GROUP 4 - Powdermen	11.125	.40	.80		.05
GROUP 5 - Air tool, power tampers & other similar self-powered tools weighing 50 lbs. & over	11.175	.40	.80		.05
GROUP 6 - Paving breakers weighing 50 lbs. and over	11.275	.40	.80		.05
LATHERS	13.33				
LINE CONSTRUCTION:					
GROUP 1 - Cable splicers; Linemen; Welder; Technicians; All rigs setting assembled "H" fixtures and steel transmission structures	11.96	.45	7%	b	1/2%

DECISION NO. IA80-4048

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (cont'd)					
GROUP 2 - Groundman; Truck driver (without winch); Experienced (not less than 6 mos.)	$ 7.77	.45	7%	b	1/2%
GROUP 3 - Groundman; Truck driver (with winch)	7.89	.45	7%	b	1/2%
GROUP 4 - Blaster; Special equipment operations (hole digging machines, all tractors, transmission line pole hauling & setting equipment other than assembled "H" fixtures)	9.57	.45	7%	b	1/2%
GROUP 5 - Groundman-1st 6 mos.	6.58	.45	7%	b	1/2%
MARBLE SETTERS	11.69				
PAINTERS:					
GROUP 1 - Brush, roller, drywall finisher	12.57		.80		.05
GROUP 2 - Spray; Structural steel; Sandblasting; Swing stage	13.07		.80		.05
GROUP 3 - Paperhangers	12.82		.80		.05
GROUP 4 - Stack; Tower work over 100 ft.	13.67		.80		.05
PLASTERERS	9.975				
PLUMBERS & STEAMFITTERS	14.30	.60	1.05		.15
ROOFERS	9.62	.80	.45		
SHEET METAL WORKERS	12.12	1.00	.99		.14
SOFT FLOOR LAYERS	11.50	.80	.88		.13
SPRINKLER FITTERS	14.10	.85	1.20		.08
TERRAZZO WORKERS	11.69				
TILE SETTERS	11.69				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

DECISION NO. IA80-4048

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

FOOTNOTES

a - Employer contributes 8% of basic hourly rate for over 5 years' service and 6% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Seven Paid Holidays A thru G

b - Seven Paid Holidays A thru G

c - Six Paid Holidays A thru F

PAID HOLIDAYS

A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving

DECISION NO. IA80-4048

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$12.32	.90	.90		.10
GROUP 2	12.085	.90	.90		.10
GROUP 3	10.78	.90	.90		.10
GROUP 4	10.015	.90	.90		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; tower cranes; truck cranes and cherry pickers 12½ ton & over rated capacity; derricks; piledrivers and extractors; caisson rigs; side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; welders; mechanics; locomotive; dredge (levermen)

GROUP 2 - 1 and 2 drum hoists; air and electric tuggers*(on power plants or setting and grating); economobiles; plant mixers; farm type tractors (with loaders, backhoes, attachments, etc.); scrapers (tournapull, etc.); endloaders; dredge (engineer); side boom and winch truck other than Group No. 1; motor patrol; bulldozers; push cat; truck cranes and cherry pickers (under 12½ tons); concrete mixers (1 yard and over); ditching machine (8" and over); fork lifts (on steel erection and machinery moving or hoisting above one complete story); concrete pump; dewatering pumps; temporary hoist cage operated; second man on locomotive; vibrating concrete spreader (Gomaco, C-450 or equal)

GROUP 3 - Tractors (under 35 HP) with or without attachments; endloaders (under 35 HP) with or without attachments; air compressors (one or a combination of 250 cfm or more); pumps 3" or over; welding machine 600 amps or combination thereof; conveyors; firemen (boiler); generator (75 KW & over); fork lifts (other than above Group No. 2); gunnite machine; self-propelled rollers; stump chippers; self-propelled tampers; air and electric tuggers (other than above); ditching machine under 8"

GROUP 4 - Oilers; mechanical heaters; truck crane drivers; permanent elevators

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

SUPERSEDEAS DECISION

STATE: Kentucky COUNTY: McCracken
DECISION NO.: KY80-1101 DATE: Date of Publication
Supersedes Decision Number: KY79-1031, dated February 9, 1979, in 44 FR 8497
DESCRIPTION OF WORK: Building Construction (does not include single family homes up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.61	.65	1.00		.03
BOILERMAKERS	13.20	1.275	1.20		.04
BRICKLAYERS, STONE MASONS, MARBLE MASONS, TILE SETTERS, & TERRAZZO WORKERS	10.99	.45	.40		
CARPENTERS	11.50	.45	.25		.07
CEMENT MASONS	10.35	.90	.40		.05
ELECTRICIANS:					
Wiremen	12.65	.50	13%		½ of 1%
Cable Splicers	12.90	.50	13%		½ of 1%
ELEVATOR CONSTRUCTORS:					
Mechanics	11.41	.745	.56	a + b	.025
Helpers	7.99	.745	.56	a + b	.025
Probationary Helpers	5.705				
GLAZIERS	10.905	.48	.50	.25	
IRONWORKERS - Structural, Ornamental, & Reinforcing	12.45	.55	.95		.05
LATHERS	10.06		.20	.75	.01
LINE CONSTRUCTION:					
Linemen & equipment operators	12.55	.70	13%		½ of 1%
Cable splicers	12.80	.70	13%		½ of 1%
Groundmen truck drivers	9.41	.70	13%		½ of 1%
Groundmen	9.16	.70	13%		½ of 1%
PAINTERS:					
Brush & roller	11.05	.60			
Sandblast & power tools	11.60	.60			
Drywall finishers & Paperhangers	11.55	.60			
Steeple jack work	12.20	.60			
Free Fall Premium Rate:					
40' to 80' + 50¢ over base rate of work classification					
80' to 120' + 75¢ over base rate of work classification					
Over 120' + $1.00 over base rate of work classification					
PILEDRIVERMEN & MILLWRIGHTS	12.00	.45	.25		.07

DECISION NO. KY80-1101

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS	$10.01			.95	.01
PLUMBERS & PIPEFITTERS	14.35	.75	1.00		.08
ROOFERS	10.50		.10		
SHEET METAL WORKERS	12.88	1.333	1.26		.15
SOFT FLOOR LAYERS	9.80	.45	.25		.02
SPRINKLER FITTERS	14.30	.85	1.20		.08
TRUCK DRIVERS:					
Trucks up to but not including 5 tons, such as station wagons, autos, pick-up trucks, dump trucks, flat beds and stake bodies	7.25		.55		
Trucks 5 tons and over, including special equipment such as Euclids, winch trucks, Dempster dumpsters, crawler-type trucks, tandem dump trucks, mechanics, all ready-mix trucks, tractor trailers, low boys, distributor trucks, water tank trucks, fork lifts;	7.90		.55		
Greasers, tire changers, materials checkers	7.85		.55		
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. Employer contributes 8% of the basic hourly rate for 5 years or more of service, or 6% of the basic hourly rate for 6 months to five years of service as Vacation Pay Credit.

DECISION NO. KY80-1101

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
GROUP 1	$8.30	.40	.70		
GROUP 2	8.50	.40	.70		
GROUP 3	8.80	.40	.70		

LABORERS' CLASSIFICATIONS DEFINITIONS

Group 1 - General laborers; wrecking labor on buildings, clearing right-of-way and building site; carpenter tenders; truck spotters and dumpers; axe and cross cut saw filer; concrete pudlers and form strippers.

Group 2 - All power driven tools; hod carriers; mason tenders; finisher tenders; mortar mixers; jack hammers; vibrators; wagon drill; core drill; test drill; well drill; concrete pump machine; tunnel boring machine; men in tunnel and crib ditch work; signal men; riprap rock setters and handlers; asphalt rakers; tampers and smoothers; pipelayers; grout pump men; chain saw; pipe clearing; doping and wrapping; swampers and straight cable hooking; cement guns; grade checkers machine excavating; batch plant scale man; sand hog free air; sand hog compressed air; cutting torch man on salvage work; road form setters; brick slingers; hand spikers; power buggy; handling of creosote material; sandblasters; curing of concrete and apply hardner; air and gas tampers; concrete saw; power posthole diggers and green cut men on concrete work.

Group 3 - Powdermen; blasters

DECISION NO. KY80-1101

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.42	.50	.80		.08
CLASS B	8.77	.50	.80		.08
CLASS C	8.02	.50	.80		.08
CLASS D	11.67	.50	.80		.08

POWER EQUIPMENT OPERATORS' CLASSIFICATION DEFINITIONS

Class A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevation grader and all types of loaders, hoe type machine, hoist (1-drum when used for stack or chimney construction or repair), hoisting engine (2 or more drums), locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifer, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height and except when used for masonry construction), all types of boom cats, core drill, hopto, tow or push boat, A-frame winch truck, concrete paver, gradall, hoist, hyster, pumpcrete, Ross carrier, boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), Hydorcrane, backfiller, gurries, subgrader.

Class B - All air compressors (over 900 cu. ft. per min.), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp. and over), bull float, finish machine, outboard motor boat, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (1-drum or buck hoist), forklift (when used for masonry construction), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor.

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POWER EQUIPMENT OPERATORS' CLASSIFICATIONS DEFINITIONS (Cont'd)

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50 hp.), vibrator, oiler, concrete saw, burlap, and curing machine, hydro-seeder, power form handling equipment, deckhand steersman, hydraulic post driver, drill helper.

Class D - Operators on cranes with booms one hundred feet and over (including jib).

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Maryland
DECISION NO.: MD 80-3047
SUPERSEDEAS DECISION NO.:
MD78-3002, dated March 3, 1978, in 43 FR 9076
DESCRIPTION OF WORK:
Heavy and Highway Construction

COUNTIES: Allegany and Garrett
DATE: Date of Publication

Heavy and Highway Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$11.34	.80	1.00		
Carpenters	11.37	.75	1.00		.03
Cement Masons	12.51	.75			
Electricians - Allegany County	11.40	.80	3%+.70		1%
Electricians - Garrett County	11.80	.80	3%+.70		1%
Ironworkers: Structural & Reinforcing	11.72	.60	1.10		
Laborers: Unskilled, landscape workers, tool checkers, dumpmen, handymen, & truck spotters	8.78	.80	1.10		
Power tool operators, masons & plasterers tenders, mortar mixer by hand, scaffold builders, hod carriers, concrete puddlers, pipe layers, chainmen-rodmen, rammers & grade checkers	8.90	.80	1.10		
Mortar mixer by machine	8.97	.80	1.10		
Barco tampers	9.04	.80	1.10		
Blaster/dynamite & wagon drill operator (air track)	9.08	.80	1.10		
Tunnel workers: Caisson, driller & mucker	9.60	.80	1.10		
Laborer - unskilled	9.24	.80	1.10		
Piledrivermen	11.68	.75	1.00		.03

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Heavy Construction: Power Equipment Operators	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$11.41	.95	1.00		.13
GROUP 2	11.01	.95	1.00		.13
Hourly additional pay for long boom cranes (incl. jibs), pile driver machines with leads:					
130' to 169' plus $ .40					
170' to 209' plus .60					
210' to 249' plus .80					
250' to 299' plus 1.00					
300' and over 1.25					
GROUP 3	10.59	.95	1.00		.13
GROUP 4	10.25	.95	1.00		.13
GROUP 5	10.25	.95	1.00		.13
GROUP 6	9.93	.95	1.00		.13
GROUP 7	9.54	.95	1.00		.13

CLASSIFICATIONS

GROUP 1 - Operators handling or setting steel, prestressed concrete or machinery, Tower Crane
GROUP 2 - Backfiller, backhoe, concrete mixing plants, batching plants, cable way, derrick, derrick boat, dragline, elevating grader, compressors (2 or more), space heaters, hoist (2 active drums or more), pile driving machine, power crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, whirley rig, certified welders, concrete paver, double concrete pump, front end loader (over 1-3/4 yds.), over 4 welders top scale (more than 6, another man), eimco type overhead loader, wellpoint system, mighty midget with compressor, twin engine scraper (25 yds. and over), mechanic, mechanic's welder, grader
GROUP 3 - Tractor with attachments (2 or more), Bulldozer, front end loader (up to and including 1-3/4 yds.)
GROUP 4 - Concrete mixer, concrete pump, one drum hoist, narrow gauge locomotive, power roller, asphalt spreader, pumps (not exceeding 4), well drill, engine driven welders (not exceeding 4), single compressors (over 210 c.f.m.), steam hammer, pile extractor, conveyor, stone crusher, hi-lift, excavating scoop
GROUP 5 - Finishing machine, bull float, longitudinal float, screeding machine, concrete spreader, sub grader
GROUP 6 - Fireman, truck crane oiler, wheel tractor, grease truck operator
GROUP 7 - Oiler, greaser, mechanic's helper, single compressor (up to 210 c.f.m.)

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Highway Construction: Power Equipment Operators	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	11.23	.95	1.00		.13
GROUP 2	10.83	.95	1.00		.13
Hourly additional pay for long boom cranes (including jibs), pile driver machines with leads					
130' to 169' plus $ .40					
170' to 209' plus .60					
210' to 249' plus .80					
250' to 299' plus 1.00					
300' and over 1.25					
GROUP 3	10.37	.95	1.00		.13
GROUP 4	10.07	.95	1.00		.13
GROUP 5	10.07	.95	1.00		.13
GROUP 6	9.72	.95	1.00		.13
GROUP 7	9.37	.95	1.00		.13

CLASSIFICATIONS

GROUP 1 - Operators handling or setting steel, prestressed concrete or machinery, Tower Crane
GROUP 2 - Backfiller, backhoe, concrete mixing plants, batching plants, cable way, derrick, derrick boat, dragline, elevating grader, compressors (2 or more), space heaters, hoist (2 active drums or more), pile driving machine, power crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, whirley rig, certified welders, concrete paver, double concrete pump, front end loader (over 1-3/4 yds.), over 4 welders top scale (more than 6, another man), eimco type overhead loader, wellpoint system, mighty midget with compressor, twin engine scraper (25 yds. and over), mechanic, mechanic's welder, grader
GROUP 3 - Tractor with attachments (2 or more), Bulldozer, front end loader (up to and including 1-3/4 yds.)
GROUP 4 - Concrete mixer, concrete pump, one drum hoist, narrow gauge locomotive, power roller, asphalt spreader, pumps (not exceeding 4), well drill, engine driven welders (not exceeding 4), single compressors (over 210 c.f.m.), steam hammer, pile extractor, conveyor, stone crusher, hi-lift, excavating scoop
GROUP 5 - Finishing machine, bull float, longitudinal float, screeding machine, concrete spreader, sub grader
GROUP 6 - Fireman, truck crane oiler, wheel tractor, grease truck operator
GROUP 7 - Oiler, greaser, mechanic's helper, single compressor (up to 210 c.f.m.)

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HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
GROUP 1	$9.28	1.00	1.25		
GROUP 2	9.44	1.00	1.25		
GROUP 3	9.65	1.00	1.25		
GROUP 4	9.87	1.00	1.25		
GROUP 5	10.12	1.00	1.25		

CLASSIFICATIONS

GROUP 1 - Dumpmen and Flagmen
GROUP 2 - Pick-ups, dumps (under 5 yds., capacity), straight trucks
GROUP 3 - Helpers, panel trucks, straight trucks with multiple axle, dumpsters (under 5 yds. capacity), Transit mix, dumps (5 to 9 yds. capacity), flatbody material trucks (straight jobs), greasers, tiremen, mechanics' helpers, rubber-tired (towing & pushing flatbody vehicles), form trucks
GROUP 4 - Dump trucks (10 to 15 yd. capacity)
GROUP 5 - Dump trucks (over 15 yd. capacity), bottom and end dump euclids, all other euclid type trucks, turnarockers, ross carriers, athey wagons, mechanics, semi-trailers or tractor-trailers, low boys, asphalt distributors, agitator mixer, dumpcretes or batch trucks, specialized earth moving equipment, Off-highway tandem back-dump, twin engine equipment and double hitched equipment (where not self-loaded)

SUPERSEDEAS DECISION

STATE: Maryland
DECISION NO.: MD80-3042
Supersedeas Decision No. MD79-3026, 51479
DESCRIPTION OF WORK: Heavy Construction

County: Cecil
DATE: Date of Publication
dated August 3, 1979, in 44 FR

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$11.95	.85	.95		.02
Boilermakers	13.475	1.275	1.00		.04
Bricklayers	12.13	.90	.75		.07
Carpenters	11.70	.75	.69		.07
Cement Masons	10.00	.60	.55		.04
Electricians	13.00	1.07	1.17		⅛
Ironworkers - Structural Ornamental, and Reinforcing	12.95	1.34	1.136		.05
Laborers:					
Laborers	7.05	.35	.55		.075
Power Tool Operators	7.15	.35	.55		.075
Pipelayers, Wagon Drill Operators, Air Track Drillers, Burners (demolition)	7.55	.35	.55		.075
Jackhammer Operators	7.30	.35	.55		.075
Painters: (Elkton):					
Base	10.77	1.00	.85		
Bridges	13.25	1.00	.85		
Tanks	11.32	1.00	.85		
Painters (Remainder of County)					
Brush and Roller	9.90	1.10	.65		.09
Spackling, Taping, and Wallcovering	10.05	1.10	.65		.09
Steel Painting, all epoxies, and sand and water blasting	10.40	1.10	.65		.09
Spray painting, except steel	10.15	1.10	.65		.09
Plumbers	12.12	.87	.99		.16
Roofers:					
Roofers, damp & waterproof workers	9.00	.60	.45		
Slate, Tile, Asphalt & Asbestos Shingle	9.45	.60	.45		
Woodblock layer & Precast Slab	10.00	.60	.45		

DECISION NO. MD 80-3042

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Steamfitters	$12.62	.87	1.54		.16
Sheet Metal Workers	10.12	.75	.70		.07
Truck Drivers:					
Goose neck & drop frame trailers	9.40	1.05	.75	a+b	
All "A" frames, winch truck, fork lifts and trailers	9.20	1.05	.75	a+b	
Flat beds & Pickups	8.20	1.05	.75	a+b	
Dump Trucks	7.94	1.05	.75	a+b	
Truck Drivers (Excavation):					
Dump trucks	8.64	1.05	.80	a+b	
Euclid wagon and dumpsters	8.95	1.05	.80	a+b	
Drop frame, goose necks, and trailers	8.84	1.05	.80	a+b	
Pickup	8.43	1.05	.80	a+b	

DECISION NO. MD 80-3042

Welders - receive rates prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employee with 1 year of service - 1 week's paid vacation; 2 years of service - 2 weeks paid vacation; 10 years of service - 3 weeks paid vacation, provided the employee has worked 125 days in the previous contract year.
b. Holidays: A through F plus the employee's birthday; the day after Thanksgiving Day and Christmas Eve (provided the employee has worked one day and has been available for work during holiday week).

DECISION NO. MD 80-3042

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators					
Group 1	11.34	.95	1.00	i	.13
Group 2	10.87	.95	1.00	i	.13
Group 3	10.32	.95	1.00	i	.13
Group 4	9.78	.95	1.00	i	.13
Group 5	8.71	.95	1.00	i	.13
Group 6					
A	11.74	.95	1.00	i	.13
B	11.94	.95	1.00	i	.13
C	12.14	.95	1.00	i	.13
D	12.34	.95	1.00	i	.13
E	12.59	.95	1.00	i	.13

FOOTNOTE:
i. Paid Holidays - New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

GROUP 1: Operators handling or setting steel, stone, prestressed concrete or machinery. Tower Cranes.

GROUP 2: Backfiller, Backhoe, Batching plants, boat captain, cableway, case type hoe (with a front end bucket over 1¼ yds.), concrete mixing plants, concrete paver, derrick boat, double concrete pump, dragline, Eimco type overhead loader, elevating grader, excavating scoop (25 yds. and over), front end loader (1-3/4 yds. and over), gradall, grader, hoist (2 active drums or more), multiple conveyor, pile driving machine, power shovel, repair mechanic, shield, standard gauge locomotive, trenching machine, tunnel mucking machine, twin engine scraper, welder, whitley rig.

GROUP 3: Asphalt spreader, bulldozer, bull float, crane type backhoe (with a front end bucket 1¼ yds. and under), concrete mixer (with skip), concrete pump, concrete spreader, excavating scoop (under 25 yds.), finishing machine, front end tractor loader (under 1-3/4 yds.), Hi-lift fork lift, longitudinal float, narrow gauge locomotive, one drum hoist, power roller, screeding machine, stone crusher, stone spreader, sub-grader, tractor with attachments (2 or more provided both attachments are being used).

DECISION NO. MD 80-3042

POWER EQUIPMENT OPERATORS
(BUILDING AND HEAVY CONSTRUCTION)

GROUP4: Caterpillar type tractor, compressors, elevator operator, firemen, fuel truck, grease truck, grout pump, light plant, mighty midget with compressor, single conveyor, space heaters, welding machines, well-drill, well point system.

GROUP 5: Deck hands, oilers (all types)

GROUP 6: Long boom cranes, including jibs and on piledriver machines with leads: when working with piledrivermen or ironworker

GROUP 6A: 130' to 169'

GROUP 6B: 170' to 209'

GROUP 6C: 210' to 249'

GROUP 6D: 250' to 299'

GROUP 6E: 300' and over

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTIES: See Below *
DECISION NUMBER: MA80-2070 DATE: Date of Publication
Supersedes Decision No. MA79-2006, dated February 23, 1979 in 44 FR 10944
DESCRIPTION OF WORK: Building, Heavy, Highway and Residential Construction

*BERKSHIRE, FRANKLIN, HAMPDEN, AND HAMPSHIRE COUNTIES

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.95	1.04	1.40		.01
BOILERMAKERS	13.50	1.175	10%		.03
BRICKLAYERS: Cement Mason, Plasterers, Stone Mason, Marble-Tile-Terrazzo Workers, Pointers, Cleaners, Caulkers:					
HAMPDEN, HAMPSHIRE, FRANKLIN COUNTIES; BERKSHIRE CO. (Twps. of Becket, Otis and Sandisfield only)	11.40	.98	1.15		.06
BERKSHIRE (Twps. of Adams North Adams, Cheshire, Florida, Savoy, Clarksbury and Williamstown)	11.85				
BERKSHIRE (Remainder of County)	12.88	.70	.55		
CARPENTERS: Soft Floor Layers, Drywall Carpenters:					
BERKSHIRE CO; FRANKLIN (Twps. of Monroe and Monroe Bridge (only)	12.48	.60	1.00		.04
FRANKLIN COUNTY (Erving, Warwick, Orange and N. Orange)	12.20	.75	1.00		.07
FRANKLIN COUNTY (Remainder of County); HAMPDEN County (Holyoke only); and HAMPSHIRE COUNTY (all)	10.95	.45	1.00		.02
HAMPDEN COUNTY (Remainder of County)	10.80	.60	1.00		.02

DECISION NO. MA80-2070

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
BERKSHIRE CO., FRANKLIN CO. (Hawley, Monroe, and Rowe); HAMPSHIRE CO. (Middlefield, Cummington & Plainfield)	11.99	.55	3%+.94		.02
FRANKLIN COUNTY (Remainder of County); HAMPSHIRE CO. (Remainder of Co.); HAMPDEN CO. (Chester, Holyoke and North portion of Chicopee)					
Electricial Contracts under $75,000.00	10.40	.85	3%+.40		.02
Electrical Contracts over $75,000.00	12.56	.85	3%+.40		.02
HAMPDEN CO. (Remainder of County); HAMPSHIRE CO. (Belchertown, Ware)	12.28	.85	3%+.40		.03
ELEVATOR CONSTRUCTORS	11.33	1.045	.82	a+b	.035
ELEVATOR CONSTRUCTORS' HELPERS	7.93	1.045	.82	a+b	.035
GLAZIERS	11.30	.47	.45		.005
IRONWORKERS:					
HAMPSHIRE; HAMPDEN; FRANKLIN COS.; BERKSHIRE CO. (Becket, Washington, Lee, Sandisfield, New Marlboro, Hinsdale, Peru, Savoy, Monterey, Sheffield, Windsor, Otis, N. & E. Otis)	11.35	1.15	2.35		.09
BERKSHIRE CO. (Remainder of County)	11.65	.75	1.04		.04
LATHERS	10.85		.25		.01
Drywall Lathers	9.00		.25		.01
LINE CONSTRUCTION:					
Linemen	12.50	.70	3%+.75	d	3/4of1%
Equipment Operator	10.69	.70	3%+.75	d	3/4of1%
Groundman	8.59	.70	3%+.75	d	3/4of1%
Driver Groundman	9.58	.70	3%+.75	d	3/4of1%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MILLWRIGHTS	12.90	1.00	1.00		.10
MARBLE, TILE & TERRAZZO FINISHERS:					
BERKSHIRE AND HAMPDEN COUNTIES	8.95				
PAINTERS:					
Brush and Taper	10.02	1.02	.65		.06
Spray - epoxy & Interior Dry Fogs & Minerals Thinned with anything other than Water &/or Mineral Spirits	13.36	1.36	.8667		.08
Spray - Materials thinned with water &/or Mineral Spirits, excluding Epoxys & Interior Dry Fogs	13.89	1.02	.65		.06
Swing Stage under 40' Steel	10.207	1.02	.65		.06
Swing Stage over 40' Steel	10.52	1.02	.65		.06
SIGN PAINTERS:					
BERKSHIRE AND HAMPSHIRE COUNTIES	10.25	.84	.50	.83	.04
PILEDRIVERMEN	12.80	1.00	1.00		
PLUMBERS:					
HAMPDEN COUNTY; BERKSHIRE CO. (Otis, Becket, Sandifield); HAMPSHIRE CO. (Belchertown, Granby, Huntington, Middlefield, South Hadley and Ware)	11.75	1.01	1.70		.10
BERKSHIRE CO. (Remainder of County); FRANKLIN CO. (Monroe, Towe and Western part of Charlemont)	13.05	1.06	.75		.05
FRANKLIN COUNTY (Orange Only)	11.33	.80	.65	.42	.05
FRANKLIN COUNTY (Remainder of County); HAMPSHIRE CO. (Remainder of County)	11.45	.85	.85		.02

DECISION NO. MA80-2070

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Composition, Damp Waterproof	9.815	1.10	2.03		
Slate, Tile, Precast Concrete	10.315	1.10	2.03		
SHEET METAL WORKERS	13.86	1.09	1.46		.08
SPRINKLER FITTERS	12.15	.75	1.05		.08
STEAMFITTERS:					
HAMPDEN COUNTY; BERKSHIRE COUNTY (Otis, Becket, New Boston, Sandisfield) HAMPSHIRE COUNTY (Belchertown, Granby, Huntington, Middlefield, South Hadley, Ware)	12.05	.57	1.45		.03
BERKSHIRE COUNTY (Remainder of County) FRANKLIN COUNTY (Monroe, Towe, and Western part of Charlemont)	13.05	1.06	.75		.05
FRANKLIN CO. (Orange Only)	11.33	.80	.65	.42	.05
FRANKLIN COUNTY (Remainder of County) HAMPSHIRE CO. (Remainder of County)	11.45	.85	.85		.02

DECISION NO. MA80-2070

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Holidays: A through F, and the day after Thanksgiving

d. Holidays: A through F, provided the employee has been employed for at least 5 days prior to the holiday and is available for work the day before and after the holiday, plus on floating holidays, Washington's Birthday and Patriots Day.

DECISION NO. MA80-2070

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (BUILDING)					
CLASS I: Laborers, Wrecking Laborers, Carpenter Tenders	9.55	.75	1.10		.10
CLASS II: Jackhammer Op., Pavement Breakers, Wagon Drills, Asphalt Rakers, Carbide Core Drilling Machine, Chain Saw Operator, Pipelayers, Barco Type Jumping Tampers, Laser Beam Operators, Mason Tenders, Mortar Mixers, Ride-on Motorized Buggy and Plasterers Tenders	9.80	.75	1.10		.10
CLASS III: Air Track Operator, Block Pavers, Rammers, and Curb Setters	10.30	.75	1.10		.10
CLASS IV: Powdermen, Blasters	10.55	.75	1.10		.10
CLASS V: Precast Floor and Roof Plank Erectors	10.05	.75	1.10		.10

DECISION NO. MA80-2070

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
POWER EQUIPMENT OPERATORS:		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	11.28	.95	1.00	a	.07
CLASS II	11.08	.95	1.00	a	.07
CLASS III	10.88	.95	1.00	a	.07
CLASS III	10.88	.95	1.00	a	.07
CLASS IV	10.51	.95	1.00	a	.07
CLASS V	9.54	.95	1.00	a	.07
CLASS VI	9.02	.95	1.00	a	.07
CLASS VII	8.14	.95	1.00	a	.07

CLASS I - Shovels, Cranes, Hydraulic Cranes 10 Ton Capacity or over, Draglines, Derricks, Elevator with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Piledriving Rigs, Concrete Road Pavers, three Drum Hoisting and Trenching Machines, Belt-type Loaders, Front End Loader-5½ yds. or over, Dual Drum Paver, Automatic Grader (i,e. C. M. I.) Combination Back Hoe-Loader-3/4 yd. hoe or over

CLASS II - Rotary Drill (with mounted compressor), Compressor House (3 to 6 compressors), Rock and Earth Boring machines (excluding McCarthy and similar drills), Graders, Front End Loaders - 4 yds. to 5½ yds., two Drum Hoists, High Fork Lifts with Capacity of 15 feet and over, Scrapers - 21 yds. and over (struck load), Sonic Hammer Console

CLASS III - Combination Backhoe - Loader - up to 3/4 Hoe, Bulldozers, Push Cats, Scraper - up to 21 yds. (struck load) - self-propelled or Tractor Drawn, Tireman, Front End Loaders - up to 4 yds., asphalt Paver, Asphalt Roller - 10 ton or over, Well Drillers, Mechanic, Welders, Pumpcrete Machines, Concrete Pumps and similar type Pumps, Engineer or Fireman on High Pressure Boiler (on-job), Self-Loader Batch plant, Well Point, Electric pumps used in Well Point System, Pumps - 12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators (manually or remote control) Grout Pumps, Boom Truck, Hydraulic Cranes - under 10 Ton

CLASS IV - Asphalt Roller - under 10 ton

DECISION NO. MA80-2070

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (CONT'D)

CLASS V - Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Finishing Machines, Two Bag Mixers with skip, McCarthy and similar Drills, Batch Plants (not self-loading) Bulk Cement Plants, self-Propelled Material, A Frame Trucks, Fork Lifts up to 15 feet

CLASS VI - Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches Power Pavement Breakers, Concrete Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar Drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A-Fram Trucks, Fork Lifts up to 15 Feet

CLASS VII - Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck, and Grease Truck with Hand Greasing Equipment

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day;D-Labor Day; E-Thanksgiving Day; F-Christmas day

FOOTNOTES:

a. Holidays: A through F, Veterans' Day and Columbus Day

DECISION NO. MA80-2070

HEAVY AND HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	11.28	.95	1.00	a	.07
CLASS II	11.08	.95	1.00	a	.07
CLASS III	10.88	.95	1.00	a	.07
CLASS IV	10.51	.95	1.00	a	.07
CLASS V	9.54	.95	1.00	a	.07
CLASS VI	9.02	.95	1.00	a	.07
CLASS VII	8.14	.95	1.00	a	.07
CLASS VIII	11.78	.95	1.00	a	.07

CLASS I - Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on Site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader - 5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes- 10 Tons and over, Dual Paver, Automatic Graders-Excavator(C.M.I. or equal), Scrapers Towing Pan or Wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi Automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine

CLASS II - Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, scraper-21 yards and over (struck load), forklifts-7 ft. lift and over or 3 ton capacity & over; Sonic Hammer Console

CLASS III - Bulldozer, Push Cats, scrapers-up to 21 yards (struck load) Self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front end Loaders up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on Highway Pressure Boiler (on job), self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point System, Tiremen, Pumps-16 inches or over total Discharge, Compressors (1 or 2) cu. ft. and over Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-propelled Hydraulic Cranes up to 10 Tons

CLASS IV - Asphalt Roller-up to 10 tons

DECISION NO. MA80-2070

HEAVY AND HIGHWAY CONSTRUCTION POWER EQUIPMENT OEPRATORS CONT'D

CLASS V - Hoists, Conveyors, self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with Skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant

CLASS VI - Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total Discharge, Tractor without Blade Drawing Sheepsfoot Roller, Rubber tired Roller or other type of Compactors including Machines for pulverizing and aerating Soil

CLASS VII - Compactor (up to 315 cu. ft.), Small Mixers with Skip, Oiler, Pumps up to 4", Grease Truck, Helper on Powered Grease Truck, Power Heaters, Welding Machines, A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Sefety Boat

CLASS VIII - Operator of Cranes with 200 ft of boom or more

FOOTNOTES:
a. Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day: Labor Day; Columbus Day; Veteran's Day; Thanksgiving Day and Christmas Day

DECISION NO. MA80-2070

HEAVY AND HIGHWAY CONSTRUCTION CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
CLASS I	9.55	.75	1.10		.10
CLASS II	9.80	.75	1.10		.10
CLASS III	10.30	.75	1.10		.10
CLASS IV	10.55	.75	1.10		.10

CLASS I - Carpenter Tenders, Cement Finisher Tenders, Laborers, Wrecking Laborers
CLASS II - Asphalt Rakers, Fence and Guard Rail Erectors, Laser Beam Op., Mason Tender, Pipelayer, Pneumatic Drill Op., Pneumatic Tool Op., Wagon Drill Op.
CLASS III - Air Track Op., Block Pavers, Rammers, Curb Setters
CLASS IV - Blasterers, Powdermen

DECISION NO. MA80-2070

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
CLASS I	9.565	1.00	1.10	a+b	
CLASS II	9.735	1.00	1.10	a+b	
CLASS III	9.805	1.00	1.10	a+b	
CLASS IV	9.925	1.00	1.10	a+b	
CLASS V	10.025	1.00	1.10	a+b	
CLASS VI	10.315	1.00	1.10	a+b	
CLASS VII	10.605	1.00	1.10	a+b	

CLASS I - Station Wagons, Panel Trucks and Pickup Truck

CLASS II - Two Axle Equipment; Helpers on Low Bed when assigned at the discretion of the employer, Warehousemen, Forklift Operators

CLASS III - Three Axle Equipment and Tiremen

CLASS IV - Four and Five Axle Equipment

CLASS V - Specialized Earth Moving Equipment under 35 tons other than convential type Trucks, Low Bed, Vachual, Mechanics, Paving Restoration Equipment, Mechanics

CLASS VI - Specialized Earth Moving Equipment over 35 tons

CLASS VII - Trailers for Earth Moving Equipment (double hookup)

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, Patriots' Day provided an employee works two days of the calendar week in which the holiday falls

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: New York COUNTY: Ulster
DECISION NO. NY80-3049 DATE: Date of Publication
Supersedes Decision no. NY79-3038 dated December 21, 1979 in 44 FR 75873
DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Construction Projects.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$12.67	.95	.41		.02
Boilermakers	16.34	5%	5%		
Bricklayers, Caulkers, Cleaners, Cement Masons, Plasterers, Pointers, Marble Masons, Stone Masons, Tile & Terrazzo Workers Building	9.85	2.55	2.15	a	.06
Where General Contract does not exceed $300,000 & Masonry Contract including labor & Material does not exceed $500,000	8.60	1.80	1.55	a	
Carpenters, Millwrights, Piledrivers, Dockbuilders, & Soft Floor Layers	11.20	.80	1.15	.55	.05
Cement Masons, Heavy & Highway	10.35	2.25	2.15	b	.06
Electricians Hardenburg, Denning, Rochester, Wawarsong Twps. & that portion of Gardiner & Shawangunk Twps. West of a line following the Shwangunk Kill from the Orange County Line North to the Walkill River & continuing North along the Wallkill River & Lloyd, New Paltz, Esopus, Rosendale, Marbletown, Ulster, Hurley, Olive Kingston, Saugerites, Woodstock & Shandaken Twps.	11.55	.75	3%+1.05	.50	½%
Remainder of County	12.50	7.4%	3%+1.00	.60	½%
Glaziers	13.75	.66	1.91	.67	.01
Ironworkers	11.10	1.86	3.60	1.60	.01
Lathers	9.57	1.05	.15	1.00	.01
Painters Brush, Roller & Tapers	9.41	.80	.75		.01
Steel, Structural Steel, Towers, Smokestacks, Fire Excapes, Flagpoles & Bridges	10.16	.80	.75		.01
Sandblasting & Spray	10.46	.80	.75		.01
Paper & Vinyl Hangers, Tapers	9.41	.80	.75		.01
Plumbers & Steamfitters Twps. of Wawarsing, Plattekill, Marlboro & Shawangunk	11.75	1.10	1.90		.15
Remainder of County	11.35	1.90	1.00	1.30	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Roofers					
Cold Tar Pitch, Mopping & Dipping Application or Ripping Off	12.25	1.10	1.95		.35
Asphalt Builtup, Asbestos Tile, Tile, Ceramic Tile, Slate, Tectum, Spray Insulation	11.75	1.10	1.95		.35
Cold Process & Resaturation, Asphalt Shingle	9.25	1.10	1.95		.35
Pitch	9.75	1.10	1.95		.35
Sheet Metal Workers	14.56	2.24	2.20		.13
Sprinkler Fitters	14.52	.85	1.20		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).					

FOOTNOTES:

a. Two hours off with pay on Election Day.

b. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, November Election Day and Veteran"s Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, BUILDING:					
Common Laborers, Flagmen, Mason Tenders, Mortar Mixers, Hod Carriers, Scaffold Builders, Concrete Men, Signalman, Vivrator Men, Poured gypsum roof work, wrecking Walking Power Buggy, Landscaper, Chipping Hammer (air or electric 1" or under), Operation and tending of all power driven hand fed mortar or concrete mixers, pumpcrete Machines, Plastering, Fireproofing, and Accoustic Pumps and Mixers	10.00	1.15	1.15		
Asphaltmen, Pipelayers, Air or Electric Jackhammer, Air Track, Wagon, Joy and Jib Drills, Powdermen, Gunite or Sandblasting, Barmen, Chain Saw Operator, Riding Power Buggy, Vibro, Barco, Joy Tamper or similar type Tamper (air or gas), Walk Behind Roller, Granite Curbing, All Fork Lifts and Laser Operations	10.25	1.15	1.15		
Blasters, Form Setters, Burner Acetylene Torch, Ingersoll Rand, Heavy Duty Crawler-Master type HCM2, Drill Machine or equivalent All wrecking work 50' or more above the ground	10.65	1.15	1.15		
Small construction, alteration, and repair where the general construction contract price does not exceed $250,000 (all Classifications)	7.20	1.15	1.15		

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	9.95	1.15	1.15	a	
GROUP II	10.20	1.15	1.15	a	
GROUP III	10.60	1.15	1.15	a	

HEAVY AND HIGHWAY CONSTRUCTION

GROUP I

Laborer, pitman, flagman, chuck tender, dump men, handling and distributing of drinking water, placing and maintenance of all flares, lights, barricades and all reflective type materials for traffic control.

GROUP II

Concrete men, vibrator men, asphalt men, joint setter, signal men, mason tenders, mortar men, pipelayers, rip rap and dry stone layers, steel rod carriers, jackhammer, pavement breaker, wagon drill, air track, jib rig and joy drill op., power buggy op., gunnite and sandblasting, coal passers and other machine op., sprayer and nozzle men on mulching and seeding machines, all seeding and sod laying, all landscape work, grade checkers, all bridge work, walk behind self-propelled power saw walk behind rollers and tampers of all types, wrecking laborers (including barmen and burnermen), all sheeting and sharing coming under the laborers jurisdiction bit grinder, operator of form pin pullers and drivers, joint and jet sealers and filling and wiring of baskets for gabion walls, permanent sign man.

GROUP III

Concrete finisher on highways, form setter, granite stone layer, Ingersoll rand heavy duty crawler-master type HCMZ or equivalent or any drill using a 4" or larger bit.

HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; Good Friday; Election Day; Veteran's Day; provided employee works one day in the calendar week in which the holiday falls and reports for work the first working day following the holiday.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead & Underground Distribution Work					
Journeyman Lineman & Technician	11.35	1.40	3%+1.00	a	
Cable Splicer	15.07	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.08	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.215	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	9.6475	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	8.5121	1.40	3%+1.00	a	
All Overhead Transmission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.00	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	11.70	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	10.40	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.05	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	9.75	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technician	13.70	1.40	3%+1.00	a	
Cable Splicer	15.07	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	12.33	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	10.96	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.645	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	10.275	1.40	3%+1.00	a	

LINE CONSTRUCTION CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
All Pipe type Cable Installations, Maintenance Jobs or Projects					
Journeyman Lineman	13.70	1.40	3%+1.00	a	
Certified Lineman Welder	14.385	1.40	3%+1.00	a	
Cable Splicer	15.07	1.40	3%+1.00	a	
Groundman Equipment Operator	13.70	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.645	1.40	3%+1.00	a	
Groundman Truck Drivers	10.96	1.40	3%+1.00	a	
Groundman	10.275	1.40	3%+1.00	a	

FOOTNOTE:
a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before ar the day after a holiday

POWER EQUIPMENT OPERATORS: BUILDING, HEAVY & HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	16.91	12%+.40	10%	a	3%
GROUP 2	15.09	12%+.40	10%	a	3%
GROUP 3	14.21	12%+.40	10%	a	3%
GROUP 4	14.10	12%+.40	10%	a	3%
GROUP 5	13.87	12%+.40	10%	a	3%
GROUP 6	13.38	12%+.40	10%	a	3%
GROUP 7	13.09	12%+.40	10%	a	3%
GROUP 8	12.92	12%+.40	10%	a	3%
GROUP 9	12.87	12%+.40	10%	a	3%
GROUP 10	12.75	12%+.40	10%	a	3%
GROUP 11	12.70	12%+.40	10%	a	3%
GROUP 12	12.46	12%+.40	10%	a	3%
GROUP 13	12.06	12%+.40	10%	a	3%
GROUP 14	11.89	12%+.40	10%	a	3%
GROUP 15	11.55	12%+.40	10%	a	3%

POWER EQUIPMENT OPERATORS: BUILDING, HEAVY, HIGHWAY, ROAD, STREET AND SEWER CONSTRUCTION

GROUP 1
Helicopters pilot/engineer

GROUP 2
Autograde-combination subgrader, base MTL spreader & base trimmer (CMI & similar type); autograde placer-trimmer-spreader-combination (CMI & similar types); autograde slip form paver (CMI & similar types); backhoes (all types, including all combination hoe loaders); central power plants (all types); concrete paving machines; cranes (all types, including overhead & straddle travelling type); cranes, gantry; derricks - land or floating (building & heavy construction rate only), drillmaster, quarry master (down the hole drill); draglines; elevator graders; engines, large diesel (1625 HP) and staging pump; front end loaders (5 yds. & over); gradalls; grader, rago; helicopters co-pilot and communication engineer; jacks, screw air hydraulic power operated unit or console type (not hand jack or pile load test type); locomotive (large); mucking machines; pavers (21E and over); paver, resinous, Broyhill; pavement and concrete breaker (i.e. superhammer); pavement breaker truck mounted; piledriver; scooper (loader and shovel) Koehring; shovels; treechopper with boom; trench machines.

POWER EQUIPMENT OPERATORS: BUILDING, HEAVY, HIGHWAY, ROAD, STREET AND SEWER CONSTRUCTION (CONTD.)

GROUP 3
Pump, staging

GROUP 4
A-frame, boom attachment on loaders; boring & drilling machines; brush chopper, shipper & shredder; cableways; carryalls; cherry pickers - 6 tons & under (over 6 tons - crane rate applies); concrete pump; concrete pump system, pumpcrete, squeezecrete & similar types; conveyors, 125' & over; economobiles (hilo, lull, hyster similar type equipment); forklifts; front end loaders (2yds. but less than 5 yds.); groove cutting machines (ride or type); heater planer; hoist (Chicago Boom); Pans, LeTourneau, DW's Ukes, pumpcrete-unit type; pumpcrete machines, squeezecrete & concrete pumping; scrapers-LeTourneau, DW's Ukes; side booms; squeezecrete; "straddle" carrier, Ross and similar types; winch trucks (hoisting).

GROUP 5
Aerial platform (used as hoist); hoists all types except Chicago Boom type (building & heavy construction rate only); elevator or house cars (building and heavy construction rate only); roof hoists.

GROUP 6
Asphalt spreaders; bridge deck finisher; grader, finish only; rollers-blacktop.

GROUP 7
Asphalt curbing machines; asphalt plant engineer; autograde tube finisher & texturing machine (CMI & similar types); autograde concrete machine (CMI & similar types); autograde curb trimmer & sidewalk shoulder, slip-form (CMI & similar types); barbending machines (power); batchers, batching plant & crusher on site; bet convey or system; boilers and steam jennies (building & heavy construction rate only); boom type skimmer machines (building & heavy construction rate only); car dumpers (railroad); compressor and blower type units; concrete breaking machines; concrete finishing machines; concrete saws & cutters (ride on type); concrete spreaders-hetzel, recomatic & similar types; concrete vibrators (highway, road, street & sewer construction rate only); conveyors, under 125 ft.; crushing machines; ditching machine, small (ditch witch or similar); drill doctor (duties include dust collector); dope pots (mechanical with or without pump); dumpsters; fine grade machine (large type); front end loaders (1 yd. & over but less than 2 yds.) - highway, road, street & sewer construction rate only; front end loaders (under 2 yds.) - building and heavy construction rates only; generators; giraffe grinders; graders and motor patrols; gunnite machines (excluding nozzle); hammer vibratory (in conjunction with generator); hoppers; hopper doors (power operated); ladders (motorized) - building & heavy construction rate only;

POWER EQUIPMENT OPERATORS: BUILDING, HEAVY, HIGHWAY, ROAD, STREET AND SEWER CONSTRUCTION (CONTD.)

GROUP 7 (Contd.)
laddervator; lights, portable generating light plants; locomotive (dinky type); mechanic; mixers (excepting paving mixers); motor patrols & graders; pavers (under 21E); pavement breakers-small, self-propelled ride on type (also maintains compressor or hydraulic unit); pipe bending machine (power); pitch pump; plaster pump (regardless of size) - building & heavy construction rate only; post hole digger; rod bending machines (power); scales, power; seaman pulverizing mixer; silos; skimmer machines (boom type) - highway, road, street & sewer construction rate only; steam jennies and boilers; steel cutting machines, services & maintains; vibrating plants (used in conjunction with unloading); welder and repair mechanic.

GROUP 8
Compressors (2 or 3 within a total distance of 100' constitutes a battery) - building & heavy construction rate only; welding machines, gas or electric converters of any type - (2 or 3 in battery) - building and heavy construction rates only; welding system, multiple (rectifier transformer type) - building and heavy construction rate only.

GROUP 9
Brooms & Sweepers; bulldozer, D5 and over; fireman; sprinkler & water pump trucks (used on job site or in conjunction with job site); stone spreaders; sweepers & brooms; tractor, D8 & over; water and sprinkler trucks (used on job site or in conjunction with job site).

GROUP 10
Compressors (2 or 3 within a total distance of 100' constitutes a battery) - highway, road, street and sewer construction rate only.

GROUP 11
Front end loaders (under 1 yd.) - highway,road, street & sewer construction rate only.

GROUP 12
Bulldozer under D5; rollers - grade fill or stone base; tractors, under D8.

GROUP 13
Compressor (single); heaters (Nelson or other type including propane, natural gas or flow type units); pumps (4 inch suction & over including submersible pumps); pumps (2 or less than 4 inch suction including submersible pumps); pumps, diesel engineer & hydraulic (immaterial of power) - highway, road, street & sewer construction rate only; temporary heating plant (Nelson or other type, including propane, natural gas or flow type units); welding machines, gas or electric converters of any type -

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POWER EQUIPMENT OPERATORS: BUILDING, HEAVY, HIGHWAY, ROAD, STREET AND SEWER CONSTRUCTION (CONTD.)

GROUP 13 (Cont'd.)
single (building & heavy construction rate only); welding machines, gas or electric converters of any type (2 or 3 in battery) - highway, road, street & sewer construction rate only; wellpoint systems (including installation and maintenance).

GROUP 14
Concrete spreaders, (small type) convey or loaders (not including elevator graders) - highway, road, street & sewer construction rate only; farm tractors (highway, road, street & sewer construction rate only); fertilizing equipment; fine grade machine (small type) - highway, road, street & sewer construction rate only; form line graders (small type) - highway, road, street & sewer construction rate only; grease, gas, fuel and oil supply trucks; mixers, concrete small (highway, road, street & sewer construction rate only); mulching equipment; road finishing machines (small type) - highway, road, street & sewer construction rate only; seeding equipment; tamping machines, vibrating self-propelled; welding machines, gas or electric converters of any type-single (highway, road, street & sewer construction rate only).

GROUP 15
Assistant engineer/oiler; mechanics helper; tire repair and maintenance.

FOOTNOTES:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Presidential Election Day & Veterans Day provided the employee works any of the 3 days in the 5 day work week preceeding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS: STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	18.72	12%+.4¢	10%	a	3%
GROUP 2	16.91	12%+.4¢	10%	a	3%
GROUP 3	16.00	12%+.4¢	10%	a	3%
GROUP 4	15.26	12%+.4¢	10%	a	3%
GROUP 5	13.48	12%+.4¢	10%	a	3%
GROUP 6	13.09	12%+.4¢	10%	a	3%
GROUP 7	12.94	12%+.4¢	10%	a	3%
GROUP 8	12.57	12%+.4¢	10%	a	3%
GROUP 9	12.01	12%+.4¢	10%	a	3%

50¢ per hour on machines where "Cat Head" or "Sheave Point" is at least 100 feet above ground level and less than 140 feet; 75¢ per hour on machines where "Cat Head" or "Sheave Point" is 140 feet, or over above ground level.

FOOTNOTES:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Presidential Election Day & Veterans Day provided the employee works any of the 3 days in the 5 day work week preceeding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS: STEEL ERECTION

GROUP 1
Helicopters pilot/engineer.

GROUP 2
Cranes (all cranes - land or floating with booms - including jib, 140 feet and over above the ground); derricks (land or floating with booms including jib, 140 feet and over above the ground); helicopters co-pilot & communications engineer.

GROUP 3
Cranes (all cranes - land or floating with booms - including jib, less than 140 feet above the ground); derricks (land or floating, with booms including jib, less than 140 feet above the ground).

GROUP 4
Aerial platform used as hoist; A-frame; cherry pickers - 6 tons and under (over 6 tons - crane rate applies); fork lifts; hoists (all types except Chicago Boom type); jacks (screw air hydraulic power operated unit or console type, not hand jack or pile load test type); side booms.

GROUP 5
Compressors (2 or 3 in battery); generators; welding machines (gas or electric converters of any type 2 or 3 in battery multiple welders) welding system multiple (rectifier transformer type).

GROUP 6
Maintenance engineer

GROUP 7
Fireman

GROUP 8
Compressor (single); rod bending machines (power); welding machines (gas or electric converters of any type-single).

GROUP 9
Assistant engineer/oiler; straddle carrier.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Drivers on LeTourneau tractors, double barrel Euclids, Athey wagon & similar equipment (except when hooked to scrapers), low beds, I-Bean, pole trailers, road oil distributors tire trucks tractors and trailers with 5 axle and over	11.50	1.00	1.05		a
Equipment 25 yds. & over up to and including 30 yd. bodies cable dump trailers powder and dynamite trucks	11.40	1.00	1.05		a
Equipment up to and including 24 yds. bodies, mixer trucks, dump crete trucks and similar types of equipment, fuel trucks and all other tractor trailers	11.20	1.00	1.05		a
Ten wheelers, grease trucks and tiller men	11.60	1.00	1.05		a
Straight trucks	11.00	1.00	1.05		a
Pick-up trucks used for hauling material parts escort man over the road	11.00	1.00	1.05		a

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F;

SUPERSEDEAS DECISION

STATE: New York

COUNTIES: Albany, Rensselaer, Saratoga & Schenectady

DECISION NO., NY80-3050

DATE: Date of Publication

Supersedes Decision No. NY79-3040 dated November 23, 1979 in 44 FR 67311

DESCRIPTION OF WORK: Building (excluding single family homes and apartments up to and including 4 stories), Heavy and Highway Construction Projects.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	12.67	.95	.41		.02
Boilermakers	13.50	1.175	10%		.03
Bricklayers, Cement Masons, Marble Masons, Plasterers, Pointers, Caulkers and Cleaners					
Building	11.30	.70	1.00		.03
Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use	8.04	.70	1.00		.03
Carpenters:					
Saratoga County (twps. of Day Hadley, Edinburg, Corinth and Moreau):					
Carpenters & Soft Floor Layers	10.70	.55	.90	a	.005
Millwrights	10.95	.55	.90	a	.005
Piledrivers	10.85	.55	.90	a	.005
Heavy & Highway	11.23	.55	.90		.025
Albany, Rensselaer, Saratoga (Remainder of County), & Schenectady Counties:					
Carpenters, Drywall Installers, & Soft Floor Layers	11.98	.70	1.00		.02
Millwrights	12.48	.70	1.00		.02
Piledrivermen	12.94	1.85	1.78	1.01	.05
Heavy & Highway	11.13	.70	.85	b	.025
Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use	8.56	.70	1.00		.02
Cement Masons, Heavy & Highway	10.80	.70	1.00		
Divers	15.38	1.875	1.78	1.03	.05
Diver Tenders	11.99	1.875	1.78	1.03	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electricians:					
Albany County (Cohoes and Watervliet), Rensselaer County (Remainder of County), Saratoga County (Ganseveen, Mt. Mcgregor, Schuylerville, Victory Mills, Wayville, Stillwater, Mechanicville and Waterford)	13.80	.80	3%+.80	a	.05
Albany County (Remainder of County), Rensselaer County (Schodack, Rensselaer, East Greenbush, Nassau and Stephentown)	13.75	.90	3%+.60	c	.05
Saratoga County (Remainder of County), Schenectady County					
Electricians	12.10	.70	3%+1.35	a	.03
Cable Splicers	12.60	.70	3%+1.35	a	.03
Elevator Constructors	11.17	.745	.56	d+e	.025
Elevator Constructors Helpers	7.82	.745	.56	d+e	.025
Ironworkers:					
Structural, Ornamental, Reinforcing, Machinery Mover, Fence Erector, Rigger, Rodman and Stone Derrickman	12.00	.75	1.46		.08
Sheeters	12.25	.75	1.46		.08
Sheeters, Bucker-up	12.125	.75	1.46		.08
Lathers	10.46	.70	.30		.01
Lathers, Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use	7.59	.70	.30		.01
Marble, Tile and Terrazzo Workers	11.60	.70	1.00		
Painters:					
Saratoga County (Twps. of Day, Hadley, Corinth, Moreau, Ganseyoort, & Mt. Mcgregor)					
Brush	9.55	.50	.40		
Window Jack, Structural Steel, Swing Scaffold, Bosun Chair and Bridge	9.95	.50	.40		
Spray, Sandblasting and Waterblasting	10.10	.50	.40		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters: (Cont'd)					
Albany County, Rensselaer County, Saratoga County (Remainder of County), Schenectady County					
Brush	11.23		.60		
Structural Steel & Bridge	11.98		.60		
Swing Scaffold, Bosun Chair, Water Towers, Window Jacks, Flagpoles	11.73		.60		
Spray Gun Application & Sandblasting	13.08		.60		
Plumbers & Steamfitters					
Saratoga County (Twps. of Clifton Park, Galway, Milton, Malta, West Milton), Schenectady County, Saratoga County (Twps. of Halfmoon and Stillwater), Albany County, Rensselaer County					
Building	12.10	1.00	1.02	f	.05
Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use	8.87	1.00	1.02		.05
Saratoga County (Remainder of County)	11.15	.75	1.00		.05
Roofers:					
Roofers	12.00	1.37	.40		.04
Pitch and Asbestos	12.50	1.37	.40		.04
Sheet Metal Workers	12.57	1.00	1.34	g	.07
Sprinkler Fitters	14.52	.85	1.20		.08
Truck Drivers, Building:					
Straight, Winch, Transit Mix on job site, Road Oilers, Dump panel, Pick-up, Water and Fuel Trucks on site (including nozzle)	9.37	1.00	.81	h	.12
Euclid or similar equipment	9.56	1.00	.81	h	.12
Lowboy or lowboy trailers	9.70	1.00	.81	h	.12
Welders-receive rate prescribed for craft performing operation to which welding is incidental					

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day and F-Christmas Day.

FOOTNOTES:

a. Holidays: E, provided employee reports for work the day after the holiday.

b. Holidays: D & C

c. Holiday: E, provided the employee works the day after the holiday, 3 hrs. before Christmas and New Year's Eve.

d. Holidays: A thru F, and the day after Thanksgiving.

e. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

f. Employer contributes $4.00 per day to a Vacation Fund.

g. Two hours off with pay on the first Tuesday after the first Monday of November provided they are working on a job beyond 50 miles from the shop.

h. One week vacation after one year of work; 2 weeks vacation after 5 years of work

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

Albany County (Remainder of County), Rensselaer County (Twps. of North Greenbush, East Greenbush, Schodack, Nassau, Stephentown and Rensselaer City.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Building construction					
GROUP I	9.47	.90	1.10		.12
GROUP II	9.62	.90	1.10		.12
GROUP III	9.645	.90	1.10		.12
GROUP IV	9.695	.90	1.10		.12
GROUP V	9.745	.90	1.10		.12
GROUP VI	9.725	.90	1.10		.12
GROUP VII	9.945	.90	1.10		.12
Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use					
GROUP I	6.57	.90	1.10		.12
GROUP II	6.695	.90	1.10		.12
GROUP III	6.71	.90	1.10		.12
GROUP IV	6.75	.90	1.10		.12
GROUP V	6.785	.90	1.10		.12
GROUP VI	6.77	.90	1.10		.12
GROUP VII	6.95	.90	1.10		.12

Albany County (The West side of the Hudson River, extending Westerly along the North side of 1st Street in Watervilet, to one-half mile of Route 9, to Shaker Rd. to Route 9 Northerly to the North line of Albany County), Rensselaer County (Twps. of Berlin, Sand Lake, Postenkill, Schodack, Pittstown, Hoosick, Brunswick, Grafton and Petersburg), and Saratoga County (Remainder of County)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Building Construction					
GROUP I	10.21	1.00	1.20		.12
GROUP II	10.36	1.00	1.20		.12
GROUP III	10.385	1.00	1.20		.12
GROUP IV	10.435	1.00	1.20		.12
GROUP V	10.485	1.00	1.20		.12
GROUP VI	10.465	1.00	1.20		.12
GROUP VII	10.685	1.00	1.20		.12
Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use	7.08	1.00	1.20		.12

Saratoga County (Twps. of Day, Hadley, Edinburg, Corinth, Moreau, South Glen Falls, Providence, Greenfield, Wilton, Northumberland, Galway, Milton, Saratoga Springs, Charlton, Ballston, Malta and Clifton Park) and Schenetady County

LABORERS:					
Building Construction					
GROUP I	9.72	.80	1.00		.07
GROUP II	9.87	.80	1.00		.07
GROUP III	9.895	.80	1.00		.07
GROUP IV	9.945	.80	1.00		.07
GROUP V	9.995	.80	1.00		.07
GROUP VI	9.97	.80	1.00		.07
GROUP VII	10.195	.80	1.00		.07
Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use					
GROUP I	6.82	.80	1.00		.07
GROUP II	6.945	.80	1.00		.07
GROUP III	6.96	.80	1.00		.07
GROUP IV	7.00	.80	1.00		.07
GROUP V	7.035	.80	1.00		.07
GROUP VI	7.12	.80	1.00		.07
GROUP VII	7.20	.80	1.00		.07

LABORERS DEFINITIONS (BUILDING CONSTRUCTION) ALL AREAS

GROUP I
Laborers

GROUP II
Pipelayers (w man team), mortar mixers (hand or machine), jackhammer operator, well pointing, concrete vibrators, power driven buggies

GROUP III
Form setter (curb)

GROUP IV
Wagon drill operator

GROUP V
Acetylene burners

GROUP VI
Demolition

GROUP VII
Blasters

LABORERS DEFINITIONS (RESIDENTIAL REHABILITATION) ALL AREAS

GROUP I
Laborers

GROUP II
Pipelayers (2 man team), mortar mixers (hand or machine), jackhammer operator, well pointing, concrete vibrators, all air or gas driven tools, hod carriers, power driven buggies

GROUP III
Form setter (curb)

GROUP IV
Wagon drill operator.

GROUP V
Acetylene burners

GROUP VI
Demolition

GROUP VII
Blasters

Saratoga County (Twps. of Day, Hadley, Edinburg, Corinth, Moreau, Wilton, Providence, Greenfield, Northumberland, Galway, Milton, Charlton, Saratoga Springs, Malta, Ballston and Clifton Park) Schenectady County

LABORERS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	9.39	.80	1.00	a	.05
CLASS B	9.59	.80	1.00	a	.05
CLASS C	9.79	.80	1.00	a	.05
CLASS D	9.99	.80	1.00	a	.05
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					

FOOTNOTE:
a. Paid Holidays: A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY & HIGHWAY CONSTRUCTION CLASSIFICATIONS

CLASS A
Laborers, Drill tenders, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibratory, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sandblasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setter, stone or granite curb setters.

Albany County (Cities of Cohoes and Watervliet), Saratoga County (Twps. of Halfmoon and Stillwater), Rensselaer County (Twps. of Berlin, Sand Lake, Poestenkill, Brunswick, Petersburg, Schagticoke, Pittstown, Hoosick and Grafton)

LABORERS: HEAVY & HIGHEAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	8.94	1.00	1.20	a	.10
CLASS B	9.14	1.00	1.20	a	.10
CLASS C	9.34	1.00	1.20	a	.10
CLASS D	9.54	1.00	1.20	a	.10
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					

FOOTNOTE:
a. Paid Holidays: A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION CLASSIFICATIONS

CLASS A
Laborers, drill tenders, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibratory, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sandblasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setter, stone or granite curb setters.

Albany County (except Cities of Cohoes and Watervliet), Rensselaer County (Twps. of North Greenbush, East Greenbush, Schodack, Nassau and Stephentown)

LABORERS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	9.04	.90	1.20	a	.10
CLASS B	9.24	.90	1.20	a	.10
CLASS C	9.44	.90	1.20	a	.10
CLASS D	9.64	.90	1.20	a	.10
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					

FOOTNOTE:
a. Paid Holidays: A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY & HIGHWAY CONSTRUCTION CLASSIFICATIONS

CLASS A
Laborers, Drill tenders, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibratory, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sandblasting), laborers on chain link fence erection, rack splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drill machine operators (except quarry master and similar type), acetylene torch op.,, asphalt raker, powderman.

CLASS D
Blasters, form setter, stone or granite curb setters.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead & Underground Distribution Work					
Journeyman Lineman & Technician	11.35	1.40	3%+1.00	a	
Cable Splicer	15.07	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.215	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.08	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	9.6475	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	8.5121	1.40	3%+1.00	a	
All Overhead Transmission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.00	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	11.70	1.40	3%+1.00	a	
Groundman Mobile Equ8pment Operator, Mechanic First Class, Groundman Truck Driver	10.40	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.05	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	9.75	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technician	13.70	1.40	3%+1.00	a	
Cable Splicer	15.07	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	12.33	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechinic First Class, Groundman Truck Driver	10.96	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.645	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	10.275	1.40	3%+1.00	a	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
All Pipe type Cable Installations Maintenance Jobs or Projects					
Journeyman Lineman	13.70	1.40	3%+1.00	a	
Certified Lineman Welder	14.385	1.40	3%+1.00	a	
Cable Splicer	15.07	1.40	3%+1.00	a	
Groundman Equipment Operator	13.70	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.645	1.40	3%+1.00	a	
Groundman Truck Drivers	10.96	1.40	3%+1.00	a	
Groundman	10.275	1.40	3%+1.00	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

POWER EQUIPMENT OPERATORS, BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	11.03	1.05	.85	a	.15
GROUP II	11.10	1.05	.85	a	.15
GROUP III	11.24	1.05	.85	a	.15
GROUP IV	11.46	1.05	.85	a	.15
GROUP V	11.84	1.05	.85	a	.15
GROUP VI	12.02	1.05	.85	a	.15
GROUP VII	12.15	1.05	.85	a	.15
Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use					
GROUP I	7.40	.95	1.05	a	.15
GROUP II	7.45	.95	1.05	a	.15
GROUP III	7.55	.95	1.05	a	.15
GROUP IV	7.71	.95	1.05	a	.15
GROUP V	7.98	.95	1.05	a	.15
GROUP VI	8.10	.95	1.05	a	.15
GROUP VII	8.26	.95	1.05	a	.15

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION CLASSIFICATIONS

GROUP I
Oilers

GROUP II
Firemen and heavy duty greasers, all boilers and steam generators.

GROUP III
Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines, well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over.

GROUP IV
Dinky locomotives, Baber Greene loaders, loaders and conveyors, tractor, scoopmobiles, bulldozers, road roller, form fine graders, power brooms and sweeper.

GROUP V
Black top spreaders, black top roller, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well driller (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP VI
LeTourneau graders or scrapers, trenching machines, push cart.

GROUP VII
Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar, Murphy type diesel generator beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CHI equipment, concrete central mix plant, automated asphalt concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine.

FOOTNOTE:
a. Paid Holidays: New Year"s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	12.35	1.05	.85	a	.15
GROUP II	11.94	1.05	.85	a	.15
GROUP III	10.78	1.05	.85	a	.15
GROUP IV	9.75	1.05	.85	a	.15

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, provided the employee has worked the day before and after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CLASSIFICATIONS

GROUP I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plany (automated), cableway, caisson auger, cemtral mix concrete plant (automated), cherry picker (over. 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. & over), fromt end loader (4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shover. sideboom, slip form paver, tractor drawn belt type laoder, truck crane, tunnel shovel.

GROUP II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted, boring machine, cagehoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure boiler (15 lbs. and aver), hoist (one drum) Kolman plant loader and similar type loaders, locomotive maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

GROUP III - Asphalt curb & gutter machines, blower for burning brush, chipping machine & chip spreader, compressors 4 not over 2,000 c.f.m. combined capacity, 3 or less with more than 1,200 c.f.m. but not to exceed 2,000 c.f.m., compressor, dust collectors, generators, pumps, welding machines (4 of any type or combination) concrete curing machines, conveyor drill core, drill well, electric pump used in conjunction with well point systems, farm tractor with accessories, fine grade machine hammers-hydraulicOself-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and, seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

GROUP IV - Aggregate plant, boiler, C.M.I. and similar type concrete spreaders, cement bin operator, compressors 3 or less not over 1.200 c.f.m. combined capacity, compressors, dust collectors, generators, pumps, welding machines (3 or less of any type of combination), concrete mixer (16S and under), concrete saw self-propelled, fireman, form tamper, mulching machine, oiler, power boom, power heaterman, revinius widener, steam cleaner, tractor.

TRUCK DRIVERS HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	9.69	1.05	1.00	a	
CLASS 2	9.74	1.05	1.00	a	
CLASS 3	9.79	1.05	1.00	a	
CLASS 4	9.94	1.05	1.00	a	
CLASS 5	10.09	1.05	1.00	a	

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day; provided the employee has worked the working day before and after the holiday.

TRUCK DRIVER: HEAVY & HIGHWAY CONSTRUCTION CLASSIFICATIONS

CLASS 1
Pick-ups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpsters and receivers, greasers, truck tiremen.

CLASS 2
Tandems, batch trucks mechanics.

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumperete type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self loaded.

SUPERSEDEAS DECISION

STATE: North Carolina
DECISION NUMBER: NC80-1099
COUNTY: See Below*
DATE: Date of Publication
Supersedes Decision No. NC79-1027 dated March 16, 1979 in 44 FR 16318.
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and apartments up to and including 4 stories.

*Counties: Alamance, Guilford, Randolph, and Rockingham

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$5.46				
BRICKLAYERS	6.85				
CARPENTERS	5.35				
CARPET LAYERS	5.43				
CEMENT MASONS	4.89				
DRYWALL FINISHERS	6.38				
DRYWALL HANGERS	6.02				
ELECTRICIANS	5.89				
ELEVATOR CONSTRUCTORS:					
Mechanic	8.27				
GLAZIERS	6.71				
INSULATION INSTALLERS	4.32				
IRONWORKERS:					
Structural & Ornamental	5.00				
Reinforcing	4.50				
LABORERS:					
Laborers	3.78				
Mason tenders	3.90				
PAINTERS:					
Brush	5.04				
Spray	5.00				
PLUMBERS & PIPEFITTERS	6.50				
ROOFERS	5.25				
SHEET METAL WORKERS	5.39				
SOFT FLOOR LAYERS	4.94				
TILE SETTERS	5.80				
TRUCK DRIVERS	4.02				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Asphalt Roker	5.68				
Backhoe	5.85				
Bulldozer	4.96				
Forklifts	3.50				
Grader	5.52				
Loader	4.76				
Paver	5.24				
Roller	4.59				
Tractor	5.06				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(iii)).

SUPERSEDEAS DECISION

STATE: Pennsylvania
DECISION NO.: PA80-3031
COUNTIES: Bradford, Tioga and Union
DATE: Date of Publication
Supersedes Decision No.: PA78-3099, dated December 15, 1978, in 43 FR 58729.
DESCRIPTION OF WORK: Building Construction, (does not include single family homes or apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$11.875	.80	.60		.01
Boilermakers	15.57	1.275	1.00		.02
Bricklayers & Stonemasons	10.80	1.05	.75		.015
Carpenters	11.86	.60	.70		.05
Cement masons	10.60				
Electricians					
Zone I	10.58	.65	3%+.95	.75	.02
Zone II	12.80	.55	3%+.30		.05
Zone III	11.75	.85	3%+.50	1.00	.10

AREA COVERED BY ELECTRICIANS ZONES

ZONE - I Tioga; Remainder of Union and Bradford Counties

ZONE - II- E. Buffalo, Union & Lewisburg in Union County

ZONE III - Bradford County, town of Towanda, that portion of the County West of the Susquehanna River South of Towanda and West of U. S. Highway 309, North of Towanda

Elevator Constructors	11.23	.745	.56	a+b	.025
Elevator Constructors Helpers	70%JR	.745	.56	a+b	.025
Elevator Constructors Helpers (Prob.)	50%JR				
Glaziers	11.00	.65	.85		
Zone I	10.01	.60	.60		.01
Zone II					

AREA COVERED BY GLAZIERS ZONES

ZONE I - Bradford & Tioga Counties

ZONE II- Union County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Ironworkers: Structural, Ornamental & Reinforcing					
Zone 1	12.905	1.34	1.36		.03
Zone 2	10.98	.75	1.05		.05

AREA COVERED BY IRONWORKERS ZONES

ZONE I - Union County

ZONE II - Bradford & Tioga Counties

Laborers:					
Class I	7.95	.65	.55		
Class II	8.10	.65	.55		

LABORER CLASSIFICATION DEFINITION

CLASS I - General Laborers

CLASS II - Operator of jackhammer, paving and other pneumatic electrical and mechanical tools, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe & the making of joints for same, wagon drill operator, cofferdam (below 10'), tunnel free air, handling and using cutting or burning torches in the wrecking of buildings, blasters, plasterer tenders, mason tenders, scaffold builders and removal of power buggies

Lead Burners	10.75	.40	.25	c	.01
Line Construction:					
Lineman, dynamite man, heavy equipment operator	12.37	.55	3%		3/8%
Winch truck drivers	8.68	.55	3%		3/8%
Groundman	8.30	.55	3%		3/8%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Millwrights	$13.52	.60	.70		.05
Painters:					
Brush	10.35	.75	.60		.10
Tapers	11.61	.75	.60		.10
Hazardous	10.61	.75	.60		.10
Piledrivermen	11.97	2.63	1.40	d	.13
Plasterers					
ZONE I	12.63				
ZONE II	10.69				

AREA COVERED BY PLASTERERS ZONES

ZONE I - East of Susquehanna River in Bradford County

ZONE II - Tioga, Union and Remainder of Bradford County

Plumbers & Steamfitters					
ZONE I	12.01	.84	.90	1.00	.05
ZONE II	12.54	.80.	1.25		.05

AREA COVERED BY PLUMBERS AND STEAMFITTERS ZONES

ZONE I - Tioga & Union Counties and Eastern half of Bradford County

ZONE II - Western half of Bradford County

Power Equipment Operators					
GROUP 1	13.19	7.9%	10.3%	a	1.8%
GROUP 2	12.90	7.9%	10.3%	a	1.8%
GROUP 3	12.03	7.9%	10.3%	a	1.8%
GROUP 4	11.26	7.9%	10.3%	a	1.8%
GROUP 5	10.79	7.9%	10.3%	a	1.8%
GROUP 6	9.88	7.9%	10.3%	a	1.8%
GROUP 7	13.44	7.9%	10.3%	a	1.8%
GROUP 7-A	13.69	7.9%	10.3%	a	1.8%
GROUP 7-B	13.93	7.9%	10.3%	a	1.8%

DECISION NO. PA80-3031

CLASSIFICATION DEFINITIONS

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above.

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lift, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft lift, machines similar to the above.

GROUP 4: Welding machines, well joints, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seamen pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to the above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core driller helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7A: 150 ft. and over

GROUP 7B: 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, provided the employee works the day before and after the holiday.

[FR Doc. 80-26228 Filed 8-28-80; 8:45 am]
BILLING CODE 4510-27-C

DECISION NO. PA80-3031

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Roofers					
Composition & Kettleman	$11.15	.90	.85		
Sheet Metal Workers	11.95	.75	.81		.02
Soft Floor Layers	10.35	.60	.70		.05
Sprinkler Fitters	14.53	.85	1.20		.08
Truck Drivers (Union County)	7.95				

Welders - receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Six Paid Holidays: A through F, plus the Friday after Thanksgiving.

c. Nine Paid Holidays: A through F and Washington's Birthday, Good Friday and Christmas Eve provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday and is available for work the days preceeding and following the holiday.

d. Paid Holidays: Washington's Birthday, Good Friday, Memorial Day, Labor Day, Presidential Election Day, Veterans' Day and Thanksgiving Day.

Friday
August 29, 1980

PARTS IV THROUGH VIII PETROLEUM AND NATURAL GAS CONSERVATION: FEDERAL ASSISTANCE PROGRAMS

Part IV—Interagency Coordinating Council

Part V—Federal Community/Economic Development Programs

57960 Economic Development Administration, Commerce Department
57966 Housing and Urban Development Department
57974 Farmers Home Administration, Agriculture Department

Part VI—Federal Housing Assistance Programs

57982 Housing and Urban Development Department
57992 Veterans Administration

Part VII—Federal Public Facilities Assistance Programs

57996 Environmental Protection Agency
58000 Heritage Conservation and Recreation Service, Interior Department
58006 Surface Mining Office, Interior Department
58010 Housing and Urban Development Department
58012 Education Department
58016 Health and Human Services Department
58020 Veterans Administration

Part VIII—Federal Transportation Assistance Programs

58022 Transportation Department

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Part IV

Interagency Coordinating Council

Petroleum and Natural Gas Conservation: Federal Assistance Programs; Introduction

INTERAGENCY COORDINATING COUNCIL

THE WHITE HOUSE

WASHINGTON

August 29, 1980

TO RECIPIENTS OF FEDERAL ASSISTANCE AND OTHER INTERESTED PARTIES:

Reducing our dangerous dependence on foreign oil is one of the most critical challenges America faces during the 1980's. Energy conservation provides the quickest and cheapest way of accomplishing this objective and is a cornerstone of President Carter's National Energy Policy. Executive Order 12185, which was signed by the President on December 17, 1979 in accordance with Section 403(b) of the Power Plant and Fuel Use Act of 1978, extends existing efforts to promote energy conservation through federal aid programs. The President's directive requires that energy efficiency standards be incorporated into all federal assistance programs which offer opportunities for significant conservation of petroleum and natural gas.

Because it is government-wide in scope, Executive Order 12185 is being implemented through the President's Interagency Coordinating Council (IACC). The IACC, which was established by President Carter in 1978 under Executive Order 12075, is composed of key major program managers from each of the domestic agencies of the Executive branch.

In this effort, the IACC has facilitated communication among agencies so that the requirements adopted in accordance with the Executive Order are as uniform as possible. It has also guided and coordinated the drafting of such requirements to ensure timely implementation of the Presidential directive. The federal agency officials participating on the IACC are responsible, of course, for the substance of the energy conservation standards, and for their application to the federal aid programs involved.

The first step in implementing Executive Order 12185 was completed on February 7, 1980. On that date, a consolidated, government-wide list of federal assistance programs which appeared to have significant energy saving potential was published in the Federal Register. The public was given 60 days to review and comment on this list of programs and to suggest rules which would effectuate the purposes of the Executive Order.

After the list of programs was published in the Federal Register, the second implementation step was undertaken. It involved a series of analyses to determine the applicability of Executive Order 12185 to various programs, and to assess basic energy conservation standards that could be incorporated into the affected programs without in any way impairing their statutory purposes.

Initially, these analyses were conducted by interagency working groups which were established around the seven broad functional areas that were used in organizing the February 7 publication. These areas were:

1) Planning and Technical Assistance
2) Community/Economic Development
3) Housing
4) Transportation
5) Public Facilities
6) Energy
7) Labor/Education/Human Resources.

Completion of the interagency reviews resulted in several major decisions. For example, the programs which had been listed separately under the Planning and Technical Assistance section in the earlier publication were incorporated into each relevant program area. It was also determined that since conservation of petroleum and natural gas was already the underlying objective of the federal programs published under the energy section on February 7, further requirements in those programs were unnecessary.

Upon completion of the interagency working groups' analyses, the third step in implementing Executive Order 12185 was undertaken. Each agency developed and refined a variety of proposals specific to its programs to comply with the purposes of Executive Order 12185. These preliminary proposals were published in the Federal Register on May 7, 1980. The public was given 60 days to review and comment on the proposed actions.

Final rules to implement Executive Order 12185, reflecting the public comments received, are being published in today's Federal Register, which is the fourth step in the implementation of the Presidential directive. This publication is the product of extensive consultation among agencies, and careful interagency coordination and analysis. Consistent with the May 7 publication, the requirements published herein have been divided into four broad functional areas:

1) Community/Economic Development
2) Housing
3) Public Facilities
4) Transportation

An energy secure America is contingent upon more efficient use of our energy resources. Because of this fact, the agencies that are publishing energy conservation rules for their major federal assistance programs in today's Federal Register will work diligently to ensure that these rules are applied effectively and efficiently. The Office of Management and Budget, and the Department of Energy, will, of course, assist in this important effort.

Eugene Eidenberg
Assistant to the President,
Chairman, Interagency Coordinating Council

[FR Doc. 80-26494 Filed 8-28-80, 8:45 am]
BILLING CODE 6450-01-C

Friday
August 29, 1980

Part V

Federal Community/ Economic Development Programs

Economic Development Administration, Commerce Department
Housing and Urban Development Department
Farmers Home Administration, Agriculture Department

Federal Register

Friday
August 29, 1980

Part V—Section A

Department of Commerce

Economic Development Administration

Petroleum and Natural Gas Conservation: Federal Community/Economic Development Assistance Programs

DEPARTMENT OF COMMERCE

Economic Development Administration

13 CFR Parts 304, 305, 306, 307, 308, 315

Miscellaneous Amendments to Financial Assistance Programs Regarding Energy Conservation

AGENCY: Economic Development Administration, Department of Commerce (EDA).

ACTION: Final rule.

SUMMARY: This rule amends several of EDA's program regulations to encourage conservation of petroleum and natural gas in connection with the receipt of Federal financial assistance. EDA published these regulations in proposed form on May 7, 1980, to implement the President's Order which directed Federal agencies to revise their regulations to encourage recipients of Federal financial assistance to conserve energy. This rule publishes these regulations in final with several changes designed to improve their clarity.

EFFECTIVE DATE: October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Alan S. Gregerman, Policy Development Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377-5103.

SUPPLEMENTARY INFORMATION: In Executive Order 12185, the President instructed Federal agencies to review financial assistance programs and to identify those programs which are most likely to provide opportunities for significant conservation of petroleum and natural gas. A list of EDA's programs affected by the Order was published by the Department of Energy on February 7, 1980 (45 FR 8534), as part of a preliminary government-wide list. Section 1-104 of the Order required Federal agencies to publish proposed rules designed to achieve conservation of petroleum and natural gas in connection with the extension of financial assistance. EDA published its proposed rules in the Federal Register on May 7, 1980 (45 FR 30320-30323). During the ensuing sixty-day comment period, the Agency received a number of comments on the proposals from public and private interest groups, as well as individuals. In addition, in order to provide the public with a greater opportunity to participate in rulemaking, EDA held a series of consultations with interest groups representing a broad spectrum of energy, environmental, and economic development concerns. EDA considered the significant recommendations that were received in developing the final regulations and administrative actions presented here. A summary and discussion of these comments is provided below. This rule publishes, in final, amendments to several of EDA's program regulations to accomplish the purposes of the Executive Order.

Energy is closely related to EDA's basic economic development mission in three ways:

1. EDA facilitates economic adjustment which may be needed in part because of the high cost or unavailability of energy;

2. EDA investments, both public and private, can be strengthened by the sound use of energy conserving techniques and practices; and,

3. EDA can assist distressed communities to take advantage of development opportunities in the energy field through both policy and private sector aid.

EDA has already accomplished a wide range of successful energy-related projects within its basic programs. These include: research on energy problems and impacts, technical assistance studies of energy alternatives, energy planning/management assistance to Economic Development Districts, business development assistance to firms in the energy field, and public works grants for energy conservation and development. To implement Executive Order 12185, EDA will integrate energy conservation measures into its basic programs. The regulatory and administrative actions being taken are intended to encourage energy conservation consistent with program purposes and sound economic development objections. While a number of steps are being taken, the most important crosscutting actions will:

1. Make energy conservation features of otherwise acceptable projects eligible costs for EDA aid.

2. Require energy efficiency and life cycle cost analyses of proposed public works projects and certain development finance projects.

3. Require that the most energy conserving alternative developed by the energy efficiency analysis be incorporated into the project, if it is determined to be economically feasible.

4. Require energy conservation considerations to be made an integral part of the economic development planning process.

EDA defines "energy conservation" as the conserving of natural resources through both (1) the more efficient use of non-renewable energy sources, and (2) the use of renewable sources of energy.

Summary of Regulatory Changes

Public Investments

Public works applicants will be required to submit an energy efficiency analysis and, where appropriate, a life cycle cost analysis of the proposed facility. Applicants will be expected to incorporate those cost-effective energy conservation features identified in the energy efficiency analysis—which will be eligible project costs—unless funds are not available from EDA and/or the applicant to cover the costs of such measures, or there are other overriding economic development considerations. In addition, applicant will be asked to provide information on the energy needs of users of the facility.

Development Finance Program

Energy conservation actions will be incorporated into the Development Finance Program (regulations currently set forth at 13 CFR Part 306, Business Development Program) as a means for enhancing the quality of EDA investments. Certain energy conservation measures will be eligible project costs. In addition, applications for assistance to construct new facilities or to expand or rehabilitate existing facilities will be required to contain an analysis of energy alternatives if such facilities will use either petroleum or natural gas for new heating, cooling or production processes. Such applications must also contain a certification that the proposed alternative is feasible, cost-effective and the most energy-conserving available. The Development Finance Program will continue to consider proposals for assistance from firms producing energy conservation and renewable energy equipment.

EDA plans to take additional energy conservation steps after Congress enacts amendments to EDA's basic authorizing legislation. Depending upon this congressional action, EDA plans to establish a special initiative in the Development Finance Program to assist innovative new technology firms. A focus of this initiative will be on energy-related businesses.

Planning Programs

Within EDA's planning programs, regulations will require that energy conservation considerations be made an integral part of the economic development planning process and reflect this in resultant plans and programs. The intent of this provision is to maintain or promote patterns or types of growth and development that are consistent with optimizing energy conservation goals and minimizing energy costs.

Technical Assistance Program

EDA will continue to use its Technical Assistance (TA) Program to address the energy-related problems of economic growth and development. Within the context of limited resources, the agency will expressly allow as eligible for assistance energy-related projects which study a specific problem but have broad applicability to distressed communities and regions.

Title IX

EDA will require applicants for assistance under Title IX, where appropriate, to perform an energy efficiency analysis and a life cycle cost analysis to ensure that facilities will be designed, constructed, and operated in an energy efficient manner.

Trade Adjustment Assistance Program

EDA will expressly allow costs associated with energy conservation measures as eligible costs under the agency's Trade Adjustment Assistance Program.

In addition to these changes to EDA's program regulations, EDA is taking the following administrative actions to further the purposes of the Order:

Administrative Actions

Overall Agency Action:

- Training will be provided to appropriate EDA staff to assist them in reviewing the energy features of proposed projects.

Public Works Program:

- EDA will encourage energy conservation measures to be incorporated into the design of buildings assisted with public works funds and participate in funding resultant costs within reasonable limits.
- EDA will encourage the use of renewable energy sources for the heating and production processes of assisted facilities and participate in funding resultant costs within reasonable limits.

Revolving Loan Funds:

- When appropriate, EDA will encourage Revolving Loan Fund (RLF) applicants to incorporate energy conservation measures in their plans for the RLF through the inclusion of energy conservation as a loan selection criterion. Inclusion of energy conservation as a loan selection criterion will help to ensure that borrowers will consider the energy efficiency of their facilities.
- EDA will encourage RLF recipients to seek out and fund firms in the energy conservation field.
- EDA will seek, on a limited basis, the development of RLFs to make loans in the energy conservation field. Under this initiative, project loans from the RLFs will be available to either businesses providing energy conservation products and services or for energy conserving facility and process modifications as an "energy adjustment". Such projects must be consistent with local economic development efforts.

Technical Assistance Program:

- EDA will utilize TA-supported University Centers, Trade Adjustment Assistance Centers and other national programs as depositories of information on energy conservation.

Summary of the Comments Received in Response to the Publication of the Proposed Rule

EDA received a number of comments on the proposed rule, including some recommended revisions. These comments are summarized and discussed below.

Several individuals and organizations felt that the proposals would be strengthened by the inclusion of a clear definition of "energy conservation". In response to this concern, EDA will define energy conservation as both the more efficient use of existing non-renewable energy sources and the use of renewable sources of energy. This definition is supportive of the mandate of the Executive Order, EDA's mission and individual program purposes, and the need to provide a degree of flexibility to the agency's clients in their compliance with the energy conservation requirements.

Underlying this definition is the realization that the cost and availability of different forms of energy vary across communities and regions. Thus, while EDA believes that the use of renewable sources of energy and the reduction of consumption of non-renewable sources are the bases of the Executive Order, the efficient use of non-renewable energy sources (e.g., natural gas) may make the most sense in certain circumstances. In addition, different sources of energy do not have identical sets of applications. For example, at the present time renewable sources cannot deliver the heat required by many production processes. EDA is requiring applicants to assess an array of practical energy alternatives and to select the most energy efficient and conserving alternative that is also economically feasible.

Closely related to this discussion, representatives of the natural gas industry recommended that EDA require applicants to submit a "source energy analysis" which evaluates the total energy cycle rather than the amount of energy consumed at the utility meter. Their concern is that by requiring a site energy analysis, EDA would be favoring the use of electricity over natural gas in situations in which its total energy cycle efficiency is lower. EDA appreciates this concern and recognizes the importance of looking at total energy efficiency and price in choosing among alternatives. As stated above, EDA realizes that there are situations in which the efficient use of natural gas may be the best energy option. The Agency believes that its requirements will account for this. The major drawbacks to requiring a source energy analysis are technical feasibility and added cost to both the applicant and the Agency. For these reasons EDA decided not to alter its position. By combining an energy efficiency analysis with a life cycle cost analysis, applicants will address this concern by ruling out those options which are too costly. EDA will give the matter further consideration in light of future experience.

Concern over defining energy conservation was also raised with respect to § 306.12(g)(4) of the proposed rule which identifies allowable costs for energy activities for fixed asset loans in otherwise eligible business development projects. For the most part, respondents felt that the Agency should not provide a listing of the types of activities that were eligible, but instead state the premise on which assistance would be available and provide flexibility for applicants to determine and justify those energy conserving expenses which serve to strengthen the project. EDA agrees and has revised this paragraph accordingly.

Some organizations asked EDA to adopt the Building Energy Performance Standards (BEPS) as the means for determining the energy efficiency of proposed projects. EDA has followed the development of BEPS closely, and expects to incorporate these standards into the agency's requirements once they become effective. At present, however, EDA does not believe it appropriate or desirable to mandate a uniform standard and will allow applicants to employ energy evaluation techniques which are broad enough to permit the use of any recognized and accepted methodology that is most appropriate to project needs.

A number of respondents felt that the Agency should give priority in project selection to proposals which include certain energy conservation features. The Agency does not believe that this is

an appropriate approach to take to induce energy conservation given EDA's mission and specific program purposes. EDA's primary concern is with the economic development of distressed communities. Thus, the Agency's intention is to take strong economic development projects and make them better by the incorporation of energy conservation measures. EDA will, however, withhold assistance from projects which fail to adequately examine and incorporate proven, financially feasible energy conservation features.

A few groups felt that the agency should apply a "life cycle cost" methodology to its planning programs. EDA's planning assistance is not, however, used for undertaking site or project-specific planning. Thus, approaches such as life cycle costing are not readily applicable to these programs. The Agency's primary concern in developing energy conservation requirements within its planning guidelines is to ensure that economic development strategies reflect a strong awareness of energy conservation concerns at an early stage in the planning process.

Several individuals and organizations stressed the need to provide the economic development community with guidance on how to incorporate effectively energy conservation considerations into their activities. EDA understands this concern and is currently developing guidance documents for project applicants and planning grant recipients. These materials are being designed to provide the best available information on meeting the Agency's requirements in enhancing the viability of projects and plans. EDA is also developing training for its own personnel to enable them to make the necessary energy conservation determinations and to prepare them to respond to the needs of the individuals and communities with which EDA works.

A few groups commented that EDA needed to clarify what was meant by the term "substantial rehabilitation" in § 306.12(j) of the proposed rule. This section identifies those cases in which applicants for business development assistance must submit an energy efficiency analysis of the proposed facility. Based on these comments, the language of this section has been revised to require those applicants ".*.*.* proposing expansion or rehabilitation of existing facilities and planning to use petroleum or natural gas for new heating, cooling or production processes * * *" to analyze alternatives. EDA is not imposing this requirement on firms that may be using a fixed asset loan to buy a new machine that will be placed next to existing equipment. This subsection applies to those projects involving expansion or rehabilitation which may provide a significant opportunity for the conservation of energy.

Some individuals and organizations stated that the new requirements would place additional burdens on project applicants with respect to time and cost. EDA does not believe that the burden of complying with these regulations will be unreasonable, especially given the anticipated energy conservation and economic development benefits. EDA does not anticipate that the additional costs will be excessive inasfar as projects already require an architect/engineer evaluation. Provided that such additional costs otherwise meet EDA's requirements, these costs will be eligible for EDA assistance.

Executive Order 12044 Determinations

Because these changes broadly affect EDA programs, EDA has determined that this rule is a "significant regulation" under the criteria of Executive Order 12044, on "improving Government Regulations". While this rulemaking is "significant", EDA has determined that this rule does not have major economic consequences under the criteria of that Order and does not require preparation of a "Regulatory Analysis".

Accordingly, EDA amends the following regulations:

PART 304—OVERALL ECONOMIC DEVELOPMENT PROGRAM

1. 13 CFR 304.4 is amended by adding a new paragraph (e) at the end thereof, to read as follows:

§ 304.4 Initial OEDP.

* * * * *

(e) The initial OEDP will be developed with a specific regard for energy conservation concerns and principles, and shall reflect this regard in any developed or proposed plans, programs, or projects.

PART 305—PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

2. 13 CFR 305.59 is amended by revising it to read as follows:

§ 305.59 Energy conservation and other requirements.

(a) *Energy conservation.* In order to encourage conservation of energy in connection with public works facilities assisted under this part, applicants will comply with the following requirements:

(1) Applicants will submit as part of the application:

(i) An energy efficiency analysis of the facilities for which EDA assistance is requested. Such analysis will include the following:

(A) The overall design of the facilities;

(B) Special conservation measures to be utilized;

(C) Fuel requirements for heating, cooling and production processes of the facilities;

(D) Consideration given to the use of cost-effective alternative and renewable energy sources for heating, cooling and production processes of the facilities; and

(E) BTU savings resulting from the design of the facilities compared to standard design criteria.

(ii) Where appropriate, the following information concerning energy considerations of the firms which will use the facilities for which EDA assistance is requested:

(A) Fuel needs;

(B) Fuel sources;

(C) Transportation needs;

(D) Provisions being made for renewable fuel sources; and

(E) Energy conservation decisions made in order to determine the site and users of the facilities.

(2) Applicants will base the energy efficiency analysis on energy evaluation techniques which are broad enough to permit the use of any recognized and accepted methodology that is most appropriate to project needs.

(3) Each design change evolving from the basic design which results in higher initial costs and lower energy consumption must be justified by a life cycle cost analysis. The life cycle cost methodology employed should be consistent generally with the Department of Energy's Methodology and Procedures for Life Cycle Cost Analyses, as set forth in 10 CFR Part 436.

(4) Applicants will incorporate into the project those energy conservation features identified in the energy efficiency analysis unless funds are not available from EDA and/or the applicant to cover the costs of such measures, or unless there are other overriding economic development considerations.

(b) *Other requirements.* The requirements of Part 309 of this chapter apply to this part, as appropriate.

PART 306—BUSINESS DEVELOPMENT PROGRAM

3. 13 CFR 306.12 is amended by adding a new subparagraph (4) to paragraph (g)

and by adding a new paragraph (j) to read as follows:

§ 306.12 Allowable costs for projects involving fixed assets.

* * * * *

(g) * * *

(4) In otherwise eligible projects, costs associated with incorporating energy conserving features into facilities and production processes. Applicants must demonstrate that incorporation of the proposed features for which assistance is being requested will result in the more efficient and cost-effective use of non-renewable energy sources and/or renewable sources of energy.

* * * * *

(j) Applicants constructing new facilities or proposing expansion or rehabilitation of existing facilities and planning to use petroleum or natural gas for new heating, cooling or production processes are required to analyze alternatives for long-run cost savings. Applications for such projects must contain an architect/engineer's or operating engineer's certification that the proposed alternative is the most feasible and energy conserving available based on a life cycle cost analysis. The life cycle cost methodology employed should be consistent generally with the Department of Energy's Methodology and Procedures for Life Cycle Cost Analyses, as set forth in 10 CFR Part 436.

PART 307—TECHNICAL ASSISTANCE, RESEARCH AND INFORMATION

4. 13 CFR 307.3 is amended by revising paragraphs (a)(1)(iii) and (a)(1)(iv) and by adding a new paragraph (a)(1)(v) to read as follows:

§ 307.3 Projects.

(a) * * *

(1) * * *

(iii) Management and operational assistance,

(iv) Preliminary design planning and feasibility studies of development facilities, and

(v) Studies regarding energy conservation if such studies will examine specific energy problems which have broad applicability to economically distressed regions and communities.

* * * * *

5. 13 CFR 307.22 is amended to read as follows:

§ 307.22 Planning grant objectives.

(a) Planning grants for administrative expenses are given to enable eligible applicants to establish and carry out effective economic development programs at local and multijurisdictional levels, and to provide a basis for improved coordination and continuity of Federal, State, and local economic development activities. Planning grants should contribute to the establishment of a permanent economic development process, capable of meeting the planning, coordinating and implementation requirements of the area, district, or reservation.

(b) In order to further the objectives of Executive Order 12185 to conserve petroleum and natural gas, recipients shall ensure that economic development planning processes assisted under this subpart shall provide a means for addressing energy conservation concerns and principles.

6. 13 CFR 307.28 is revised by renumbering existing paragraph (c)(6) as (c)(7) and adding a new (c)(6) to read as follows:

§ 307.28 Continuation planning grants.

* * * * *

(c) The appraisals will consider the following:

* * * * *

(6) Incorporation by the grantee of energy conservation concerns and principles into the economic development planning process.

(7) Implementation by the grantee of recommendations of the preceding appraisal.

7. 13 CFR 307.52(a)(1)(i) is amended by adding a new paragraph (F) and by revising paragraphs (D) and (E), to read as follows:

§ 307.52 Types of grants.

* * * * *

(a) * * *

(1) * * *

(i) * * *

(D) Provide public services;

(E) Balance physical and human resources through the management and control of physical development; and

(F) Enhance and support energy conservation principles, measures and activities.

* * * * *

8. 13 CFR 307.55 is amended by adding a new paragraph (a)(5) and a new paragraph (c)(5), and by redesignating existing paragraph (c)(5) as (c)(6), to read as follows:

§ 307.55 Application requirements.

* * * * *

(a) * * *

(5) That the planning process will be coordinated with energy conservation planning efforts to ensure that energy conservation principles, activities and measures are reflected in State economic development plans, programs and projects.

* * * * *

(c) * * *

(5) That, in undertaking the activities described in paragraphs (c)(3) and (c)(4) of this section, attention will be given to incorporating energy conservation concerns and principles into any economic development plans, programs, and projects. The economic development planning process shall be coordinated with existing State and local energy conservation planning efforts.

(6) That, if a city or county is located in a larger economic development planning unit, activities funded with a planning grant shall be coordinated with the larger unit.

9. 13 CFR 307.56 is amended by adding a new paragraph (h) to read as follows:

§ 307.56 Limitations.

* * * * *

(h) Grants may cover costs incurred for ensuring that energy conservation concerns are incorporated into the economic development planning process and resultant plans and programs as required by this subpart. Such costs will not be allowed if the grantee is receiving other Federal assistance to perform the above activity.

10. 13 CFR 307.57 is amended by adding a new paragraph (a)(6):

§ 307.57 Annual reports.

* * * * *

(a) *States.* * * *

(6) For grants approved after October 1, 1980, certification regarding the manner in which the State incorporated energy conservation concerns into the activities of its planning process.

* * * * *

PART 308—SPECIAL ECONOMIC DEVELOPMENT AND ADJUSTMENT ASSISTANCE GRANTS

11. 13 CFR 308.5(a) is amended by changing the reference in the first sentence of that subsection from "section 308(a)" to "§ 308.6(a)" to read as follows:

§ 308.5 Use of adjustment grants.

* * * * *

(a) Adjustment grants received by eligible recipients to develop plans shall be used to develop plans that meet the requirements of § 308.6(a). The purpose of these grants is to assist eligible recipients to qualify for title IX grants to carry out their plans. The awarding of a grant to develop a plan, however, does not obligate the Assistant Secretary to

make a subsequent grant to carry out the plan.

* * * * *

12. 13 CFR 308.6(a) is amended by adding the following new subparagraph (8) at the end thereof:

§ 308.6 Planning requirements.

(a) * * *

(8) Where appropriate, a completed energy efficiency analysis and life cycle cost analysis of the facilities for which EDA assistance is requested. The life cycle cost analysis shall be generally consistent with the Department of Energy's Methodology and Procedures for Life Cycle Cost Analyses, as set forth in 10 CFR Part 436. The energy efficiency and analysis will include the following:

(i) The overall design of the facilities;

(ii) Special conservation measures to be utilized;

(iii) Fuel requirements for heating, cooling and production processes of the facilities;

(iv) Consideration given to the use of alternative and renewable energy sources for heating, cooling and production processes of the facilities; and

(v) BTU savings resulting from the design of the facilities compared to standard design criteria.

* * * * *

PART 315—ADJUSTMENT ASSISTANCE FOR FIRMS AND COMMUNITIES

13. 13 CFR 315.54(b) is revised to read as follows:

§ 315.54 Technical assistance.

* * * * *

(b)(1) Technical assistance may be provided under this subpart in order to assist a firm in—

(i) Developing a proposal for its economic adjustment;

(ii) Implementing such a proposal; or

(iii) Both.

(2) Technical assistance extended under paragraph (b)(1) of this section may include assistance to study a specific energy related problem in the context of the adjustment needs of the applicant.

* * * * *

14. 13 CFR 315.55(b)(1) is amended to read as follows:

§ 315.55 Financial assistance.

* * * * *

(b) * * *

(1) For acquisition, construction, installation, modernization, development, conversion or expansion of land, plants, buildings, equipment, facilities or machinery and, in otherwise eligible projects, for costs associated with incorporating energy conserving features into facilities and production processes. Applicants must demonstrate that the incorporation of the proposed features for which assistance is being requested will result in the more efficient use of non-renewable energy sources and/or the use of renewable sources of energy.

* * * * *

(Sec. 701, Pub. L. 89-136, 79 Stat. 570 (42 U.S.C. 3211); sec. 1-105, Executive Order 12185; Department of Commerce Organization Order 10-4, as amended (40 FR 56702, as amended))

Dated: August 22, 1980.

Robert T. Hall,

Assistant Secretary for Economic Development.

[FR Doc. 80-26495 Filed 8-28-80; 8:45 am]

BILLING CODE 3510-24-M

Federal Register

Friday
August 29, 1980

Part V—Section B

Department of Housing and Urban Development

Petroleum and Natural Gas Conservation: Federal Community/Economic Development Assistance Programs

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 600

[Docket No. R-80-800]

Comprehensive Planning Assistance, Energy Conservation Provisions; Final Rule

AGENCY: Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This rule revises the Comprehensive Planning Assistance Program regulations to incorporate energy conservation measures as established in Executive Order 12185 and to provide examples of energy conservation activities that would be eligible for Comprehensive Planning Assistance funding.

EFFECTIVE DATE: September 29, 1980.

FOR FURTHER INFORMATION CONTACT: Barbara S. Dorf, Office of Planning and Program Coordination, Room 7254, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410 (202) 755-5649. (This is not a toll-free number).

SUPPLEMENTAL INFORMATION: In accordance with National Policy and the provisions of Executive Order 12185, which addresses energy conservation, HUD has reviewed its programs to determine how they can contribute to furthering energy conservation and management. The Comprehensive Planning Assistance Program focuses on achieving national policy objectives related to the conservation and improvement of existing communities, the increase of housing and employment opportunities, and the promotion of orderly and efficient growth and development. HUD has determined that the Comprehensive Planning Assistance Program can be an even more effective means of addressing energy conservation objectives and is revising its regulations to require that energy conservation considerations be incorporated into the comprehensive planning process.

Background

On May 7, 1980, the Assistant Secretary for Community Planning and Development published a proposed rule (45 FR 30330) to amend the regulations governing the Comprehensive Planning Assistance Program (24 CFR Part 600) to include energy conservation provisions. Comments were invited until July 7, 1980. A total of 9 comments were received. Each comment was carefully considered. The following is a summary of the comments and the changes made to the proposed rule.

Discussion of Comments

§ 600.68 Energy Conservation Requirements.

Several comments were received which suggested that this section be expanded. After comments were carefully reviewed and considered the Department took the following actions:

Suggestion to impose sanctions. The Department felt that the imposition of sanctions for failure to comply with all program requirements was already clearly delineated in § 600.10(d) of the 701 program regulations. To specify sanctions for failure to comply with the requirements for consideration of energy conservation in the planning process would be redundant and unnecessary.

Actions needed to be undertaken. In an effort to provide a better understanding of the requirements of § 600.68, which establishes the energy conservation requirements for the 701 program, the section was revised to ensure clarity.

Suggestion to require assessment of energy impacts of regional development plans. The Department felt that a separate impact assessment related strictly to energy was unwarranted and not in keeping with the intent and purpose of existing environmental requirements or the proposed energy requirements. It was the intent of the Department to have all program grantees incorporate energy conservation considerations in their planning process to ensure that all resulting plans, programs, and policies, funded in whole or in part by the 701 program, would have adequately addressed relevant energy impacts, issues and concerns as they were identified during the planning phase.

Suggestion to require areawide planning organizations to adopt the goal of a reduction in vehicle miles traveled. It has been the Department's policy to permit local governments to establish their own goals, priorities and programs to address the 701 program requirements. It was felt that the imposition of such a requirement was not an appropriate action on the part of HUD.

Suggestion that the review of energy impacts be expanded to encompass all types of energy resources, not just petroleum and natural gas. The inclusion of the phase "particularly petroleum and natural gas" was not intended to be exclusive nor infer that the Department is advocating the conservation of petroleum and natural gas by switching to other forms of energy. The intent of the requirement was to ensure that proposed plans, programs and policies be examined in light of their effect on the consumption of energy. Therefore, no changes have been made to this requirement.

Suggestion that the consideration of Federal, State, and local energy conservation plans be mandatory. It is the intent of the Department that where a State, areawide planning organization or local government has developed and adopted or endorsed specific energy conservation plans, programs, policies, standards or other similar measures, that grant recipients acknowledge such policies as part of their comprehensive planning process.

Similarly, where standards have been developed or adopted by State or local government which provide for energy conservation measures, 701 grantees are encouraged to utilize such standards whenever practicable. Examples of energy conservation standards are ASHRAE Standard 90-75, Energy Conservation in New Building Construction; U.S. Department of Energy regulations, BEPS, Building Energy Performance Standards when they become effective in the future; and/or HUD's Cost Effective Energy Conservation Standards, 24 CFR Part 39. Therefore, this requirement has not been changed.

§ 600.160 OMB Circular A-95 coordination procedures.

One comment was received which questioned the timing of the A-95 clearinghouse notification procedures. All applicants must notify the appropriate A-95 clearinghouses of their intent to submit an application to HUD at least 60 days prior to submittal of the actual application to HUD. Applications must be submitted to A-95 clearinghouses at least 30 days prior to submittal of the application to HUD. These timing requirements do not change or modify the standard A-95 procedures that have been in existence. The Department did not feel that it was necessary to clarify this section further.

Appendix I

Several comments were received which provided additional examples of types of activities that could be undertaken with 701 funds which further the National Policy Objectives and which are in keeping with energy conservation objectives. Where these

additional examples provided a unique or appropriate example of eligible activities related to energy conservation, such examples were incorporated into the Appendix. It is the intent of the Department that the Appendix serve as a simple guideline to the types of activities that could be funded under the 701 program. The Appendix should not be considered finite or exclusionary. Applicants are encouraged to undertake planning activities which best enable them to achieve the National Policy Objectives within the context of local goals and priorities. Any changes incorporated into the Appendix are in italics.

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding is available for public inspection during the regular business hours in the Office of the Rules Docket Clerk at the aforementioned address.

This rule is not listed in the Department's semiannual agenda of significant regulations published on February 5, 1980 pursuant to Executive Order 12044.

Accordingly, the Department has amended 24 CFR 600 as follows:

PART 600—COMPREHENSIVE PLANNING ASSISTANCE

1. By adding a new § 600.68 to read as follows:

§ 600.68 Energy conservation requirements.

(a) *Requirements.* This section applies to planning and management activities funded in whole or in part by a Comprehensive Planning Assistance grant. As specified in § 600.55, all 701 funded planning activities must clearly further the National Policy Objectives for the conservation and improvement of existing communities, the increase of housing and employment opportunities, and the promotion of orderly and efficient growth and development. As part of these activities, applicants must include in their comprehensive planning process consideration of energy conservation measures, as appropriate. To assure that energy conservation is addressed as part of the comprehensive planning process, applicants should include consideration of:

(1) Energy problems and issues, including applicable Federal, State and local energy policies and standards which the applicant determines to be of major significance in its efforts to conserve and improve existing communities, increase housing and employment opportunities for the poor, disadvantaged and minorities; and to promote orderly growth and development.

(2) The impact of proposed development policies and programs to determine effects on energy consumption, particularly petroleum and natural gas.

(3) Federal, State and local energy conservation plans and programs in the development of plans, programs and policies which achieve the National Policy objectives.

2. By revising paragraph (c) of § 600.160 to read as follows:

§ 600.160 OMB circular A-95 coordination procedures.

* * * * *

(c) *Clearinghouse notification.* Applicants must notify the appropriate State and areawide clearinghouses at least 60 days prior to the submittal of the application to HUD. The notification should indicate any known energy impacts of the proposed activities and any planning related to the conservation of energy that would be undertaken. A copy of the application must be submitted to the clearinghouses at least 30 days prior to the submittal of the application to HUD. In no instance will applications be approved without having fulfilled the A-95 requirements.

* * * * *

3. By revising Appendix I to Part 600 to read as follows:

Appendix I—Comprehensive Planning Assistance, Department of Housing and Urban Development

This list contains examples of the types of comprehensive planning and management activities that States, areawide planning organizations and localities may undertake, beginning in FY 1979, which would be clearly supportive of National Policy Objectives. The listing is meant to be illustrative only and should not be construed as being mandatory, exclusionary or finite.

I. States

A. To conserve and revitalize communities:

Reform State income, sales, business and property tax systems and laws, including tax revenue sharing formulas, to provide more cost efficient public services and facilities; assure that distressed population groups are equitably treated; and the needs of distressed communities and populations are adequately addressed.

- Identify disparities among communities in State services, facilities and assistance, and reprogram State aid to alleviate such disparities.
- Conduct "fair share" analyses of State aid and State administered Federal aid to communities.
- Develop program(s) for targeting the development, rehabilitation or modernization of State facilities to distressed communities.
- Seek State legislative endorsement for priorities and programs designed to carry out community conservation, *energy conservation,* and revitalization objectives.
- Increase State role to finance and deliver aid to communities for such local functions as education, public transit and economic development.
- Enhance communities borrowing capacity.
- Establish a State Development Cabinet, or equivalent mechanism, to enable Governors to coordinate State and local strategy actions.
- *Create a program of tax incentives for homeowners and corporations to encourage weatherization and energy retrofit conservation measures at the local level.*
- Establish an urban impact review capacity.
- To expand housing choice:
- Develop State and regional policies to guide major public and private decisions on priority areas where growth should occur, *with due consideration of the need to conserve energy,* where conventional housing should be located and HUD and FmHA should provide insured housing.
- Develop a three year State housing allocation plan and coordinate the provision of State assisted housing with HUD and FmHA assisted housing.
- Establish or increase State funding for State programs of housing loans, grants and guarantee programs.
- Establish a system for constructing State facilities or allocating State expenditures which gives priority based on a community's provision of low and moderate income housing.
- Provide new authority for State, regional, or local housing authorities to develop a wide variety of housing and rehabilitation programs and assistance.
- Develop model housing and rehabilitation standards and/or process to assist in a revitalization program.
- Establish a State Housing Finance Agency.
- Reform tax policies to encourage rehabilitation and ensure equity in property taxes for the elderly and low income homeowners.
- Reform tax policies to ensure equity in property taxes for renters and reform landlord-tenant, consumer protection and fair housing laws, including the strengthening of administration and enforcement actions.

• Reform model and existing building codes by eliminating unjustified cost-increasing requirements, and encouraging the use of new technology in construction materials and methods for conventional and factory built housing.

• Establish laws and regulations for financial institution that prevent red-lining.

• Reform State laws relating to lending and land title practices which tend to increase housing costs.

• Establish uniform State building and housing maintenance codes *and adopt standards for energy conservation in construction and rehabilitation projects.*

• Reform local zoning, subdivision, and other land-use ordinances to facilitate the construction of assisted and unassisted, modest cost, multi-family and single family housing, including approaches such as metropolitan or State zoning appeals boards, State established maximums for house and lot size, garage, density, site development requirements, and fees and charges.

• Develop and carry out a comprehensive fair housing strategy (New Horizons Fair Housing Assistance Project).

• Establish State standards for accessibility to the handicapped and adopt or revise building and housing codes as necessary.

• *Develop model single family and multifamily rehabilitation codes which foster revitalization efforts and also promote energy conservation by including weatherization and other appropriate standards in the code revisions, and encouraging their adoption by local governments.*

• *Modify codes to encourage use of energy recovery methods, solid waste processing and solar systems to achieve maximum energy efficiencies in new construction and through retrofit of established structures. Revise codes to permit use of equally energy efficient, but less expensive materials in construction.*

C. To expand employment opportunities:

• Establish State financed economic development programs for distressed communities and allocate State resources on a preferential basis to such communities.

• Establish State programs to encourage the restoration, rehabilitation and more efficient utilization of existing public and private commercial and industrial structures and facilities in distressed and declining communities.

D. To promote orderly growth:

• Develop policies which coordinate State resources and State administrated Federal community and housing development resources for transportation and access, major utility sites, and air and water quality management actions.

• Develop State policies and guidelines for land use and development which will assure that adequate amounts of reasonably priced developable land will be available for the development of modest-cost housing.

• Streamline regulatory mechanisms to reduce the cost of procedural delay in the administration of State and local regulations governing housing development and renovation.

• Provide assistance to develop data to fulfill Community Development Block Grant, Urban Development Action Grant, Housing Opportunity Plan and other HUD program application or regulatory requirements.

• Assess extent to which HUD approved land use and housing elements address the Program Objectives and modify the elements, as necessary, to formulate a State strategy for community conservation and orderly growth.

• Promote legislative initiatives and actions and address the needs of distressed communities and population, including handicapped populations.

• *Consider major patterns of existing and future State land use and relate to energy conservation, emphasizing factors such as transportation, industrial needs and development, water availability and population mobility which are the most efficient.*

II. Areawide Planning Organizations (Metropolitan and Nonmetropolitan)

A. To conserve and revitalize communities:

• Prepare a multi-year strategy to include a regional development guide for major public and private investments coordinated with air quality and transportation control strategies, *energy efficiency and conservation measures* and regional housing strategies.

• Implement HUD approved areawide land use and housing elements that are consistent with the Program Objectives.

• Prepare a regional economic development program(s) to identify job requirements and preferred major development sites *in keeping with Federal, State and local energy conservation objectives.*

• Strengthen APOs by moving to establish proportional representation voting systems during the 1971–81 period.

B. To expand housing choice:

• Develop three year regional housing guide and implementation programs for conventional housing to promote investment and reduce sprawl.

• Develop and carry out a comprehensive fair housing strategy (New Horizons Fair Housing Assistance Program).

• Develop a three year assisted housing allocation plan and implementation program, it includes guidelines for coordinating the programs of State, HUD and FmHA assistance, or establish or refine a Housing Opportunity Plan pursuant to 24 CFR Part 891.

• Establish multijurisdictional housing authority which operates program to expand opportunities for low income households outside areas of concentration.

• Establish procedures to ensure consistency of areawide housing opportunity plan (HOP) goals with housing assistance plans (HAP) goals of CDBG applicants.

• Promote fair and equal housing and facilitate interjurisdictional mobility, by such means as an Areawide Affirmative Marketing Plan, counseling programs, relocation information and assistance, advertising or promotional campaigns, establishing fair housing groups or agencies, adoption of fair housing ordinances and recommendation for new legislation.

• Operate programs to expand housing choice directed at assisting local governments to modify their practices which affect housing cost or restrict housing choice particularly in the area of inclusionary and exclusionary land use and zoning ordinances.

• Propose and encourage programs to eliminate redlining or other public or private practices which contribute to the problems of distressed areas.

• Propose programs to reduce involuntary relocation of low income households in areas undergoing redevelopment and reinvestment.

• Use A-95 or other review authorities established by State law or voluntary agreements to implement State and regional housing plans.

• Establish standards for local regulations that are consistent with illustrated State activities, so as to facilitate the construction of assisted and unassisted modest-cost housing, and monitor compliance with such standards which may cover house and lot size requirements, allowable densities, site development requirements, fees and charges, and procedures governing changes in zoning, *and energy conservation.*

• Develop and implement procedures for monitoring land prices so as to determine that development policies and

controls are not unreasonably driving up land prices.

C. To expand employment opportunities:

• Designate preferential locations for new employment through development of regional public facilities within communities to be conserved.

• Identify sites for major new private economic development and otherwise assist private developers to provide new employment to serve areas and persons of greatest need.

• Promote improved transportation services to job centers from areas of high unemployment.

• Establish priorities to promote the redevelopment or modernization of commercial and industrial areas in older, highly urbanized areas.

• Use A-95 or other authorities to divert new employment opportunities into areas of highest unemployment and poverty.

D. To promote orderly growth:

• Develop regional public investment programs and schedules for regional public facilities which include timing and staging of facilities coordinated with orderly urban development in existing communities or neighborhoods, and promoting revitalization of distressed areas.

• *Formulate an energy conservation strategy to serve as a guide in formulating housing, transportation, economic development and other land use related plans, programs and policies which achieve the Program Objectives, and encourage its adoption by local governments.*

• Delineate priority areas where private sector growth should occur, in order to minimize the cost of additional government services and maximize the use of existing services.

• Establish and operate an urban impact review system.

• Implement HUD approved land use and housing elements that are consistent with the Program Objective.

• Establish or strengthen programs to assist localities to apply for and manage CDBG Small City funds, including analysis of local needs and problems, and establishment or improvement of local CDBG program management systems.

• Consider major patterns of existing and future regional land use and relate to energy conservation measures, emphasizing factors such as transportation, industrial needs and development, water availability and population mobility.

• *Develop model building codes and zoning ordinances which ensure access to sunlight to enable single family and multiple family units to utilize solar energy.*

III. Localities (Municipalities Under 50,000 Population and Counties Other Than Urban Counties as Defined in Title I, HUD Act of 1974, as Amended)

A. To conserve and revitalize communities:

• Develop and carry out a comprehensive plan, or strategy, and action programs to identify, conserve, and rehabilitate neighborhoods and business areas within the locality.

• Prepare community development plans, annual programs, and plans for neighborhood strategy areas, and develop applications to qualify for assistance under the CDBG Small Cities program.

• Develop programs for land clearance and site aggregation for private or public developments within distressed areas.

• Promote infilling of vacant land within the locality.

• Survey sites, structures, and districts, and develop programs for historic preservation.

• Develop energy conservation measures and facility siting plans.

B. To expand housing choice:

• Develop plans and develop implementation programs to conserve and rehabilitate the existing housing stock.

• Formulate the production of new housing to reduce the isolation of income groups and families and handicapped persons within the locality and to foster interjurisdictional mobility.

• Develop and carry out a comprehensive fair housing strategy (New Horizons Fair Housing Assistance Project).

• Develop, promulgate and adopt single and multi-family *energy-efficient* rehabilitation codes which encourage revitalization efforts.

• Develop programs to promote assisted housing, such as land write-downs, establishment of a housing authority or joining a multijurisdictional housing authority, and identification and improvement of sites for assisted housing.

• Develop outreach programs and informational services to promote interjurisdictional mobility and expand housing opportunities for non-residents.

• Update, modernize, and adopt land development and structural codes and ordinances, to remove exclusionary barriers and create inclusionary opportunities consistent with 701 Program Objectives.

• Streamline local administrative procedures pertaining to the regulation of land development and building construction so as to reduce the costs of delay and increase the degree of predictability of the governmental review and approval process.

C. To expand employment opportunity:

• Develop and carry out plans and programs to attract or retain business and industry, to retain or upgrade the local labor force, or to create new job opportunities for the unemployed, underemployed or handicapped in the locality.

• Revise local tax and business regulation structures to remove barriers and encourage new economic development consistent with Program Objectives.

• Prepare applications and development plans necessary to qualify for assistance under the Urban Development Action Grant program.

D. To promote orderly growth:

• Develop and carry out a comprehensive plan (including the statutorily prescribed land use and housing elements) as a guide for public and private development, redevelopment, or resource conservation, as appropriate within the locality, to include priority areas for Federal community development and housing assistance (insured and subsidized). Such comprehensive plan to consider the needs of all population groups, the availability of land, the public sector costs and benefits of additional growth, and the incidence of their impact on the population, energy consumption, and the environment.

• Assess and revise functional plans and investment programs, such as transportation, parks and recreation, and social services to alleviate any disparities and to provide services to meet the special needs of distressed areas and population groups within the locality.

• Plan local facilities consistent with a regional or State public investment program.

• Carry out programs to detail and implement a regional development guide at the local level.

• Conduct flood control studies and develop programs for flood plain management.

• *Formulate, and revise as appropriate, local zoning codes and ordinances to ensure that buildings are constructed in a manner which meet energy conservation objectives and encourages the utilization of solar energy and other renewable energy resources.*

(Sec. 7(d), Department of HUD (42 U.S.C. 3535(d)), sec. 701 of the Housing Act of 1954, as amended (40 U.S.C. 461, et seq.))

Issued at Washington, D.C., August 22, 1980.

Walter G. Farr,

Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 80-26496 Filed 8-28-80; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 570

[Docket No. R-80-798]

Community Development Block Grants; Energy Conservation Provisions

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

ACTION: Final rule.

SUMMARY: This rule provides that where units rehabilitated with block grant funds are proposed to be included as goals in a Housing Assistance plan (HAP), they must comply with HUD's Cost-Effective Energy Conservation Standards. It also provides that where block grant funds are provided to private entities to acquire properties for the purpose of rehabilitation, the structures to be acquired must meet the Cost-Effective Energy Conservation Standards after rehabilitation.

EFFECTIVE DATE: September 29, 1980.

FOR FURTHER INFORMATION CONTACT: James Broughman, Entitlement Cities Division, Office of Block Grant Assistance, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-9267. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On May 7, 1980 HUD published proposed rules to extend the Department's Cost-Effective Energy Conservation Standards to certain housing rehabilitation carried out with block grant funds. Those standards now apply to five HUD programs, namely, the Section 312 Rehabilitation Loan Program, the Section 8 Moderate Rehabilitation Program, the Section 8 Substantial Rehabilitation Program, Section 203(k) Rehabilitation Loans, and Operating Assistance for Troubled Multifamily Housing Projects. The proposal to extend the coverage of these standards to the Community Development Block Grant Program was part of a Department-wide effort, consistent with Executive Order 12185, to take appropriate steps to foster energy conservation in all HUD programs.

A total of nine comments was received and evaluated. They fell into three categories:

(1) Three commenters expressed concern about the increased cost of rehabilitation that would result from adoption of these standards and the likelihood that this would reduce the total number of housing units rehabilitated with block grant funds. Some of these commenters therefore suggested that the HAP requirements be modified to take this into account.

We are sensitive to this issue and have considered it carefully both in drafting the proposed rule and in reviewing the comments. We have concluded that energy conservation measures have overriding importance, both because of the national objective of conserving scarce fuels, and because of the particular burden that high energy costs impose on low- and moderate-income persons. The installation of energy conserving improvements will generally pay for themselves in reduced costs within a relatively short term and will help ensure that housing rehabilitated with block grant funds can be preserved for use as housing for lower income persons.

We also doubt that the adoption of these standards will cause a substantial reduction in the volume of rehabilitation. It is noted that some 75% of all units rehabilitated with block grant funds to meet Housing Assistance Plan (HAP) goals now include energy conserving improvements. Moreover, the Cost-Effective Energy Conservation Standards themselves are moderate and flexible in approach. They require the installation of insulation only where particular housing elements are to be exposed or made accessible as part of the rehabilitation to be performed, and not otherwise. The extent of insulation to be installed is based on cost savings that would result given the climate, the type of fuel used, and the financing terms. We therefore, do not feel that adoption of these standards would unduly burden the block grant funded rehabilitation effort, but rather, it would enhance it by including improvements that are essential in this period of high energy costs and scarcity.

If adoption of these standards does reduce the level of rehabilitation in some cities, and those cities are otherwise taking all reasonable steps available to them to meet their housing assistance goals, HUD will take that into account in evaluating housing performance, and will not unfairly penalize such cities. No change will be made in the regulation in light of these comments.

(2) Other commenters were concerned about the administrative implications of adopting these standards, and how they would be coordinated with other energy conservation requirements of HUD and other Federal Departments. We note that the standards being adopted are identical to the standards that apply to five other HUD rehabilitation programs, and that HUD will continue to work toward uniform requirements wherever feasible. With regard to coordination with the Department of Energy's Weatherization Program, HUD strongly supports local efforts to work out suitable arrangements to coordinate this program with the block grant program, and is exploring ways that the Department can further coordination between these programs on a national basis.

(3) Two commenters questioned the provisions of the Cost-Effective Energy Conservation Standards as they applied to consumption of natural gas. Both opposed individual metering of multifamily apartment units, and one stated that the calculation of natural gas consumption in the standards was faulty.

While we understand these commenters' concerns, we do not feel that concern about the impact on consumption of one fuel type warrants delay in extending a current, Department-wide standard to the block grant program, and that if any inaccuracy exists it would be dealt with when the standards are reviewed and updated. With regard to individual metering, the standards do not so require. Rather, the standards require that individual metering be evaluated as part of any energy audit performed on mulifamily structures.

A finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the above address. This rule was not included on the Department's semi-annual agenda of significant regulations.

Accordingly, the Department hereby amends 24 CFR Part 570 to read as follows:

1. Section 570.202(c)(1) is revised as follows:

§ 570.202 Eligible rehabilitation and preservation activities.

* * * * *

(c) Rehabilitation of private properties. * * *

(1) Acquisition for the purpose of rehabilitation. Block grant funds may be

used to assist private entities, including profit making and non profit organizations, to acquire properties, for use or resale for residential purposes. Such properties may include:

(i) Permanent housing units, both single family and multifamily, for rental or sale; and

(ii) Residential facilities such as group homes, halfway houses, and emergency shelters.

Properties acquired and rehabilitated under this provision must meet the Section 8 Existing Housing Quality Standards at 24 CFR 882.109 and the Cost-Effective Energy Conservation Standards at 24 CFR Part 39.

2. Section 570.306(c)(1)(vi) is revised as follows:

§ 570.306 Housing assistance plan.

* * * * *

(c) * * *

(1) * * *

(vi) *Adequacy of rehabilitation.* In order to be included as goals in a HAP, any units proposed to be rehabilitated for either owners or renters must be units which are determined by the applicant to be substandard, and upon completion will meet, at minimum, the Section 8 Existing Housing Quality Standards at 24 CFR 882.109 and the Cost-Effective Energy Conservation Standards at 24 CFR Part 39, and be occupied by lower-income households. Any units proposed for rehabilitation using Federal assistance shall upon completion meet the standards of the applicable Federal program where they exceed Section 8 Existing Housing Quality Standards.

* * * * *

(Sec. 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., August 22, 1980

Walter G. Farr,

Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 80-26497 Filed 8-28-80; 8:45 am]

BILLING CODE 4210-01-M

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24 CFR Part 570

[Docket No. R-80-782]

Community Development Block Grants; Subpart F—Small Cities Program

Cross Reference: In the Federal Register of Thursday, August 21, 1980 (45 FR 55968), the Department of Housing and Urban Development published a final rule which revises Subpart F of Part 570, the Small Cities Program regulations of the Community Development Block Grant Program.

BILLING CODE 4210-01-M

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24 CFR Part 570

[Docket No. R-80-797]

Community Development Block Grants: Energy Conservation Changes to Urban Development Action Grant Rules

AGENCY: Office of Urban Development Action Grants, HUD.

ACTION: Final rule.

SUMMARY: This rule finalizes the Urban Development Action Grant regulations to include additional energy conservation measures developed in accordance with Executive Order 12185. It applies to private participating parties in an Action Grant project.

EFFECTIVE DATE: September 29, 1980.

FOR FURTHER INFORMATION CONTACT: Regions 1 & 4-Catherine Hare, (202/755-7362), Region 2-Stanley Newman, (202/755-6193), Regions 3 & 10-Harvey Zeiger, (202/755-0268), Region 5-(Illinois, Indiana, and Minnesota)-Bill Hammer, (202/755-6035) and (Michigan, Ohio, and Wisconsin)-David Sowell, (202/755-6284), Regions 6 & 8-Charles Kendrick (202/755-5620), Regions 7 & 9-Wally May, (202/755-5620), Office of Urban Development Action Grants, Department of Housing and Urban Development, 451 7th St. SW., Washington, D.C. 20410. (These are not toll free numbers)

SUPPLEMENTARY INFORMATION:

Background

On May 7, 1980 the Department published in the Federal Register (45 FR 30328) proposed rules amending the Urban Development Action Grant regulations to include additional energy conservation measures applicable to private participating parties in Action Grant projects. The rule implements Executive Order 12185 that requires inclusion of energy efficiency standards in all federal aid programs.

Interested parties were given until July 7, 1980 to comment. All comments with respect to the proposed rule were given careful consideration, and as a result of the 8 responses filed, the following changes are being made:

Full Applications

Three respondents thought the wording was either vague or could be strengthened. One respondent suggested adding the requirement that life-cycle cost analysis be performed as the best method of ensuring cost effective energy efficient measures. As a result of these comments, HUD suggests that applicants use life-cycle cost analysis where appropriate to determine the most cost-effective energy efficient method. HUD also suggests that applicants use ASHRAE standards for the selection of building materials.

A number of respondents were concerned that an energy certification would be too expensive and would discourage potential participants. One additional commentor suggested delaying the certification until after preliminary approval so that applicants not funded will not incur the expense of the certification. HUD believes the certification will not require extensive analysis or cost to participants. By requiring that the certification be included in the application, HUD will have a means to ensure that all projects reviewed are energy efficient.

A finding of no significant impact under the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. The changes embodied in the regulation have been evaluated and have been found not to have major economic consequences for the general economy or for individual industries, geographic regions, or levels of governments. Copies of the findings are available for inspection and copy in the Office of the Rules Docket Clerk at the above address.

Accordingly, 24 CFR Part 570 is amended by adding § 570.458-1 to read as follows:

§ 570.458-1 Full applications.

Each private participating party constructing a recipient or non-recipient activity must submit a certification providing assurance that it has evaluated and it will implement the most cost-effective energy efficient measures feasible directly affecting the construction or rehabilitation of buildings and the production processes to be performed therein. Each private participating party will be expected to cite the energy efficient measures that it is including in its building or production processes. HUD encourages participants to use life-cycle cost analysis to determine the most cost-effective energy efficient method in appropriate instances. For example, life-cycle cost analysis would be appropriate in choosing between the purchase of a gas, electric, or solar water heating system. HUD also encourages the use of ASHRAE in selecting construction materials. Institutions which are participating parties exclusively for the

purpose of lending funds are excluded from this requirement.

(Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq); Title I Housing and Community Development Act of 1977 (Pub. L. 95-128); and sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., August 22, 1980.

Walter G. Farr,

Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 80-26511 Filed 8-28-80; 8:45 am]

BILLING CODE 4210-01-M

Federal Register

Friday
August 29, 1980

Part V—Section C

Department of Agriculture

Farmers Home Administration

Petroleum and Natural Gas Conservation: Federal Community/Economic Development Assistance Programs

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 1804, 1924, 1930, and 1944

[FCDA No. 10.415, Rural Rental Housing Loans, 10.410, Low to Moderate Income Housing Loans, 10.411, Rural Housing Site Loans]

Conservation of Petroleum and Natural Gas Through Changes in USDA Financial Assistance Programs; Executive Order 12185

AGENCY: Farmers Home Administration, United States Department of Agriculture.

ACTION: Final rule.

SUMMARY: This notice outlines changes in rules in certain programs of the Department of Agriculture, Farmers Home Administration, to increase the incentives for conserving petroleum and natural gas. This final rule is being published as required by Section 1-104 of Executive Order 12185, and constitutes the FmHA response to that requirement. It is intended that this action will not only encourage conservation of petroleum and natural gas, but provide additional management information to those receiving financial assistance from FmHA.

EFFECTIVE DATE: October 1, 1980.

FOR FURTHER INFORMATION CONTACT: James E. Thornton, Associate Administrator, Farmers Home Administration, Room 5014 South Building, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-5614. The Final Impact Statements describing the options considered in developing this final rule and the impact of implementing each option is available on request from Joseph H. Linsley, Directives Management Branch, Room 6346, South Agriculture Building, Washington, D.C. 20250, (202) 447-4057.

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

The FmHA programs and projects which are affected by these actions are subject to state and local clearinghouse review in the manner delineated in FmHA Instruction 1901-H.

On page 30364 of the Federal Register for May 7, 1980 the Farmers Home Administration published a notice of proposed rulemaking and administrative actions to increase the incentives for conserving petroleum and natural gas. This action is taken to implement Executive Order 12185, Conservation of Petroleum and Natural Gas, signed by the President December 17, 1979 and published December 19, 1979 at 44 FR 75093. Public comments have been accepted and analyzed and are discussed below. These actions were presented to representatives of public interest groups at informational meetings conducted by the White House Staff.

This action has been affected by other rulemaking that was proceeding concurrently. Therefore, the format of the final rules and some of the references therein have been changed to be consistent with other rulemaking. The proposed amendments to proposed Subpart C of Part 1930 and Subpart E of Part 1944 will be incorporated and published as a part of those regulations.

The major concerns expressed within the coments received and changes made were:

Part 1804 Subpart D

(1) Using energy as a factor to select project sites and designs could detract from the agency's effort to target projects to the areas of greatest need.

FmHA is seriously committed to serving the needs of rural residents regardless of how remote their location. It is intended that energy demand not be the dominate factor used to evaluate project sites and designs, but that it should be included as one of many factors used to evaluate projects such as: market demand, environmental impact, etc. In an effort to clarify this point we have added the following sentence to § 1804.63 (c):

> This factor should be used primarily to assist in the site selection process within a given community, and not necessarily as a basis for moving projects to larger communities.

Part 1924 Subpart A

Due to number and complexity of the comments received concerning these changes, this part is still under agency review. The final rule is scheduled for publishing within 60 days.

Therefore Chapter XVIII is amended as follows:

SUBCHAPTER A—GENERAL REGULATIONS

PART 1804—PLANNING AND PERFORMING DEVELOPMENT WORK

Subpart D—Planning and Performing Site Development Work

1. A new § 1804.63 (c) is added to read as follows:

§ 1804.63 Purpose and general policy.

* * * * *

(c) The energy required to develop the site and to provide support services and to be used for transportation by residents after the site is occupied must be a factor used to select the site and final project design. This factor should be used primarily to assist in the site selection process within a given community, and not necessarily as a basis for moving projects to larger communities.

* * * * *

2. § 1804.63 existing paragraph (c) is renumbered (d) without change.

3. § 1804.74 (a)(6) is added to read as follows:

§ 1804.74 Planning and submission of documents.

(a) * * *

(6) *Energy Considerations.* A discussion of the energy efficiency of the proposed site relative to the alternative sites. This discussion should include energy required for site preparation, installing utilities, providing services, and vehicular transportation of the occupants, as applicable to the proposed development. Demonstrate how energy considerations influenced selection of the site and development of concepts for the project design.

* * * * *

4. § 1804.74, existing paragraph (a)(6) is renumbered (7) without change.

(7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO 29 FR 14764, 33 FR 9850)

Dated: August 26, 1980.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 80-26607 Filed 8-28-80; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Conservation of Petroleum and Natural Gas Through Proposed Changes in USDA Financial Assistance Programs; Executive Order 12185

AGENCY: U.S. Department of Agriculture, Farmers Home Administration.

ACTION: Administrative notice.

FOR FURTHER INFORMATION CONTACT: James E. Thornton, Associate Administrator, Farmers Home Administration, Room 5014 South Building, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-5614.

Dated: August 26, 1980.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

Farmers Home Administration (FmHA) has determined that the following actions are covered by existing rules and can be accomplished by the issuance of an Administrative Notice (AN) to all FmHA field offices.

U.S. Department of Agriculture; Farmers Home Administration

Washington, D.C. 20250

FmHA AN ——— (1900)

Subject: Energy Conservation Initiatives, Executive Order 12185.

To: All State Directors, All District Directors, All County Supervisors.

Pursuant to Executive Order 12185 Farmers Home Administration has taken a number of steps to promote the conservation of petroleum and natural gas. The May 7 Federal Register contained several notices of proposed rule making and also descriptions of actions which would be implemented by administrative action. This administrative notice will provide guidance for proper consideration of energy conservation measures in FmHA financial assistance programs.

In administering our loan and grant programs we must be sensitive to the major impact which our assistance has on the energy usage in rural areas. Most projects funded by FmHA have direct energy impacts as a result of the amount of energy which the project will consume over its expected life. All projects (including planning activities) which are FmHA assisted have impacts of an indirect nature. Patterns of community development, location of public facilities with respect to housing and employment centers will affect transportation energy use and energy demands for public services. Farmers must spend increasingly larger portions of their budgets for energy and the rising costs of fuel are threatening the economic viability of some farming operations.

On a more positive note many of our energy related problems have solutions which are economically, environmentally and socially acceptable. Energy conscious community planning can significantly reduce average resident energy use. Buildings financed by FmHA can be designed to use half the energy required for similar buildings constructed only a few years ago. Water and sewer systems can be designed which will demand less energy for construction and long term operation. And finally, with our tradition of supervised credit we can help borrowers be aware of the significant reduction in energy consumption they can effect by proper energy management.

The energy guidelines on the pages which follow are intended to integrate energy awareness and analysis into our process of application review. All existing and potential applicants should be made aware of these guidelines and the agency's solid commitment to energy conservation. We should also encourage our applicants to go beyond the guidelines stated here in developing projects which conserve our non-renewable resources.

Due to the numerous programs this notice will affect, this notice has been prepared in a unique format. After initial review the notice should be separated into nine parts (general parts and eight numbered parts) and filed in accordance with the instructions contained thereon.

Gordon Cavanaugh,

Administrator.

Expiration Date: September 30, 1981.

Filing Instructions: Preceding FmHA Instruction 1900-A

Part 1 of the referenced AN issued in accordance with Presidential Executive Order 12185, Conservation of Petroleum and Natural Gas. The general portion of the AN is filed prior to FmHA Instruction 1900-A.

Business and Industry Loan Program

Applicants will be encouraged to include in technical and economic feasibility studies consideration of direct and indirect energy usages and costs.

Energy costs have become a major factor in the economic well being of many businesses. We should encourage the use of efficient plant machinery and equipment, co-generation systems and waste heat recovery equipment which better utilize the fuels used and the use of alternate energy sources. However, we should not encourage a shift away from the direct use of petroleum or natural gas to electricity in an area where generation of that electric power relies upon petroleum and natural gas unless there is an overall improvement in energy efficiency.

The following factors are involved in direct and indirect energy usage:

A. Direct Energy Demand

1. Fuel required for heating and cooling.

2. Operation and process fuel required.

3. Conservation measures to be utilized.

4. Use of alternative or renewable energy sources.

B. Indirect Energy Demand

1. Transportation of workers, raw-materials and finished products.

2. Energy demand to supply utility services.

3. Conservation measures to be utilized.

It should be recognized investment in certain systems will qualify for a special tax consideration. A useful guide for making determinations regarding the feasibility and cost effectiveness of energy related investments is the Department of Energy's "Methodology and Procedures for Life Cycle Cost Analysis" (published in the January 23, 1980 Federal Register), with three modifications. 1) A discount rate of seven (7) percent will be used to calculate present values. 2) The external benefit used in the DOE procedure should be ten percent (10 percent) of the net present value of the energy savings rather than the additional investment cost. This feature will place emphasis on the investments that save the most energy and not those with the highest cost. 3) A maximum system life of twenty-five (25) years.

Based on the information provided it may be appropriate to recommend the applicant consider an alternate site or process to improve the feasibility of the proposed project.

Expiration Date: September 30, 1981.

Filing Instruction: Preceding FmHA Instruction 1980-A.

Part *2* of the referenced AN issued in accordance with Presidential Executive Order 12185, Conservation of Petroleum and Natural Gas. The general portion of the AN is filed prior to FmHA Instruction 1900-A.

Water and Waste Disposal Loans and Grants, Community Facility Loans, Industrial Development Grants

Applicants will be encouraged to include in preliminary architectural/engineering reports a consideration of direct and indirect energy usage resulting from construction and operation of the proposed project. Applicants should be made aware of ASHRAE Standards.

Energy costs have become a major factor in the economic well being of most projects. We should encourage the use of efficient plant machinery and equipment, alternate treatment processes, waste heat recovery and the use of alternate energy sources. Projects incorporating one or more of these concepts have already been financed by FmHA. The applicants should be encouraged to include cost effective, energy saving systems in their proposed projects.

The following factors are involved in direct and indirect energy usage:

A. Direct Energy Demand

1. Fuel for heating and cooling.

2. Operation and process fuel required.

3. Use of alternate or renewable energy sources.

4. Conservation measures to be utilized.

A. Indirect Energy Demand

1. Transportation of staff and/or clients.

2. Transportation of raw materials, finished products, and by-products.

3. Conservation measures to be utilized.

A useful guide for making determinations regarding the feasibility and cost effectiveness of energy related investments, except on wastewater projects jointly financed with EPA, is the Department of Energy "Methodology and Procedures for Life Cycle Cost Analysis" (published in the January 23, 1980 Federal Register), with three modifications. 1) A discount rate of seven (7) percent will be used to calculate present values. 2) The external benefit used in the DOE procedure should be ten percent (10%) of the net present value of the energy savings rather than the additional investment cost. This feature will place emphasis on the investments that save the most energy and not those with the highest cost. 3) A maximum system life of twenty-five (25) years.

Based on the information submitted and the subsequent evaluations it may be appropriate to recommend the applicant consider project modifications to reduce energy demand and improve the feasibility of the proposed project.

Expiration Date: September 30, 1981 or when revised guides 6, 7, 8, 9, 10, are distributed, whichever occurs first.

Filing Instruction: Preceding FmHA Instruction 1942–A.

Part *3* of the referenced AN issued in accordance with Presidential Executive Order 12185, Conservation of Petroleum and Natural Gas. The general portion of the AN is filed prior to FmHA Instruction 1900–A.

Rural Planning Grants

Grantees will be encouraged to include energy conservation as an integral part of the planning process and as a significant component of the planning documents, where applicable.

As the cost and availability of energy have changed rapidly in the recent past and all predictions indicate these changes will continue, traditional rural area development patterns may no longer be acceptable. It is important to consider energy demands associated with initial construction; but the long term impact to the community will be in providing services such as fire and police protection, solid waste disposal, street lighting, waste and sewage systems and schools. Individual residents will feel the impact of the cost of community services and transportation to employment, shopping, churches, health care, etc.

A useful guide for making determinations regarding the feasibility and cost effectiveness of energy related investments is the Department of Energy's "Methodology and Procedures for Life Cycle Cost Analysis" (published in the January 23, 1980 Federal Register), with three modifications. 1) A discount rate of seven (7) percent will be used to calculate present values. 2) The external benefit used in the DOE procedure should be ten percent (10%) of the net present value of the energy savings rather than the additional investment cost. This feature will place emphasis in the investments that saves the most energy and not those with the highest cost. 3) A maximum system life of twenty-five (25) years.

Proper comprehensive planning, energy considerations included, and implementation can improve the viability and the economic stability of the community.

Expiration Date: September 30, 1981.

Filing Instructions: Preceding FmHA Instruction 1948–A.

Part *4* of the referenced AN issued in accordance with Presidential Executive Order 12185, Conservation of Petroleum and Natural Gas. The general portion of the AN is filed prior to FmHA Instruction 1900–A.

Farmer Program

On-farm energy use has expanded in recent years as farmers, dairymen and ranchers have resorted to more and more mechanized and automated practices to increase production and improve profitability. The rising cost and at times curtailed supplies of necessary fuel now threatens to destroy the gains for which the agriculture community has worked so hard to attain.

In order to assist FmHA applicants cope with the rising cost of energy and its limited supplies, portions of the various loan program allocations were set aside in Fiscal Year 1980 to fund energy saving devices and alternative energy sources. With implementation of the Energy Security Act the requests for funding of alternative energy sources in Farmer Programs may diminish, however we will continue to encourage all applicants to consider all feasible energy conservation measures.

The State Director will ensure that County Offices continue to encourage their borrowers to utilize the most cost effective, energy efficient equipment and processes in the agricultural operation. Field personnel are to provide energy management counseling to applicants or to refer those persons to other organizations who can provide additional assistance. In many areas such assistance is available from the State Cooperative Extension Service, Rural Electric Co-ops, public utilities and the Soil Conservation Service.

Expiration Date: September 30, 1981.

Filing Instructions: Preceding FmHA Instruction 1943–A.

Part *5* of the referenced AN issued in accordance with Presidential Executive Order 12185, Conservation of Petroleum and Natural Gas. The general portion of the AN is filed prior to FmHA Instruction 1900–A.

Home Repair Loans and Grants

In the interest of reducing the energy demand associated with existing housing structures, a goal is established that, on a national average, sixty (60) percent of the funds allocated for the Section 504 Home Repair Program will be used for weatherization and conservation purposes.

Efforts to meet this goal will take two forms:

1. The State Director will attempt to work with other organizations which have weatherization programs. Weatherization assistance is also available through the DOE weatherization program. In that program per house expenditure is limited in amount and in the types of

improvements, generally to the more obvious energy conserving techniques such as storm windows, insulation, and caulking. For the very low income, these items may be ineffective unless or until items such as defects in the walls and roof are corrected. There is almost no other federal money available for repair of low income housing. Use of 504 funds for weatherization related home repair can be a critical step to better align the federal resources available to assist the poor whose circumstances often dictate that they are energy wasters. 504 funds will also be used for direct weatherization activities.

2. The State Director shall instruct the field offices to conduct an outreach program to make low income rural residents aware of the home repair assistance which is available.

When applicable, determinations regarding the feasibility and cost effectiveness of energy related investments will be made in accordance with the procedures set forth in FmHA Instruction 1924–A, Appendix D.

Expiration Date: September 30, 1981.

Filing Instructions: Preceding FmHA Instruction 1904–G.

Part *6* of the referenced AN issued in accordance with Presidetial Executive Order 12185, Conservation of Petroleum and Natural Gas. The general portion of the AN is filed prior to FmHA Instruction 1900–A.

Home Ownership Loans

With energy costs becoming an ever increasing share of household expenses energy management counseling is an important part of the supervised credit counseling. All field personnel who work with applicants are to provide energy management counseling to applicants or to refer those persons to other organizations who can provide additional assistnce. In many areas such assistance is available from the State Cooperative Extension Service, Rural Electric Co-ops and Public utilities. FmHA will also provide basic literature on house maintenance, repair and management which is prepared by the U.S. Department of Agriculture and other Federal agencies.

As a part of servicing deliquent accounts FmHA field personnel will take particular care to identify energy costs which may contribute to the borrower's inability to fulfill loan repayment obligations. Where possible, weatherization and home energy management recommendations will be offered to the borrower.

Expiration Date: September 30, 1981.

Filing Instructions: Preceding FmHA Instruction 444.1.

Part *7* of the referenced AN issued in accordance with Presidential Executive Order 12185, Conservation of Petroleum and Natural Gas. The general portion of the AN is filed prior to FmHA Instruction 1900–A.

Rural Housing Supervisory Assistance Grants

Most persons assisted under this program are first-time homeowners with little or no experience in home management. In order for these persons to be successful in managing their new homes they need training in home energy management.

All recipients of Rural Housing Supervisory Assistance Grants will be encouraged to incorporate home energy management in their educational programs. Operation of equipment, repair and maintenance activities and general lifestyle conservation techniques would be an important part of the educational program. Printed reference material available from Federal agencies may be used if appropriate.

Expiration Date: July 31, 1981.

Filing Instructions: Preceding FmHA Instruction 1944–K.

Part *8* of the referenced AN issued in accordance with Presidential Executive Order 12185, Conservation of Petroleum and Natural Gas. The general portion of the AN is filed prior to FmHA Instruction 1900–A.

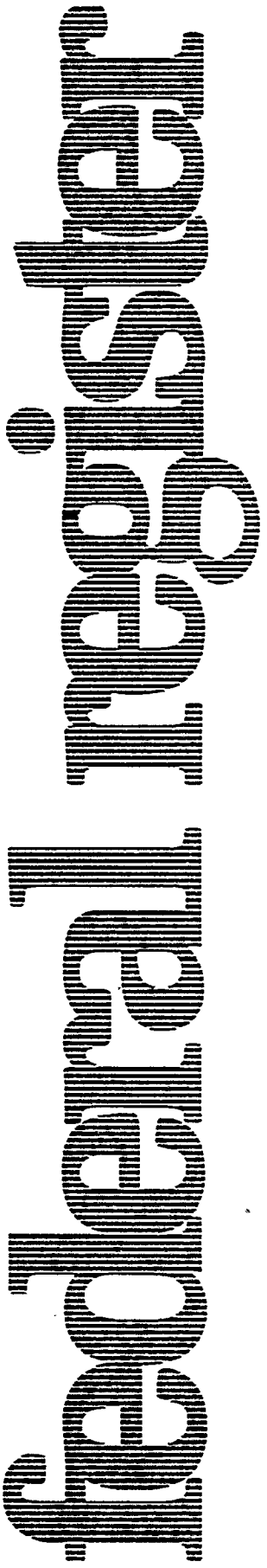
Mutual and Self-Help Housing Grants

Homeowners participating in this program can substantially reduce fuel consumption in their new homes by using energy conscious construction techniques and by understanding good home energy management practices. Grantees providing technical assistance to self help groups should be encouraged to incorporate training on energy conscious construction techniques and home energy management into their programs. Home energy management training should include equipment operation, maintenance and repair and general lifestyle conservation techniques. Use of printed reference material available from Federal agencies is encouraged. Construction supervisors should pay particular attention to construction details such as proper jointing of materials, caulking, weatherstripping, proper installation of heating/cooling equipment and insulation.

Expiration Date: September 30, 1981.

Filing Instructions: Preceding FmHA Instruction 1933–I.

[FR Doc. 80-26808 Filed 8-28-80; 8:45 am]
BILLING CODE 3410-07-M



Friday
August 29, 1980

Part VI

Federal Housing Assistance Programs

Housing and Urban Development Department
Veterans Administration

Federal Register

Friday
August 29, 1980

Part VI—Section A

Department of Housing and Urban Development

Petroleum and Natural Gas Conservation: Federal Housing Assistance Programs

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing

Federal Housing Commissioner

24 CFR Part 241

[Docket No. R-80-801]

Petroleum and Natural Gas Conservation; Supplementary Financing for Insured Project Mortgages

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This final rule amends Part 241 to make it clear that supplemental loans may be insured under Section 241 for the purpose of purchasing and installing energy-related improvements for projects having mortgages which are presently insured under another section of the National Housing Act, or which are presently held by the Secretary. This rule also adds two new subparts to allow Section 241 loans in connection with projects which are not insured under the National Housing Act or held by the Secretary, where such loans are to be used for the purchase and installation of energy conserving improvements, solar energy systems, and/or individual utility meters.

EFFECTIVE DATE: September 29, 1980.

SUPPLEMENTARY INFORMATION: On May 7, 1980, the Department published in the Federal Register (45 FR 30352), a proposed rule to amend 24 CFR Part 241 to make it clear that supplemental loans may be insured under Section 241 for the purpose of purchasing and installing energy-related improvements for projects having mortgages which are presently insured under another section of the National Housing Act or which are presently held by the Secretary. The rule would also add two new subparts to allow supplemental loans to be insured under Section 241 in connection with projects which are not insured under the National Housing Act or held by the Secretary where such loans are to be used for the purchase and installation of energy conserving improvements, solar energy systems, and/or individual utility meters.

Comments from three parties were received in response to this publication. The most extensive comments were received from the State of New York Division of Housing and Community Renewal and several of those comments have been accepted. The most significant changes to the regulation as well as significant comments not accepted are described below.

(1) Section 241.500(a) is being amended to make it clear that State Agencies are eligible approved lenders.

(2) Since bond resolutions often contain a provision prohibiting the creation of further liens against the project, most bond-financed projects would not be eligible for insured supplemental loans under Section 241. Therefore, § 241.555 has been amended to provide that other security may be offered and accepted by the Secretary in bond-financed projects where the bond resolution contains a prohibition against the creation of additional liens.

(3) It was suggested that § 241.565(a) be amended to permit the modification of existing debt service requirements. The suggestion was not accepted because it could result in the Department's insuring unsound loans, e.g., the mortgagee could defer principal payments in order to support a higher mortgage amount.

(4) It was suggested that this rule be expanded to cover all programs, e.g., Community Development Block Grant Program, Urban Development Action Grant Program, 312 Loan Program, etc. The Department has evaluated all of its programs and published in the Federal Register (45 FR 27784) a Notice of proposed actions in all of its programs to implement energy initiatives. Therefore, the applicability of this regulation need not be expanded.

Additionally, a suggestion was made that these regulations be further amended to identify and clearly articulate sanctions and penalties that will be imposed upon recipients of Federal assistance for failure to comply with the new energy related requirements. In response to this suggestion, we point out that such an amendment is not necessary. Under these regulations mortgagors (recipients of Federal assistance) do not receive payment for the energy concerning improvements until the work is completed. Insurance is made available either through insurance of advances or insurance upon completion. In the former case, HUD approves the advance of mortgage proceeds in stages after the work is completed. That is, HUD permits the mortgagor to request payments generally monthly for work completed. HUD will inspect the work to determine that it has been acceptably completed prior to approving any payment. In the latter case, the mortgagor completes all of the improvements and authorizes payment. In this case, no payment is made as work progresses.

This rule is listed as item number H-23-79 in the Department's semiannual agenda of signficant rules, published pursuant to Executive Order 12044.

Accordingly, Part 241, is amended as follows:

1. Section 241.1 is amended by adding paragraphs (k) and (l)

§ 241.1 Definition.

* * * * *

(k) "Energy conserving improvements" means the purchase and installation of weatherization materials as defined in Section 6862(9) of Title 42. Specifically, the term "weatherization materials" means:

(1) Caulking and weatherstripping of doors and windows;

(2) Furnace efficiency modifications limited to—

(i) Replacement burners designed to substantially increase the energy efficiency of the heating system,

(ii) Devices for modifying flue openings which will increase the energy efficiency of the heating system, and

(iii) Electrical or mechanical furnace ignition systems which replace standing gas pilot lights;

(3) Clock thermostats;

(4) Ceiling, attic, wall, floor, and duct insulation;

(5) Water heater insulation;

(6) Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective windows;

(7) Such other insulating or energy conserving devices or technologies as the Secretary of Energy may determine, by rule, after consulting with the Secretary of Housing and Urban Development, the Secretary of Agriculture, and the Director of the Community Services Administration.

For the purposes of this Subpart, "energy conserving improvements" shall also include the purchase and installation of solar energy systems and/or individual utility meters if such meters are purchased or installed in connection with other energy conserving improvements or with a solar energy system or the project meets minimum standards of energy conservation established by the Secretary.

(l) "Solar energy system" means any addition, alteration, or improvement to an existing or new multifamily structure which is designed to utilize wind energy or solar energy either of the active type based on mechanically forced energy transfer or the passive type based on the convective, conductive, or radiant energy transfer or some combination of these types to reduce the energy requirements of that structure from other energy sources, and which is in conformity with such criteria and standards as shall be prescribed by the

Secretary in consultation with the Secretary of Energy.

2. Section 241.125 is amended to read as follows:

§ 241.125 Use of loan proceeds.

The proceeds of the loan shall be used only to finance improvements or additions including energy conserving improvements, solar energy systems and individual utility meters that are in conformity with standards prescribed by the Secretary, for a multifamily project, nursing home, intermediate care facility, group practice facility or hospital which is subject to a mortgage insured under any Section or Title of the Act or covered by a mortgage held by the Secretary. Use of loan proceeds for purchase and installation of individual utility meters is subject to the purchase and installation of energy conserving improvements as defined in § 241.1(k). The proceeds of a loan involving a nursing home, intermediate care facility, group practice facility or hospital may also be used to purchase equipment to be used in the operation of such nursing home, intermediate care facility, group practice facility or hospital.

3. New Subparts C and D are added after § 241.275, as follows:

Subpart C—Eligibility Requirements—Supplemental Loans to Finance Purchase and Installation of Energy Conserving Improvements, Solar Energy Systems, and Individual Utility Meters in Multifamily Projects Without a HUD-Insured or HUD-Held Mortgage

Sec.

241.500 Definitions.

Fees and Charges

241.505 Application and commitment fees.
241.510 Commitments.
241.515 Inspection fee.
241.520 Fees on increases.
241.525 Refund of fees.
241.530 Maximum fees and charges by lender.

Eligible Security Instruments

241.535 Loan multiples-minimum principal.
241.540 Method of loan payment and amortization period.
241.545 Covenant against liens.
241.550 Accumulation of next premium.
241.555 Security instrument and lien.
241.560 Maximum interest rate.
241.565 Maximum loan amount.
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Property Requirements

241.590 Eligibility of property.

Title

241.595 Eligibility of title.
241.600 Title evidence.

Form of Contract

241.605 Contract requirements.
241.610 Assurance of completion.
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Eligible Borrowers

241.625 Eligible borrowers.

Special Requirements

241.630 Maximum insurance against loss.
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Subpart D—Contract Rights and Obligations—Multifamily Projects Without a HUD-Insured or HUD-Held Mortgage

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Premiums

241.805 Insurance premiums.
241.805a Mortgagee's late charge.
241.815 Termination of insurance.
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Rights and Duties of Lender Under the Contract of Insurance

241.830 Definition of default.
241.840 Date of default.
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241.860 Commissioner's right to require acceleration.
241.865 Election by the lender.
241.875 Maximum claim period.
241.880 Items to be delivered on submitting claim.
241.885 Insurance benefits.
241.890 Characteristics of debentures.
241.893 Cash adjustment.

Assignments

241.895 Assignment of insured loans.

Extension of Time

241.897 Actions to be taken by lender.

Rights in Housing Fund

241.900 No vested right in fund.
241.905 Effect of amendments.

Authority: Sec. 311(b), Pub. L. 95-557; Sec. 247, Pub. L. 95-619; sec. 211, National Housing Act, as amended (12 U.S.C. 1715b).

Subpart C—Eligibility Requirements—Supplemental Loans to Finance Purchase and Installation of Energy Conserving Improvements, Solar Energy Systems, and Individual Utility Meters in Multifamily Projects Without a HUD-Insured or HUD-Held Mortgage

§ 241.500 Definitions.

In addition to the definitions contained in Subpart A of this part, incorporated herein by reference, except § 241.1(f), (h) and (i), the following terms, as used in § 241.500 et. seq., shall have the meaning indicated:

(a) "Approved lender" means a financial institution or other mortgagee approved by the Commissioner as eligible for insurance under section 2 of the National Housing Act, or a mortgagee approved under section 203(b)(1) of the National Housing Act, or a state housing agency approved pursuant to 24 CFR 883.102.

(b) "Borrower" means the owner of a project held in fee simple or of a leasehold interest which is not now covered by a mortgage insured or held by the Secretary.

(c) "Energy saving loan" means any form of secured obligation used in connection with the purchase and installation of energy conserving improvements.

(d) "Multifamily project" means a project which consists of not less than five dwelling units on one site, each such unit providing complete living facilities including provisions for cooking, eating, and sanitation within the unit and which is not now covered by a mortgage insured or held by the Secretary.

Fees and Charges

§ 241.505 Application and commitment fees.

(a) *Application.* An application for the insurance of either a conditional or firm commitment for insurance of an energy saving loan on a project shall be submitted by an approved lender and by the sponsors of such project through the local HUD office on an approved FHA form.

(b) *Application and commitment fees*—(1) *Application for conditional commitment.* An application fee of $1.50 per thousand dollars of the amount of the loan applied for shall accompany the application for a conditional commitment.

(2) *Application for firm commitment.* An application for a firm commitment shall be accompanied by the payment of an application fee of $1.50 per thousand dollars of the amount of the loan applied for, if such fee has not been previously submitted. A commitment fee, in an amount which, when added to the application fee, will aggregate $3 per thousand dollars of the loan applied for, shall also be submitted with the application for a firm commitment.

§ 241.510 Commitments.

(a) *Conditional commitment.* The issuance of a conditional commitment indicates completion of the Commissioner's preliminary analysis of the proposed energy conserving improvements and constitutes an agreement by the Commissioner, subject to specified terms and conditions, to accept an application for a firm commitment.

(b) *Firm commitment.* The issuance of a firm commitment indicates the Commissioner's approval of the application for insurance and sets forth

the terms and conditions upon which the loan will be insured.

(c) *Types of firm commitment.* (1) Where the amount of the loan is $250,000 or more, the firm commitment may provide for the insurance of advances of loan money made during construction or may provide for the insurance of the loan after completion of the improvements.

(2) Where the amount of the loan is less than $250,000, the firm commitment shall provide for insurance of the loan after completion of the improvements.

(d) *Term of commitment.* (1) A conditional commitment shall be effective for whatever term is specified in the text of the commitment, normally 60 days.

(2) A firm commitment to insure advances shall be effective for a period of not more than 90 days from the day of issuance.

(3) A firm commitment to insure upon completion shall be effective for a designated term within which the borrower is required to begin construction, and if construction is begun as required, the commitment shall be effective for such additional period, estimated by the Commissioner, as will allow for completion of construction.

(4) The term of either a conditional or firm commitment may be extended in such a manner as the Commissioner may prescribe.

(e) *Reopening of expired commitments.* An expired conditional or firm commitment may be reopened if a request for reopening is received by the Commissioner within 90 days of the expiration of the commitment. The reopening request shall be accompanied by a fee of 50 cents per thousand dollars of the amount of the expired commitment. If the reopening request is not received by the Commissioner within the required 90 day period, a new application, accompanied by the required application and commitment fee, must be submitted.

§ 241.515 Inspection fee.

The firm commitment may provide for the payment of an inspection fee in an amount not to exceed $5 per thousand dollars of the commitment. If an inspection fee is required, it shall be paid as follows:

(a) If the case involves the insurance of advances, it shall be paid at the time of initial endorsement.

(b) If the case involves insurance upon completion, it shall be paid prior to the date construction is begun.

§ 241.520 Fees on increases.

(a) *Increase in firm commitment prior to endorsement.* An application filed prior to initial endorsement (or prior to endorsement in a case involving insurance upon completion), for an increase in the amount of an outstanding firm commitment shall be accompanied by a combined additional application and commitment fee. This combined additional fee shall be in an amount which will aggregate $3 per thousand dollars of the amount of the requested increase. if an inspection fee was required in the original commitment, an additional inspection fee shall be paid in an amount computed at the same dollar rate per thousand dollars of the amount of increase in commitment as was used for the ispection fee required in the original commitment. When insurance of advances is involved, the additional inspection fee shall be paid at time of initial endorsement. When insurance upon completion is involved, the additional inspection fee shall be paid prior to the date construction is begun or if construction has begun, it shall be paid with the application for increase.

(b) *Increase in loan between initial and final endorsement.* Upon an application, filed between initial and final endorsement, for an increase in the amount of the loan, either by amendment or by substitution of a new loan, a combined additional application and commitment fee shall accompany the application. This combined additional fee shall be in an amount which will aggregate $3 per thousand dollars of the amount of the increase requested. If an inspection fee was required in the original commitment, an additional inspection fee shall accompany the application in an amount not to exceed $5 per thousand dollars of the amount of the increase requested.

§ 241.525 Refund of fees.

If the amount of the commitment issued or an increase in loan prior to endorsement is less than the amount applied for, the Commissioner shall refund the excess amount of the application and commitment fees submitted by the applicant. If an application is rejected before it is assigned for processing, or in such other instances as the Commissioner may determine, the entire application and commitment fees or any portion thereof may be returned to the applicant. Commitment, inspection, and reopening fees may be refunded, in whole or in part if it is determined by the Commissioner that the installation of energy conserving improvements for the project has been prevented because of condemnation proceedings or other legal action taken by a governmental body or public agency, or in such other instances as the Commissioner may determine.

§ 241.530 Maximum fees and charges by lender.

The lender may collect from the borrower the amount of the fees provided for in this subpart. The lender may also collect from the borrower an initial service charge in an amount not to exceed 2 percent of the original principal amount of the loan to reimburse the lender for the cost of originating and closing the transaction. Any additional charges shall be subject to the prior approval of the Commissioner.

Eligible Security Instruments

§ 241.530 Note and security form.

The lender shall present for insurance a note and security instrument, on forms approved by the Commissioner for use in the jurisdiction in which the property to be improved is located.

§ 241.535 Loan multiples—minimum principal.

The loan shall involve a principal obligation in multiples of $100, and the minimum principal obligation shall be $10,000.

§ 241.540 Method of loan payment and amortization period.

(a) *Monthly payments.* The loan shall provide for monthly payments on the first day of each month on account of interest and principal and shall provide for payment in accordance with the amortization plan as agreed upon by the borrower, the lender and the Commissioner.

(b) *Amortization period.* (1) The loan shall have an amortization of either 5, 10, or 15 years by providing for either 60, 120, or 180 monthly amortization payments. No energy saving loan shall have an amortization period in excess of 15 years unless the amount of the loan exceeds $50,000.00, in which event the amortization period may be increased to 20 years, with a provision for 240 monthly amortization payments.

(2) In any event, the loan shall have a maturity satisfactory to the Commissioner of not less than 2 or more than 20 years from the date of the beginning of amortization, or the Commissioner's estimate of the remaining economic life of the structure, whichever is the lesser.

(3) The Commissioner shall establish the date of the first payment to principal, which shall be no later than the first day of the second month following the date of final endorsement (for projects involving insurance of advances) or endorsement (for projects involving insurance upon completion) of the loan for insurance.

§ 241.545 Covenant against liens.

The security instrument shall contain a covenant against the creation by the borrower of additional liens against the property superior or inferior to the lien of such instrument, except with the prior approval of the Commissioner.

§ 241.550 Accumulation of next premium.

The security instrument shall provide for payments by the borrower to the lender on each interest payment date of an amount sufficient to accumulate in the hands of the lender one payment period prior to its due date, the next annual insurance premium payable by the lender to the Commissioner.

§ 241.555 Security instrument and lien.

(a) The security instrument shall cover the entire property included in the project, shall be a lien on the real property of the project under the laws of the jurisdiction in which the project is located, and may be junior to such prior liens or mortgage indebtedness as the Commissioner may approve. The security instrument shall contain a provision that a default under the first mortgage is a default under the supplementary loan security instrument.

(b) For bond-financed projects where the bond resolution contains a provision prohibiting the creation of additional liens, the Commissioner may accept at his/her option:

(1) A first lien on another property whose fair market value as determined by the Commissioner equals or exceeds the amount of the loan insured under this part;

(2) A Collateral Account in an amount not less than the amount of the loan insured under this part funded with cash or negotiable bonds or securities backed by the full faith and credit of the United States Government; or

(3) Other security acceptable to the Commissioner.

§ 241.560 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed the maximum interest rate established by the Secretary for multifamily mortgages and in effect at the time the mortgage is endorsed for insurance.

(b) Interest shall be payable in monthly installments on the principal amount of the loan outstanding on the due date of each installment.

§ 241.565 Maximum loan amount.

The principal amount of the loan shall in no event exceed the cost of the energy conserving improvements including the purchase thereof, cost of installation, architect's fees, interest during construction and such other miscellaneous fees and charges incident to construction as determined by the Commissioner. Nor shall the principal amount of the loan exceed the lesser of the following:

(a) An amount which can be supported by residual income, which is the amount of net income remaining after payment of all existing debt service requirements and deduction of proprietary earnings, as determined by the Commissioner. The computation of net income shall take into account the amount which will be saved in operating costs over the period of repayment of the loan as a result of the installation of the energy conserving improvements.

(b) An amount which, when added to the existing outstanding indebtedness, does not exceed the Commissioner's estimate of the value of the project after the energy conserving improvements are installed.

§ 241.570 Insurance endorsement.

(a) *Initial endorsement.* The Commissioner shall indicate his/her insurance of the mortgage by endorsing the original credit instrument and identifying the section of the Act and the regulations under which the mortgage is insured and the date of insurance.

(b) *Final endorsement.* When all advances of mortgage proceeds have been made and all the terms and conditions of the commitment have been complied with to the satisfaction of the Commissioner, he/she shall indicate on the original credit instrument the total approved for insurance and again endorse such instrument.

(c) *Effect of endorsement.* From the date of initial endorsement, the Commissioner and the mortgagee or lender shall be bound by the provisions of this subpart to the same extent as if they had executed a contract including the provisions of this subpart and the applicable sections of the Act.

(d) *Insurance upon completion.* When all advances of mortgage proceeds have been made and all the terms and conditions of the commitment have been complied with to the satisfaction of the Commissioner, he/she shall indicate the total approved for insurance and endorse the credit instrument, identifying the date of insurance.

§ 241.580 Application of payments.

(a) The security instrument shall provide that all monthly payments to be made by the borrower shall be added together and this aggregate amount shall be paid by the borrower upon each monthly payment date in a single payment. The lender shall apply the payment to the following items in the order set forth:

(1) Premium charges under the contract of insurance;

(2) Interest on the loan;

(3) Amortization of the principal of the loan.

(b) Any deficiency in the amount of any monthly payments required under paragraph (a) of this section shall constitute an event of default and the loan shall further provide for a grace period of 30 days within which time the default must be cured.

§ 241.585 Prepayment privilage and prepayment charge.

The security instrument shall contain a provision permitting prepayment of the loan in whole or in part upon any interest payment date after giving to the lender 30 days advance written notice and it may contain a provision, with the approval of the Commissioner, for a reasonable charge in the event of prepayment. The borrower shall be permitted to prepay up to 15 percent of the original principal amount of the loan in any one calendar year without an additional charge. A provision for a charge in the event of prepayment may not be included in a loan of $200,000 or less.

Property Requirements

§ 241.590 Eligibility of property.

(a) A loan to be eligible for insurance shall be on real estate held:

(1) In fee simple; or

(2) On the interest of the lessee under a lease for not less than seventy-five years which is renewable; or

(3) Under a lease having a period of not less than twenty-five years to run from the date the loan is executed.

(b) The property constituting security for the loan transaction must be held by an eligible borrower as herein defined and must at the time the loan is insured be free and clear of all liens other than those specifically approved by the Commissioner.

Title

§ 241.595 Eligibility of title.

In order for the property which is to be the security for a loan to be insured under this subpart to be eligible for insurance, the Commissioner shall determine that the title to the property is vested in the borrower as of the date the security instrument is filed for record. The title evidence will be examined by the Commissioner and the endorsement of the credit instrument for insurance shall be evidence of its acceptability.

§ 241.600 Title evidence.

(a) Upon insurance of the loan, the lender shall furnish to the Commissioner a survey, satisfactory to the Commissioner, and a policy of title insurance as provided in paragraph (a)(1) of this section. If the lender is unable to furnish such policy for reasons satisfactory to the Commissioner, the lender shall furnish such evidence of title as provided in paragraph (a)(2), (3), or (4) of this section as the Commissioner may require. Any survey, policy of title insurance, or evidence of title required under this section shall be furnished without expense to the Commissioner. The acceptable types of title evidence are:

(1) A policy of title insurance issued by a company and in a form satisfactory to the Commissioner. Such policy shall name the lender and the Secretary of Housing and Urban Development, as their respective interests may appear, as the insured; and shall become an owner's policy running to the lender as owner upon its acquisition of the property in extinguishment of the debt, and to the Secretary as owner upon his/her acquisition of the property pursuant to the loan insurance contract.

(2) An abstract of title satisfactory to the Commissioner, prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner, as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

(3) A Torrens or similar title certificate.

(4) Evidence of title conforming to the standards of a supervising branch of the Government of the United States of America, or of any State or territory thereof.

(b) The survey required by paragraph (a) of this section need not be furnished in connection with a project where the loan does not exceed $200,000.

Form of Contract

§ 241.605 Contract requirements.

(a) When the principal amount of the loan is $100,000 or less, the form of contract between the borrower and the contractor shall be in accordance with the following:

(1) The contract between the borrower and the general contractor may be in the form of either a lump sum contract or a cost plus contract. Either form of contract shall include the cost of the energy conserving improvements, their installation, and such other work to be performed by the contractor as necessary to meet the requirements of the Secretary. A lump sum contract shall provide for the payment of a specified amount. A cost plus contract shall provide for the payment of the contractor's actual cost of compliance with the requirements of the contract, plus such allowances for overhead and profit as may be approved by the Commissioner and shall provide that the total cost under the contract shall not exceed the upset price as approved by the Commissioner.

(2) If agreed to by the general contractor and borrower, a lump sum form of contract between the borrower and the general contractor may be used unless the Commissioner determines that a cost plus contract with a maximum upset price is necessary to protect the interest of the borrower or the Commissioner.

(b) When the principal amount of the loan is over $100,000, the form of contract between the borrower and the contractor shall be in accordance with the following:

(1) *Lump sum contract.* If the Commissioner determines that there is no identity of interest between the borrower or any of the officers, directors or stockholders of the borrower and the contractor, there may be used a lump sum contract providing for payment of the specified amount.

(2) *Cost plus fixed fee contract.* (i) If the Commissioner determines that there is any identity of interest (financial or otherwise) between the borrower, its officers, directors or stockholders and the contractor, the form of contract shall provide for payment of the actual cost of construction not to exceed an upset price and may provide for payment of a fixed fee not exceeding a reasonable allowance as established by the Commissioner in accordance with customary practices in the area.

(ii) In any case where the borrower is a nonprofit entity, a cost plus fixed fee contract shall be used unless it is established to the Commissioner's satisfaction that such form of contract is not required to protect his/her interests and the interests of the borrower, in which case, a lump sum form of contract may be used.

§ 241.610 Assurance of completion.

(a) The borrower shall furnish assurance of completion of the project in the following minimum forms and amounts:

(1) Where the estimated cost of construction of the improvements is $500,000 or less, the borrower shall furnish assurance of completion of the project in the form of a personal indemnity agreement executed by the principal officers, directors, stockholders, or partners of the entity acting as general contractor.

(2) Where the estimated cost of construction of the improvements is more than $500,000 or where such cost is less than $500,000 and a personal indemnity agreement is not executed, the assurance shall be in the form of corporate surety bonds for payment and performance, each in the minimum amount of 25 percent of the construction contract, or a completion assurance agreement secured by a cash deposit in the minimum amount of 15 percent of the amount of the construction contract.

(3) All types of assurance of completion shall be on forms approved by the Commissioner. Any surety company executing a bond and any party executing a personal indemnity agreement must be satisfactory to the Commissioner.

(4) A mortgagee may prescribe more stringent requirements for assurance of completion than the minimum requirements of this section.

(b) The lender may accept, in lieu of a cash deposit required by paragraph (a) of this section, an unconditional irrevocable letter of credit issued to the lender by a banking institution. In the event a demand under the letter of credit is not immediately met, the lender shall forthwith provide cash equivalent to the undrawn balance thereunder.

§ 241.615 Certification of cost requirements.

(a) *Certification agreement.* The lender shall submit with the application an agreement on a form prescribed by the Commissioner and executed by the borrower and the lender.

(b) *Certificate and adjustment.* No loan shall be insured unless:

(1) A certification of actual cost is made by the contractor in cases in which a cost plus form of contract is used; and

(2) The amount of the loan is adjusted to reflect the actual cost to the borrower of the improvements when either a cost plus or lump sum form or contract is used.

(c) *Cost computation.* The term "actual cost of the improvements" shall mean the cost to the borrower of the improvements, after deducting the amount of any kickbacks, rebates or trade discount received in connection with the improvements, and including the amounts paid under any contract for the improvements, labor, materials, and for any other items of expenses approved by the Commissioner.

(d) *Statement of facts.* Any agreement, undertaking, statement or certification required in connection with cost certification shall specifically state that

it has been made, presented and delivered for the purpose of influencing an official action of the Commissioner and may be relied upon as a true statement of the facts contained therein.

(e) *Incontestability.* Upon the Commissioner's approval of the cost certification, such certification shall be final and incontestable except for fraud or material misrepresentation on the part of the borrower.

(f) *Records.* The borrower shall keep and maintain adequate records of all costs of any construction improvements or other cost items not representing work under the general contract and shall require the contractor to keep similar records and, upon request by the Commissioner, both shall make available for examination such records, including any collateral agreements.

(g) *Certificate of public accountant.* Where required by the Commissioner, each certificate of actual cost shall be supported by a certificate as to accuracy by an independent Certified Public Accountant or independent public accountant licensed by a regulatory authority of a State or other political subdivision of the United States on or prior to December 31, 1970, which shall include a statement that the accounts, records and supporting documents have been examined in accordance with generally accepted auditing standards to the extent deemed necessary to verify the actual costs.

Eligible Borrowers

§ 241.625 Eligible borrowers.

In order to be eligible as a borrower under this subpart, the applicant shall be a profit, limited distribution, nonprofit, or cooperative owner of a multifamily housing project which is not covered by a mortgage insured or held by the Secretary and which the Commissioner has determined to be an acceptable risk in that energy conservation or solar energy benefits to be derived outweigh the risks of possible loss of the Federal Government.

Special Requirements

§ 241.630 Maximum insurance against loss.

A loan insured under this subpart shall be insured for 90 percent of any loss incurred by the person holding the note for the loan.

§ 241.635 Regulatory agreement.

Any borrower obligated on the note for any loan insured under this subpart shall be regulated or restricted in a manner and on a form prescribed by the Secretary as to rents or sales, charges, capital structure, rate of return and methods of operation of the multifamily project to such an extent and in such manner as to provide reasonable rental to tenants and a reasonable return on the investment until the termination of all obligations of the Secretary under the contract of insurance.

§ 241.640 Discrimination prohibited.

Any contract or subcontract executed for the installation of equipment, or construction of improvements to the project shall provide that there shall be no discrimination against any employee or applicant for employment because of sex, religion, race, color, creed or national origin.

§ 241.645 Labor standards and prevailing wage requirements.

(a) Any contract, subcontract, or building loan agreement executed for the performance of construction of the project shall comply with all applicable labor standards and provisions of the regulations of the Secretary of Labor set forth in §§ 5.1–5.12 of Title 29.

(b) No construction contract shall be entered into with a general contractor or any subcontractor if such contractor or any such subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest is included on the ineligible list of contractors or subcontractors established and maintained by the Comptroller General, pursuant to § 5.6(b) of Title 29.

(c) No advance under the mortgage shall be eligible for insurance after notification from the Commissioner that the general contractor or any subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest, was on the date the contract or subcontract was executed, on the ineligible list established by the Comptroller General, pursuant to the provision of the Secretary of Labor set forth in §§ 5.1–5.12 of Title 29.

(d) No advance under any mortgage shall be eligible for insurance unless there is filed with the application of such advance a certificate or certificates in the form required by the Commissioner, supported by such other information as the Commissioner may prescribe, certifying that the laborers and mechanics employed in the construction of the dwelling or dwellings, or housing project involved, have been paid not less than the wage prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to beginning of construction and after the date of filing of the application for insurance.

(e) Compliance with the provisions of this subsection shall be evidenced at such time and in such manner as the Commissioner may prescribe.

Subpart D—Contract Rights and Obligations—Multifamily Projects Without a HUD-Insured or HUD-Held Mortgage

§ 241.800 Definitions.

All of the definitions contained in § 241.500 shall apply to this subpart. In addition, as used in this subpart, the following terms shall have the meaning indicated:

(a) "Contract of insurance" means the agreement evidenced by the endorsement of the Commissioner upon the note given in connection with an insured loan and includes the provisions of this subpart and the applicable provisions of the Act.

(b) "Maturity" means the date on which the loan indebtedness would be extinguished if paid in accordance with periodic payments provided for in the loan.

Premiums

§ 241.805 Insurance premiums.

(a) *First premium.* The lender, upon the endorsement of the loan for insurance, shall pay to the Commissioner a first loan insurance premium equal to one percent of the original face amount of the note.

(b) *Second premium.* The lender, on the date of the first principal payment, shall pay a second premium equal to one percent of the average outstanding principal obligation of the loan for the year following such first principal payment date which shall be adjusted as of that date so that the aggregate of the first and second premiums shall equal the sum of one percent per annum of the average outstanding principal obligation of the loan for the period from the date of the insurance endorsement to one year following the date of the first principal payment.

(c) *Annual insurance premium.* Until the note is paid in full, or until the loan is assigned to the Commissioner, or until the contract of insurance is otherwise terminated with the consent of the Commissioner, the lender, on each anniversary of the date of the first principal payment shall pay an annual loan insurance premium equal to one percent of the average outstanding principal obligation of the loan for the year following the date on which such premium becomes payable.

(d) *Method of premium payment.* Premiums shall be payable in cash or in debentures of the General Insurance Fund at par plus accrued interest. All premiums are payable in advance and no refund can be made of any portion thereof except as provided in this part.

(e) *Calculation of premiums.* The premiums payable on and after the date of the first principal payment shall be calculated in accordance with the amortization provisions without taking into account delinquent payments or prepayments.

§ 241.805a Mortgage's late charge.

Mortgage insurance premiums which are paid to the Commissioner more than 15 days after the billing date or due date, whichever is later, shall include a late charge of 4 percent of the amount of the payment due, except that no late charge shall be required with respect to any case for which HUD fails to render a proper billing to the mortgagee.

§ 241.815 Termination of insurance.

(a) *Prepayment in full.* The contract of insurance shall be terminated if the loan is paid in full prior to its maturity. Notice of the prepayment shall be given to the Commissioner, on a form prescribed by the Commissioner, within 30 days from the date of the prepayment. The insurance termination shall become effective as of the date of the prepayment, or 30 days prior to the Commissioner's receipt of the prepayment notice, whichever is later.

(b) *Voluntary termination.* The contract of insurance shall be voluntarily terminated upon receipt by the Commissioner of a written request, on a form prescribed by the Commissioner, by the borrower and the lender for such termination, accompanied by a submission of the original credit instrument for cancellation of the insurance endorsement and the remittance of all sums to which the Commissioner is entitled. The termination shall become effective as of the date these requirements are met.

§ 241.825 Pro rata refund of insurance premium.

Upon termination of a loan insurance contract by a payment in full or by a voluntary termination, the Commissioner shall refund to the lender for the account of the borrower an amount equal to the pro rata portion of the current annual loan insurance premium theretofore paid which is applicable to the portion of the year subsequent to the effective date of the termination.

Rights and Duties of Lender Under the Contract of Insurance

§ 241.830 Definition of default.

(a) If the borrower fails to make any payments due under or provided to be paid by the terms of the note or security instrument, the note shall be considered in default for the purposes of this subpart.

(b) The failure to perform any other covenant under the note or security instrument shall be considered a default: *Provided,* The lender, because of such default, has exercised its rights under the note or security instrument and accelerated the debt.

(c) The failure to make any payment or to perform any covenant under the first conventional note and mortgage by reason of which the holder thereof declares a default as evidenced by formal written declaration of said default to the Commissioner and the lender by the holder of the first note and mortgage, shall be considered a default under the insured loan.

(d) If such defaults as defined in paragraphs (a), (b), and (c) of this section continue for a period of 30 days, the lender shall be entitled to receive the benefits of insurance hereinafter provided.

§ 241.840 Date of default.

In computing loan insurance benefits, the date of default shall be considered as:

(a) The date of the lender's acceleration of the debt because of the borrower's uncorrected failure to perform a covenant or obligation under the note or security instrument; or

(b) The date of the first failure to make a monthly payment which subsequent payments by the borrower are insufficient to cover when applied to the overdue monthly payments in the order in which they become due.

(c) The date of the lender's acceleration of the debt because of the borrower's default under the first conventional note and mortgage.

§ 241.850 Notice of default.

(a) If the default is not cured within the 30 day grace period, as defined in § 241.530(d), the lender shall, within 30 days thereafter, notify the Commissioner in writing of such default.

(b) The lender shall give notice in writing to the Commissioner of the failure of the borrower to comply with any covenant or obligation under the security instrument or note regardless of the fact that the lender may not have elected to accelerate the debt.

§ 241.860 Commissioner's right to require acceleration.

Upon receipt of notice of the failure of the borrower to comply with any covenant or obligation under the security instrument or note, or under the conventional note and mortgage, the Commissioner may require the lender to accelerate payment of the outstanding principal balance due.

§ 241.865 Election by the lender.

Where a real estate mortgage, or other security instrument has been used to secure the payment of a loan made under the provisions of this subpart and Subpart C of this part, the lender may either elect to assign the loan to the Commissioner in exchange for the payment of insurance benefits or may exercise its rights under the note and security instrument in lieu of making a claim for insurance benefits. If the lender elects the latter course, the Commissioner shall be so notified and the contract of insurance shall be deemed terminated upon the date of receipt of such notification.

§ 241.875 Maximum claim period.

Notice of intention to file claim on a form prescribed by the Commissioner shall be filed within 45 days after the lender becomes eligible for the benefits of the loan insurance, or within such later time as may be agreed upon by the Commissioner in writing.

§ 241.880 Items to be delivered on submitting claim.

Within 30 days after the filing of the notice of intention to assign the loan to the Commissioner, or within such further period as may be agreed upon by the Commissioner in writing, the lender shall deliver to the Commissioner:

(a) The fiscal data pertaining to the loan transactions;

(b) Receipts covering all disbursements as required by the fiscal data form;

(c) The original note and any security instrument or instruments which shall be assigned to the Commissioner without recourse or warranty, except that the lender must warrant that no act or omission of the lender has impaired the validity and priority of such security instrument or instruments that the security instrument or instruments are prior to all mechanics' and materialmen's liens filed of record subsequent to the recording of such security instrument or instruments regardless of whether such liens attached prior to such recording date, and prior to all liens and encumbrances which may have attached or defects which may have arisen subsequent to

the recording of such security instrument or instruments, except such liens or other matters as may be approved by the Commissioner, that the amount stated in the instrument of assignment is actually due and owing under the security instrument or instruments, that there are no offsets or counterclaims thereto, and that the lender has a good right to assign such note and security instrument or instruments;

(d) The assignment to the Commissioner of all rights and interests arising under the note and security instrument or instruments so in default and all claims of the lender against the borrower or others arising out of the loan transaction;

(e) All policies of title or other insurance or surety bonds, or other guarantees and any and all claims thereunder; including evidence satisfactory to the Commissioner that the original title coverage has been extended to include the assignment of the note and security instrument or instruments to the Commissioner;

(f) All records, ledger cards, documents, books, papers and accounts relating to the loan transaction;

(g) Any additional information or data which the Commissioner may require;

(h) The following cash items, held in connection with the loan insured under this subpart, shall either be retained by the lender or delivered to the Commissioner at the time the insurance claim is filed.

(1) Any cash held by the lender or its agents or to which it is entitled including deposits made for the account of the borrower and which have not been applied in reduction of the principal the loan indebtedness.

(2) All funds held by the lender for the account of the borrower received pursuant to any other agreement.

(i) On the date the assignment of the note and security instrument or instruments are filed for record, the lender shall notify the Commissioner and the Office of Finance and Accounting by telegram of such recordation.

§ 241.885 Insurance benefits.

(a) *Method of payment.* Payment of claims shall be made in the following manner:

(1) *Payment in cash.* Unless a written request for payment in debentures is filed with the application, payment shall be made in cash.

(2) *Optional payment in debentures.* Payment shall be made in debentures upon the filing of a written request for same with the application.

(b) *Amount of payment.* Upon acceptable assignment of the note and security instrument to the Commissioner, the insurance benefits shall be paid in an amount equal to 90 percent of the amount determined as follows:

(1) By adding to the unpaid principal amount of the loan, computed as of the date of default, the following items:

(i) Any accrued interest due as of the date of execution of the assignment of the loan to the Commissioner.

(ii) Any advances approved by the Commissioner made previously by the lender under the provisions of the note or security instrument or instruments.

(iii) Reimbursements for such reasonable collection costs, court costs, and attorney's fees as may be approved by the Commissioner.

(iv) Any loan insurance premiums paid after default.

(v) If payment is made in cash, an amount equivalent to the debenture interest which would have been earned thereon, as of the date such cash payment is made, except when the lender fails to meet any one of the applicable requirements of §§241.850, 241.875, and 241.880, within the specified time and in a manner satisfactory to the Commissioner (or within such further time as the Commissioner may approve in writing), the interest allowance in such cash payment shall be computed only to the date on which the particular required action should have been taken or to which it was extended.

(2) By deducting from the total of the items computed under paragraph (b)(1) of this section the following items:

(i) Any amount received by the lender on account of the loan after the date of default.

(ii) Any net income received by the lender from the property covered by the note or security instrument and not applied to prior debts held by the lender.

(iii) The sum of the cash items retained by the lender pursuant to §§ 241.880(h) (1) and (2).

§ 241.890 Characteristics of debentures.

Debentures issued in settlement of insurance claims under this subpart shall have the same characteristics and the same requirements for registration and redemption as those issued pursuant to Subpart B of this part except that debentures shall bear interest at the rate in effect as of the date the commitment was issued, or as of the date the loan was first endorsed for insurance, whichever rate is higher, and shall mature 10 years from the date of issue which date shall be the date of execution of the assignment of the loan to the Commissioner.

§ 241.893 Cash adjustment.

Any difference of less than $50 between the amount of debentures to be issued to the lender and the total amount of the lender's claim, as approved by the Commissioner, shall be adjusted by the issuance of a check in payment thereof.

Assignments

§ 241.895 Assignment of insured loans.

(a) An insured loan may be transferred only to a transferee who is a lender approved by the Commissioner. Upon such transfer and the assumption by the transferee of all obligations under the contract of insurance the transferor shall be released from its obligations under the contract of insurance.

(b) The contract of insurance shall terminate with respect to loans described in paragraph (a) of this section upon the happening of either of the following events:

(1) The transfer or pledge of the insured loan to any person, firm or corporation, public or private, other than an approved lender.

(2) The disposal by a lender of any partial interest in the insured loan to other than an approved lender.

Extension of Time

§ 241.897 Actions to be taken by lender.

With respect to any action required of the lender within a period of time prescribed by this subpart, the Commissioner may extend such period.

Rights in Housing Fund

§ 241.900 No vested right in fund.

Neither the lender nor the borrower shall have any vested or other right in the General Insurance Fund.

§ 241.905 Effect of amendments.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time in whole or in part, but such amendment shall not adversely affect the interests of a lender under the contract of insurance on any loan already insured and shall not adversely affect the interests of a lender on any loan to be insured on which the Commissioner has made a commitment to insure.

(Sec. 311(b), Pub. L. 95-557; sec. 247, Pub. L. 95-619; sec. 211, National Housing Act, as amended, (12 U.S.C. 1715b))

Issued at Washington, D.C. August 21, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-26498 Filed 8-28-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-80-998]

Housing Programs—Administrative Actions Implementing Executive Order 12185

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

ACTION: General Notice—listings of administrative measures implementing Executive Order 12185.

SUMMARY: by publishing this Notice, HUD is renotifying the public of the significant non-regulatory administrative measures that it will take for housing programs administered by the undersigned, in order to implement Executive Order 12185. HUD is also explaining why certain regulations and guidelines implementing this Executive Order that were published in the Federal Register on May 7, 1980, do not appear as final rules today.

FOR FURTHER INFORMATION CONTACT: Michael Wells, Office of Policy and Budget, Housing, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C., 20410, (202) 755-6454 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: In accordance with Section 102(b) of the Powerplant and Industrial Fuel Use Act of 1978 (Pub. L. 95-620) and Executive Order 12185, the Assistant Secretary for Housing is about to issue the following administrative notices and memoranda to the HUD Field Offices and to the recipients under the housing programs of the Office of Housing.

1. HUD will revise and supplement the underwriting criteria for new multifamily developments so they include: (a) An engineering analysis which will function to encourage the latest cost-effective energy conserving features; (b) analysis of site location with regards to transportation energy use; (c) consideration of solar orientation of structures; and (d) consideration of whether the site and structure(s) are planned to encourage the greatest amount of energy conservation.

2. HUD will request energy audits of: (a) Subsidized insured housing projects; (b) unsubsidized insured housing projects; and (c) HUD-owned or mortgage held projects.

3. HUD appraisal and valuation procedures will place greater emphasis on the trade-off between energy conserving capital costs and subsequent operating expenses in underwriting single and multifamily housing.

4. HUD will develop procedures and materials to encourage and finance the addition of energy conserving features to existing single family homes upon transfer.

5. HUD will reemphasize and clarify its requirement for an energy audit on each subsidized insured housing project applying for flexible subsidy.

In accordance with the same legislation and Executive Order, the Assistant Secretary for Housing recently issued the following administrative notices to the HUD field offices and to the recipients under the housing programs of the Office of Housing.

1. HUD is encouraging single family developers to include passive and active solar energy and energy conservation measures when planning sites and buildings.

2. HUD is encouraging the development of projects (Section 8, HUD-insured) which use solar energy systems and provide the maximum permissible mortgage amounts and financial assistance to accommodate such systems.

On May 7, 1980 HUD had published in the Federal Register (45 FR 30346), a rule entitled "PHA-Owned Projects—Project Management—Utilities." This regulation is not being republished because it was published as a final rule on May 7.

In accordance with the same legislation and Executive Order, HUD on the same date had published in the Federal Register (45 FR 30349), an interim rule entitled "Modernization Program—PHA-Owned Projects; Comprehensive Modernization; Interim Rule", HUD does not intend to publish this regulation in final rule form until next year. Since HUD has not received any substantive comments on the interim rule, it is not necessary to make substantive changes in it. Because HUD is working on substantial changes in the Comprehensive Modernization effort of the Public Housing Modernization Program that will take effect in Fiscal Year 1981, preparing a final rule as a formality at this time would be difficult and would little benefit the public and the program recipients.

In accordance with the same legislation and Executive Order, HUD on the same date had published in the Federal Register (45 FR 30360) guidelines entitled "Modernization Program—PHA-Owned Projects; Announcement of Proposal To Set Aside Fiscal Year 1980 Modernization Funds for Testing Energy Conservation Measures." These guidelines are not being republished because they were published as a notice.

Some of the above notices, memoranda and rules also apply to the Office of Housing's public facilities programs.

This general notice was also published originally in the Federal Register (45 FR 30360) on May 7. We are republishing it now it order to give an update on the above regulations and guidelines of the Office of Housing at the same time that the regulation described above is published as a final rule.

(Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Issued at Washington, D.C., on August 21, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-26499 Filed 8-28-80; 8:45 am]

BILLING CODE 4210-01-M

Friday
August 29, 1980

Part VI—Section B

Veterans Administration

Petroleum and Natural Gas Conservation: Conservation: Federal Housing Assistance Programs

VETERANS ADMINISTRATION

38 CFR Part 36

Loan Guaranty; Housing Programs Compliance With E.O. 12185

AGENCY: Veterans Administration.

ACTION: Final notice as required by Executive Order 12185.

SUMMARY: This final notice is published to describe VA (Veterans Administration) compliance with Executive Order 12185. The VA has two housing programs, the guaranteed and insured home loan program and the direct home loan program, which fall within the purview of E.O. 12185. It is our belief that the VA is in full compliance with E.O. 12185.

DATE: August 29, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Lyman T. Miller, Assistant Director for Construction and Valuation (262), Loan Guaranty Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Ave., NW., Washington, DC 20420 (202-389-2691).

SUPPLEMENTARY INFORMATION: The VA has two programs within the Department of Veterans Benefits, Loan Guaranty Service which fall within the scope of Executive Order 12185. These two programs are the guaranteed and insured (hereafter guaranteed) home loan program and the direct home loan program.

Both the guaranteed and direct home loan programs depend upon the voluntary participation of veteran purchasers, home sellers, builders, developers, and real estate agents and brokers. Lenders and investors must also be willing to participate in the guaranteed loan program for that program to be effective. This need to attract participants to the two programs requires that both programs be structured in a manner which effectively encourages each necessary group's involvement while protecting the interests of veterans and of the Government.

On May 7, 1980, the VA published a Notice of Loan Guaranty compliance with Executive Order 12185, (45 FR 30370). This Notice requested public comments concerning VA's present and proposed procedures necessary to comply with E.O. 12185. For background purposes, homes proposed to be constructed with VA guaranteed financing must be constructed to comply with the thermal requirements contained in the Minimum Property Standards for One and Two Family Dwellings, HUD (Department of Housing and Urban Development) 4900.1, as identified in § 200.929(a) and (b)(1) of Title 24 of the Code of Federal Regulations. Homes proposed to be constructed in eligible rural and credit shortage areas with the assistance of VA direct loans must comply with VA's Minimum Property Requirements for proposed construction in areas designated as housing credit shortage areas. Existing homes acquired with the assistance of either a VA guaranteed or direct home loan must comply with VA's voluntary program for including energy conservation measures in the home.

One comment was received in response to the Notice of May 7, 1980. The commentator suggested that the thermal requirements mandated for proposed construction in the guaranteed home loan program be extended to existing homes purchased with VA direct or guaranteed loan assistance. It is our belief that enforcement of mandatory thermal standards for existing housing would not be acceptable to the vast majority of home sellers and purchasers.

If mandatory standards were adopted for existing housing, many home sellers who did not wish to bring their homes up to the thermal standards would simply choose not to sell their homes to veterans with the assistance of VA financing. Home purchasers also might find the home they wished to purchase with the assistance of a VA loan and become too expensive, if several thousand dollars of energy-saving improvements were required to be installed. A third problem with mandatory thermal requirements for existing housing is the problem of drafting comprehensible requirements which could be applied fairly to the infinite variety and condition of existing housing. For these reasons, we believe that mandatory thermal requirements for existing housing would prove ineffective and possibly counter-productive to the energy related upgrading of the nation's existing housing.

We believe that the VA's voluntary program for improving existing housing stock will be effective in assisting veterans to purchase and improve the energy efficiency of existing homes. Each existing home appraised by VA appraisers will be reviewed for energy conservation improvements. The appraiser will complete a checklist of his or her suggestions for needed improvements. A home energy checklist of suggested energy conservation improvements will then be furnished the prospective veteran purchaser.

The home enegy checklist will also inform the veteran of the VA's simultaneous acquisition and improvement loan program. Veterans may obtain Va loans which simultaneously allow for the purchase of existing housing and for energy conservation improvements. These loans may be processed on either the VA prior approval or automatic (no VA prior credit underwriting approval necessary) basis as announced by the August 13, 1980 Federal Register (45 FR 53807). These loans should be attractive to veterans, sellers, lenders and investors. Veterans may acquire an existing home and make energy conservation improvements, while financing both the home and improvements at the home loan interest rate with a maximum loan term of up to 30 years. The veteran may pay the loan discount chargeable on the improvements portion of the loan, since the home seller would probably be unwilling to pay the fee on this portion of the loan. The loan may be closed with improvement funds escrowed or earmarked; thereby, allowing the home seller to quickly obtain his or her home equity. The lender in addition may obtain the Loan Guaranty Certificate prior to completion of the improvements to market the loan to a secondary market investor to recoup loanable funds. The lender need only certify to the VA, within 6 months of loan closing, the completion of the energy improvements and release of the escrowed (earmarked) funds or apply the funds to the loan principal in the event the improvements are not completed. It is our belief that the VA energy conservation checklist combined with VA's acquisition and improvement home loan program affords veterans a significant opportunity to obtain existing housing and improve its energy efficiency.

The VA guaranteed and insured home loan program and the VA direct loan program are in full compliance with E.O. 12185.

Approved: August 21, 1980.

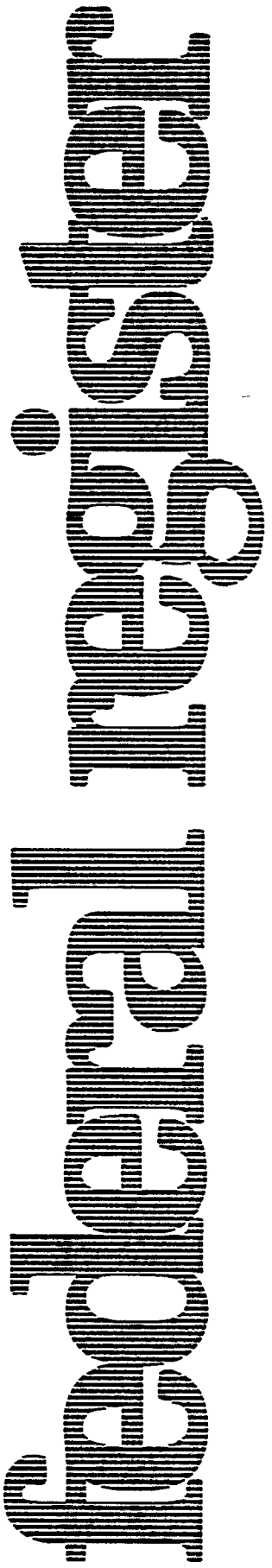
By direction of the Administrator.

Maury S. Cralle, Jr.,

Associate Deputy Administrator.

[FR Doc. 80-26500 Filed 8-28-80; 8:45 am]

BILLING CODE 8320-01-M



Friday
August 29, 1980

Part VII

Federal Public Facilites Assistance Programs

Environmental Protection Agency
Heritage Conservation and Recreation Service, Interior Department
Surface Mining Office, Interior Department
Housing and Urban Development Department
Education Department
Health and Human Services Department
Veterans Administration

Friday
August 29, 1980

Part VII—Section A

Environmental Protection Agency

Petroleum and Natural Gas Conservation: Federal Public Facilities Assistance Programs

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 35

Compliance With Executive Order 12185—Petroleum and Natural Gas Conservation

AGENCY: Environmental Protection Agency.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This notice confirms a number of administrative changes proposed by the Environmental Protection Agency (EPA) which were intended to conserve petroleum and natural gas within EPA programs that provide financial assistance either for the construction of public facilities or for planning and technical assistance. In addition, notice of a pending regulatory change to further conservation is restated. Public comment was solicited on these changes in our Notice of Proposed Rulemaking of May 7, 1980 and today's notice has been evaluated in light of comments received. Administrative changes as identified for particular programs are now being implemented.

FOR FURTHER INFORMATION CONTACT: Thad Huetteman, Policy Planning Division, Environmental Protection Agency, Telephone: (202) 755–4803.

SUPPLEMENTARY INFORMATION:

1. Background

Executive Order 12185, Conservation of Petroleum and Natural Gas, signed by the President on December 17, 1979, and published December 19, 1979, at 44 FR 75093 mandates that each Federal agency identify its financial assistance programs most likely to offer opportunities for significant conservation of petroleum and natural gas. It further directs that a list of these programs be published for public comment so that the public may provide suggestions for rules that would encourage energy conservation. This list was published in the Federal Register on February 7, 1980, at 45 FR 8534. It included the following EPA programs:

Clean Water Act

Grants for Construction of Treatment Works (Title II)
Water Quality Management Planning Grants (Section 208)
State Pollution Control Grants
Best Management Practices Implementation Grants

Clean Air Act

Urban Air Quality Planning Grant (Section 175)
Control Agency Grants (Section 105)

Resource Conservation and Recovery Act

Local Resource Recovery Grants
State/Regional Solid Waste Plans
Hazardous Waste Management

Safe Drinking Water Act

Public Water Supply Systems Supervision Grants
Underground Water Service Protection

Federal Insecticide, Fungicide, and Rodenticide Act

State Cooperation Aid and Training

Toxic Substances Control Act

Toxic Substances and Enforcement Grants

EPA revised this preliminary list of programs to select only those programs *most* likely to offer opportunities for *significant* conservation of petroleum and natural gas. EPA concluded that only the following programs offer such significant conservation opportunities. The Urban Air Quality Planning Grant Program was deleted from consideration because it is a one-time program and most grants have already been awarded. There is little opportunity to change already approved work programs to include significant additional energy related activities. Furthermore, the Clean Air Act and EPA guidelines already require an evaluation of energy impacts of air quality plans.

Construction Grant Program (Title II of the Clean Water Act of 1977)

Program Purpose: Provides financial assistance to municipalities for the construction of publicly owned treatment works (POTWs) that abate water pollution or eliminate health hazards.

Water Quality Management Planning Grants (Section 208 of the Clean Water Act)

Program Purpose: Designated agencies and/or States receive grants to conduct water quality assessments, identify problems and priorities, and determine effective controls to be implemented by State, areawide and local agencies. From FY '80, 208 grants are directed solely to nonpoint source problems.

Control Agency Grants (Section 105 of the Clean Air Act)

Program Purpose: Provides support to State and local air pollution control agencies for establishing and maintaining control programs. The focus of Federal support has been on the development, implementation, and enforcement of State air quality plans and on associated national priorities (e.g., air quality monitoring network establishment and operation). The amount of grant funds available annually is slightly over $80 million.

After examining the pertinent grant regulations of the programs on the revised list, EPA determined that energy conservation can be achieved through revised and supplementary guidance (i.e., administrative changes) to grantees for all programs. For the Construction Grants Program, regulatory changes are also necessary to implement E.O. 12185.

The proposed changes in regulation require: (1) Escalation of energy (petroleum, natural gas, and electricity) prices in the cost-effectiveness analysis of alternative wastewater management systems, and (2) coordination with State Energy Plans during facility planning. Energy cost escalation rates will be based on the schedule of future energy prices published by the Department of Energy.

At this time, therefore, in paragraph 2 below, we are presenting the proposed *administrative* changes and other information for the affected programs in this supplement. Paragraph 3 covers the advance notice of proposed *regulatory* changes for the Construction Grants Program.

2. Proposed Administrative Actions That Do Not Require Regulatory Changes

Three of the programs that offer significant conservation opportunities proposed *administrative* program changes that could conserve petroleum and natural gas. Those changes are:

Grants for Construction of Treatment Works (Title II of the Clean Water Act of 1977)

Expedited I/A Technology Program: The Agency is investigating procedures for identifying candidate projects and for expediting the issuance of construction grants for I/A technologies selected for their significant energy conservation, recovery or production attributes. These technologies include low energy consumption processes, processes that recover or produce significant amounts of usable energy, and processes that use alternative energy sources. One proposal being considered is contracting with experienced architect-engineering firms to plan and design selected energy-conserving innovative and alternative wastewater treatment projects for target communities. These projects will serve as models for other communities and

will be greatly expedited through the grants process.

Another proposal, which is currently being initiated, involves the assignment of EPA staff to work with State and local governments and project consultants to assist in the development of I/A technology projects. Full-time staff from the EPA Office of Research and Development have already been assigned to match selected energy conserving technologies with suitable communities in line for construction grants. Follow-up efforts include providing necessary technical information and assisting with grant procedures on selected projects. Full-time staff members at the EPA regional levels are currently being assigned for these purposes.

Memorandum of Understanding with the Department of Energy (DOE): EPA and DOE will establish a Memorandum of Understanding to promote greater use of energy conservation and recovery in the development and operation of municipal wastewater treatment projects. The agreement will address jointly funded demonstration projects, technical assistance on evaluating construction grants projects, and the sharing of personnel and research facilities.

Energy Audit Manual: EPA will prepare and publish an energy audit manual and background information for use in addressing energy considerations when developing municipal wastewater treatment projects. Energy audit methodologies as well as energy information on raw materials, construction techniques, and unit process will be covered.

Contact (for Construction Grants Program Administration Actions): Alan Hais WH-547; 202/426-8976. Municipal Technology Branch; Municipal Construction Division.

Water Quality Management (WQM) Planning Grants (Section 208 of the Clean Water Act)

Central to the WQM process is the development of Best Management Practices (BMPs) by State and areawide planning agencies. BMPs are methods, measures, or practices to prevent or reduce nonpoint source water pollution and include structural and nonstructural controls and operations and maintenance procedures. BMPs can be applied before, during, and after pollution-producing activities to reduce or eliminate the discharge of pollutants into receiving waters. Economic, institutional and technical factors shall be considered in developing BMPs.

Feasible BMPs that reduce nonpoint source pollution and achieve the water quality goals of the Clean Water Act must be developed and implemented for all categories of nonpoint sources. The BMPs are developed in a continuing process of identifying problems, devising control measures, assessing BMP adequacy, and modifying BMPs when necessary to attain water quality goals. State priorities for developing nonpoint source codntrol programs are established in accordance with general EPA guidance and are contained in the State/EPA Agreement.

EPA considers the development of BMPs to be the most logical step in the WQM process in which to introduce the concept of petroleum and natural gas conservation. Consequently EPA has included consideration of conservation as a criterion for 208 funding in the policy memorandum titled "FY '81 WQM Funding Policy and Funding Criteria," which has been distributed. The language is the following:

"Conservation of petroleum and natural gas must be considered, where appropriate, during the development of BMPs, consistent with Executive Order 12185."

Contact: David Ziegler, WH-554; 202/426-2474. Policy and Evaluation Branch; Water Planning Division.

Control Agency Grants (Section 105 of the Clean Air Act)

Grant applications are processed in accordance with EPA general regulations for State and local assistance (40 CFR Part 35.001—35.425) and regulations specifically for air pollution control program grants (40 CFR Part 35.501—35.538). Processing is carried out by EPA regional offices. Grant programs are based on the State air quality plans required by the Clean Air Act and on annual EPA guidance identifying national objectives and priorities.

Annual EPA guidance specifying national priorities and goals was published in February 1980. Requirements for future State air quality plan revisions are currently being prepared. Energy related activities now covered in the annual guidance include:

—Vehicle inspection and maintenance programs

—Fuel conversions

—Permitting of energy facilities

EPA will evaluate the portion of the Agency guidance setting priorities for section 105 grants to determine whether any revised or supplementary guidance is necessary to implement Executive Order 12185. Energy conservation considerations, such as the effects on petroleum and natural gas use of alternative control measures, fuel conversions, industrial process changes, and so on, will be incorporated in the requirements for future State air quality plan revisions. These requirements will not be finalized until early fall of 1980.

The primary focus of the requirements will be the development of guidance for implementing section 172(b)(9) of the Clean Air Act. This section requires that States identify and analyze the energy and other effects of air quality plan provisions and alternatives considered by the States. Development of the transportation portion of State air quality plans will generally be funded under the Urban Air Quality Planning program.

Contact: Jerry Kurtzweg, ANR-445; 202/755-0570. Chief, Land Use Policy Branch, Office of Transportation and Land Use Policy.

3. Notice of Proposed Actions Which Require Regulatory Changes

The grants program for construction of municipal wastewater treatment works is proposing the following *regulatory* changes to cost-effectiveness analysis guidelines:

Escalation of Energy Cost: The Cost-Effectiveness Analysis Guidelines represent EPA's policies and procedures for determining the most cost-effective wastewater treatment system or component part. The Guidelines apply to the planning of all municipal wastewater treatment projects for which Federal grant assistance is being sought. The Guidelines are published as Appendix E of the Construction Grants Regulations (40 CFR Part 35, Subpart E).

The Agency's cost-effectiveness analysis procedures presently call for use of constant value dollars to represent the worth of goods and services required for a project over time. As exceptions, however, certain cost escalation allowances are provided for land and natural gas. The constant dollar approach assumes that the cost of all resources involved in treatment works construction and operation increase at about the same rate on a long-term basis.

The Department of Energy's (DOE) Energy Information Administration projects future price increases for certain energy inputs relative to the projected general inflation rate. EPA proposes, therefore, to revise the cost-effectiveness analysis guidelines to require escalation of those energy prices over the 20 year planning period for wastewater treatment works. This would encourage selection of facilities requiring less energy.

The Agency recently received DOE's fuel price escalation rates, and will shortly be publishing the proposed regional escalation rates for the cost-

effectiveness analysis in the Federal Register and will accept comments on those rates. In addition, we expect to publish the revised cost-effectiveness guidelines within eight weeks.

Coordination with State Energy Plans: Facility planning should take into account applicable provisions of State energy plans. Accordingly, the Agency proposes to revise the cost-effectiveness guidelines to require that grantees consider such State energy plans in future facility planning.

Contact: Myron Tiemens, WH-547; 202/426-9404. Facility Requirements Division.

Dated: August 22, 1980.

Barbara Blum,

Acting Administrator.

[FR Doc. 80-26502 Filed 8-28-80; 8:45 am]
BILLING CODE 6560-01-M

Friday
August 29, 1980

Part VII—Section B

Department of the Interior

Heritage Conservation and Recreation Service

Petroleum and Natural Gas Conservation: Federal Public Facilities Assistance Programs

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

36 CFR Part 1207

Energy Conservation by Recipients of Federal Assistance

AGENCY: Heritage Conservation and Recreation Service (HCRS), Interior.

ACTION: Final rule.

SUMMARY: The Heritage Conservation and Recreation Service is amending and establishing policy pursuant to the Power Plant and Fuel Use Act of 1978 and Executive Order 12185, Conservation of Petroleum and Natural Gas. These measures are designed to save petroleum or natural gas through Historic Preservation Fund grants awarded under the National Historic Preservation Act, 80 Stat. 915, 16 U.S.C. 470 *et seq.* (1976) and implementing regulations. Specifically, 36 CFR Part 1207, "General Standards for Historic Preservation Projects," is amended to add "energy conservation needs" to the general standards which apply to all historic preservation grant-in-aid projects and administrative action is taken to give funding priority to energy efficient projects. Penalty for non-compliance (Historic Preservation Fund Grants Management Manual Chapter 20, Grant Close-out Suspension and Termination) is termination of project grant in whole or in part.

EFFECTIVE DATE: August 29, 1980.

FOR FURTHER INFORMATION CONTACT: Carrolena Key, Program Liaison Specialist, Division of Environmental and Compliance Review, Heritage Conservation and Recreation Service, Washington, D.C. 20243, phone (202) 343-5711.

SUPPLEMENTARY INFORMATION:

A. Introduction

In the Federal Register of Thursday, February 7, 1980, the Department of Energy (DOE) published a list of financial assistance programs administered by agencies of the Executive Branch which are most likely to offer opportunities for significant conservation of petroleum and natural gas by the recipients of such assistance. The list responds to Executive Order 12185, Conservation of Petroleum and Natural Gas (December 17, 1979), which implements Section 403(b) of the Power Plant and Industrial Fuel Use Act of 1978 (Pub. L. 95-620; 92 Stat. 3318). The Act and the Order require Federal agencies which administer programs of financial assistance to take actions which maximize the efficient use of energy and conserve natural gas and petroleum in programs funded by those agencies. Included among those actions are identification of those financial assistance programs which offer opportunities for significant conservation of petroleum and natural gas by recipients of the assistance and issuance of regulations imposing conservation requirements as a condition of continuing to receive the assistance.

The Federal Register notice of February 7, 1980, listed the Federal financial assistance programs being considered under Executive Order 12185 in the following groups: Planning and Technical Assistance; Community/Economic Development; Housing; Transportation; Public Facilities; Energy; and Labor/Human Resources/Education. On May 7, 1980, the Department of Interior (DOI) published proposed administrative policy changes to be made by HCRS to implement Executive Order 12185 in existing manuals and operational guidelines for the Heritage Preservation Fund Program.

HCRS received nine comments. All are generally favorable to the proposed energy conservation requirements and represent the opinion of both governmental (Federal and State) and the private sector. The final policy reflects HCRS's consideration of the comments and information from other sources.

With this issuance, HCRS action is taken to give funding priority to engery efficient projects and establish a standard for historic preservation project thermal insulation. 36 CFR Part 1207, General Standards for Historic Preservation Projects, § 1207.3, is amended to encourage energy efficient design, construction, restoration, stabilization, rehabilitation, preservation, protection and maintenance of properties or facilities eligible for or receiving Historic Preservation Fund financial assistance.

B. Summary of Comments on the Proposed Rule and HCRS Responses

Public comments regarding the proposed amendment to 36 CFR Part 1207 policy, published in the Federal Register Wednesday, May 7, 1980, were positive and supportive. One comment received questioned the definition of the term "projects", citing potential confusion between grant-assisted project "activities" and the grant-assisted project "property" which could possibly result in the misinterpretation that all grant-assisted "properties" would have to conform to the energy regulations. The term "projects" is clearly defined in the Historic Preservation Grants Management Manual (page A-11) as "* * * an activity or set or activities supported by Federal funds * * *." and is, we believe, satisfactorily differentiated from "properties." Another comment involved the potential for jeopardizing the historic/architectural integrity of historic structures by unsympathetic alterations to achieve standard ASHRAE insulation values. However, § 1207.3 of the rule states that "* * * the treatment must be consistent with the historic character of the structure. * * *" Therefore, the Service feels that properties will be successfully protected from such unsympathetic alterations. When project work cannot follow the insulation requirements without jeopardizing the historic/architectural integrity of the structure, the Service will advise the grantee as to approprate alternatives.

C. Miscellaneous

In reviewing the proposed amendments HCRS discovered some clerical errors which have been corrected. In no instance did these changes lead to major revisions. Comments of a technical or editorial nature have also been considered and changes made as appropriate. These amendments were determined to be not significant and do not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. Notice of determination was published previously in the Federal Register on May 7, 1980, (45 FR 30378). It is determined that these amendments do not constitute a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act, as amended 42 U.S.C. 4321, et seq. These amendments constitute changes in administrative policy and actions to implement will be reviewed on a specific project-by-project basis to determine the need for further environmental review.

(Catalog of Federal Domestic Assistance 15.411)

Statement of Applicability

This amendment does not affect the existing A-95 review procedures for the Historic Preservation Program as outlined in OMB Circular No. A-95, Part I.

Authorship Statement

This document was prepared by Carrolena Key, (202) 343-5711, Division of Environmental and Compliance Review, Gary Hume, (202) 343-7217,

Technical Preservation Services, Heritage Conservation and Recreation Service, Department of the Interior.

Heritage Conservation and Recreation Service Compliance With Executive Order 12185 (Conservation of Petroleum and Natural Gas)

Historic Preservation Grants-in-Aid Program

The Heritage Conservation and Recreation Service has examined its procedures, regulations and policies as required by Executive Order 12185. The following policies are to assure that all HCRS actions relative to the administration of the Historic Preservation Fund are in compliance with the Order.

The Historic Preservation Grants-in-Aid Program provides acquisition and development grants to acquire, protect, stabilize, preserve, rehabilitate, restore, or reconstruct structures and other properties listed in the National Register of Historic Places. Preservation of a historic structure can be in itself an energy conserving action when it makes unnecessary the construction of a new similar replacement building. Thus, the cost and energy for construction of the similar replacement building can be avoided.

a. As of fiscal year 1981, funding priority will be given to cost effective energy efficient projects, and to the degree possible and appropriate, all projects shall meet the thermal insulation standards of the American Society of Heating, Refrigeration, and Air Conditioning Engineers, Inc. Standard 90–75, Energy Conservation in New Building Design or the "Cost Effective Energy Conservation Standards" of HUD or other equivalent standards for existing buildings.

b. HCRS hereby amends 36 CFR Part 1207, "General Standards for Historic Preservation Projects" § 1207.3 by adding the following sentence to the introductory paragraph of the section. The revised introductory text of § 1207.3 reads as follows:

§ 1207.3 General standards for historic preservation projects.

The general standards listed below shall apply to all historic preservation grant-in-aid projects; additional standards in § 1207.4 for acquisition, protection, stabilization, preservation, rehabilitation, restoration, and reconstruction apply to specific grant-in-aid projects as appropriate. The Standards shall be applied taking into consideration the energy conservation needs and the economic and technical feasibility of each project; in the final analysis, however, the treatment must be consistent with the historic character of the structure and, where appropriate, with the district in which it is located.

* * * * *

Dated: August 20, 1980.

David Hales,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 80-26503 Filed 8-28-80; 8:45 am]

BILLING CODE 4310-03-M

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

Energy Conservation by Recipients of Federal Assistance

AGENCY: Heritage Conservation and Recreation Service (HCRS), Interior.

ACTION: Notice of final amendments to Land and Water Conservation Fund Grants-in-Aid Manual.

SUMMARY: The Heritage Conservation and Recreation Service is issuing amendments pursuant to the Power Plant and Industrial Fuel Use Act of 1978 (Pub. L. 95-620; 92 Stat. 318) and Executive Order 12185, Conservation of Petroleum and Natural Gas. These amendments are designed to effectively save petroleum and natural gas through the actions proposed for the Land and Water Conservation Fund. The amendments will be part of the Land and Water Conservation Fund Grants-in-Aid Manual, Chapter 640.3 (Criteria for Development Projects) and Chapter 660.2 (Project Evaulation). Penalties for non-compliance (Part 675.1.12, Land and Water Conservation Fund Grants-in-Aid Manual), include withholding approval or funds for a specific project or other projects sponsored by the State involved.

EFFECTIVE DATE: August 29, 1980.

FOR FURTHER INFORMATION CONTACT: Carrolena Key, Program Liaison Specialist, Division of Environmental and Compliance Review, Heritage Conservation and Recreation Service, Washington, D.C. 20243, phone (202) 343-5711.

SUPPLEMENTARY INFORMATION:

A. Introduction

In the Federal Register of Thursday, February 7, 1980, the Department of Energy (DOE) published a list of financial assistance programs administered by agencies of the Executive Branch which are most likely to offer opportunities for significant conservation of petroleum and natural gas by the recipients of such assistance. The list responds to Executive Order 12185, Conservation of Petroleum and Natural Gas (December 17, 1979), which implements Section 403(b) of the Power Plant and Industrial Fuel Use Act of 1979 (Pub. L. 95-620; 92 Stat. 3318). The Act and the Order require Federal agencies which administer programs of financial assistance to take actions which maximize the efficient use of energy and conserve natural gas by recipients of the assistance and issuance of regulations imposing conservation requirements as a condition of continuing to receive the assistance.

The Federal Register notice of February 7, 1980, listed the Federal financial assistance programs being considered under Executive Order 12185 in the following groups: Planning and Technical Assistance; Community/Economic Development; Housing; Transportation; Public Facilities; Energy; and Labor/Human Resources/Education. On May 7, 1980, the Department of the Interior (DOI) published proposed administrative policy changes to be made in existing manuals and operational guidelines by the Heritage Conservation and Recreation Service for the Land and Water Conservation Fund Program to implement Executive Order 12185.

The HCRS received a total of 60 comments from individuals representing both the governmental (Federal, State, and local) and private sectors.

The final amendments incorporate a number of changes which reflect HCRS's consideration of the comments, as well as information from other sources. With the issuance of these final amendments HCRS adds Subpart J, (Energy Conservation Elements) to Chapter 640.3, Section 7 and adds Subpart M (Energy Conservation) to Chapter 660.2, Section 3 of the Land and Water Conservation Fund Grants-in-Aid Manual. Specifically, these Amendments will:

a. Clarify the eligibility of energy conservation elements of public outdoor recreation facilities for L&WCF assistance.

b. Encourage State L&WCF project selection systems to give priority to energy efficient projects.

c. Encourage energy efficient design, construction, operation and maintenance of properties or facilities eligible for or receiving L&WCF financial assistance.

B. Summary of Comments on the Proposed Amendments and HCRS Responses

1. Nonmotorized Outdoor Recreation Activities Priority

The proposed amendments listed energy efficient projects to be given priority in State project selection systems. This list included "facilities for non-motorized outdoor recreation activities." It was assumed that non-motorized outdoor recreation activities consume less energy than motorized activities. Fifty-two respondents disagreed and recommended non-motorized outdoor recreation activities be excluded from the list of priorities for the following reasons:

- Motorized outdoor recreation activities do not use any more or as much energy as many other activities funded under the Land and Water Conservation Fund (L&WCF). Examples of other comparatively high energy users were given, i.e., heated swimming pools, golf courses, and lighted sports facilities.
- Motorized outdoor recreation vehicles use a very small percentage of the total energy consumed in the United States.
- There is potential for greater energy use due to alternate travel to distant motorized recreation sites if motorized recreation activities are not provided close to users.
- Motorized recreation activities are very popular, even more so than other HCRS funded activities i.e., horseback riding, hunting, downhill skiing, and golf.
- The impact on the recreation vehicle industry would be adverse.

A majority of the comments received reflected the opinions above and were opposed to the priority given to "non-motorized outdoor recreation activities." In view of the uncertainly based on the limited information now available as to the difference between energy usage for motorized versus non-motorized outdoor recreation activities, we believe it would be inappropriate to restrict the use of motorized activities at this time. We have therefore removed "non-motorized outdoor recreation activities" from project types to be given priority in State project selection systems.

2. Limited Resources

Several respondents suggested that State and local governments do not have the resources at this time to assume the burden of complying with the proposed energy conservation regulations and that it is unrealistic to require all projects to meet the requirements of design, construction, operation, and maintenance in an energy efficient manner. HCRS in cooperation with the Department of Energy, is developing an Energy Conservation Technical Assistance Program for States and municipalities. The program will improve the capability of State and local park and recreation managers to implement and conduct energy conservation programs within manpower and budgetary restraints. HCRS is coordinating the Energy Conservation Technical Assistance Program with public interest groups, the Presidents' Clearinghouse for Community Energy Efficiency, and other Federal agencies. Those State and local governments which have difficulty in complying with energy conservation

regulations will be given appropriate assistance.

The comments also stated that encouraging energy efficiency will discourage the development of recreational opportunities and contend that the cost of alternative power sources may outweigh the benefits. The belief that the costs of compliance outweigh the benefits is only an assumption. The position of HCRS is that projects should be handled on a project by project basis and in an energy efficient manner, taking into consideration the cost of compliance. Also, the assumption does not take into consideration "external benefits." Such benefits are not directly reflected in the marketplace but benefit the society at large and include the positive impacts on the national balance of payments in terms of importing less oil and the moderating influence on inflation by using less energy at escalated prices.

3. Enforcement

Several comments suggested that enforcement of the thermal insulation standards may be difficult for some States. HCRS has considered the problems associated with implementation and enforcement and finds that they are unavoidable. The standards are reasonable when applied on a project by project basis and with the help of the previously mentioned Energy Conservation Technical Assistance Program problems will be kept to a minimum.

4. State Project Selection

A comment stated that States and local agencies have more of an opportunity to evaluate "priorities" and "needs" and should have been allowed to determine the energy conservation criteria needed to implement Executive Order 12185. We agree that the major responsibility for project selection, administration and development lies with the States and their local municipalities. However, as the Federal granting agency, HCRS has overall responsibility for compliance with the objectives of the L&WCF program and must provide initial guidance and instructions to recipients of the Fund.

5. Priority Project Location

It was suggested that priority should be given to projects located "close to" population centers so as to include regional facilities. We agree and the amendment which stated that priority should be given to projects "in" populated areas has been changed to state "in or close to" populated areas. We believe the change to "in or close to" will maximize the number and types of outdoor recreation experiences provided and minimize the travel required to obtain those experiences.

It was also suggested that policy giving priority to projects located in urban areas discriminates against rural communities. Generally the potential for energy savings is greater for facilities in or near cities due to the reduced need for transportation by a greater number of people. However, State projects selection systems use several criteria, and it is anticipated that rural outdoor recreation projects will be considered on their merits, including energy conservation elements which may be an integral part of the projects design.

6. Miscellaneous

In reviewing the proposed amendments HCRS discovered some clerical errors which have been corrected. In some instances these changes led to minor changes in the provisions of the amendment. Comments of a technical or editorial nature which were received have also been considered and changes made as appropriate. These amendments were determined to be not significant and do not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. Notice of determination was published previously in the Federal Register on May 7, 1980 (45 FR 30379). It is determined that these amendments do not constitute a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act, as amended 42 U.S.C. 4321, *et seq.* These amendments constitute changes in administrative policy and actions to implement will be reviewed on a specific project-by-project basis to determine the need for further environmental review.

(Catalog of Federal Domestic Assistance 15.400)

Statement of Applicability

This amendment does not affect the existing A-95 review procedures for the Land and Water Conservation Program as outlined in OMB Circular No. A-95.

Authorship Statement

This document was prepared by Carrolena Key (202) 343-5711, Division of Environmental and Compliance Review and Cathy-Martin Urbanek (202) 343-7801, Division of State Programs, Heritage Conservation and Recreation Service, Department of the Interior.

In consideration of the foregoing HCRS hereby amends the Land and Water Conservation Fund Grants-in-Aid Manual, Part 640, Chapter 3, Criteria for Development Projects, Section 7, Guidelines for Eligible Support Facilities, by adding Subpart J, Energy Conservation Elements, and Part 660, Chapter 2, Project Evaluation, Section 3, Criteria for Project Evaluation, by adding Subpart M, Energy Conservation, as set forth below.

Heritage Conservation and Recreation Service Compliance With Executive Order 12185 (Conservation of Petroleum and Natural Gas)

Land and Water Conservation Fund Program

The Heritage Conservation and Recreation Service has examined its procedures, regulations and policies as required by Executive Order 12185. The following policies are to assure that all HCRS actions relative to the administration of the Land and Water Conservation Fund are in compliance with the Order.

L&WCF provides acquisition and development grants for a wide range of public outdoor recreation areas and facilities, such as picnic areas, inner city parks, campgrounds, tennis courts, boat launch ramps, bike trails, swimming pools and support facilities.

a. The following shall be added to the Land and Water Conservation Fund Grants-in-Aid Manual, Part 640, Chapter 3, Criteria for Development Projects, Section 7, Guidelines for Eligible Support Facilities.

J. Energy Conservation Elements

The energy conservation elements of an eligible outdoor recreation facility and its support facilities are eligible for L&WCF assistance. This includes but is not limited to solar energy systems, earth berms, window shading devices, energy lock doors, sodium vapor lights, insulation and other energy efficient design methods and materials. In addition, power systems which minimize or eliminate a facility's use of petroleum and natural gas are eligible including, but not limited to, windmills, on-site water power systems, bioconversion systems, and facilities required for the conversion of existing power systems to coal, wood, or other energy efficient fuels.

b. The following policy shall be added to the Land and Water Conservation Fund Grants-in-Aid Manual, Part 660, Chapter 2, Project Evaluation, Section 3, Criteria for Project Evaluation.

M. Energy Conservation

All projects approved beginning in fiscal year 1981 shall be designed, constructed, operated and maintained in an energy efficient manner.

1. Power systems for heating, cooling, lighting and operation shall minimize or eliminate the facility's use of petroleum and natural gas through solar, wind, wood, coal or other power systems, to the extent possible and life cycle cost-effective.

2. All projects shall meet the thermal insulation standards of the American Society of Heating, Refrigeration, and Air Conditioning Engineers, Inc. Standard 90–75 Energy Conservation in New Building Design, or the "Cost Effective Energy Conservation Standards" of HUD, or other equivalent standards with a commitment to abide by the Department of Energy's "Building Energy Performance Standards" when they become effective.

3. State project selection systems shall give priority to the most cost effective energy efficient projects, including but not limited to projects using energy efficient design methods and materials for site and buildings; the use of alternative power systems to minimize the use of petroleum and natural gas; the adaptive reuse of existing structures over new construction where appropriate; projects that are located close to populated areas and are accessible by foot, bicycle or public transportation; the retrofitting to improve the energy efficiency of existing recreation facilities; projects resulting from an energy audit or energy efficiency plan; or projects which help minimize energy development impacts.

Dated: August 20, 1980

David Hales,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 80-26504 Filed 8-28-80; 8:45 am]

BILLING CODE 4310-03-M

Friday
August 29, 1980

Part VII—Section C

Department of the Interior

Office of Surface Mining

Petroleum and Natural Gas Conservation: Federal Public Facilities Assistance Programs

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 886

Abandoned Mine Land Reclamation Program

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

ACTION: Final rule.

SUMMARY: The final rule amends § 886.12 of OSM's Abandoned Mine Land Reclamation Program Regulations, and implements the President's Executive Order, E.O. 12185, on conservation of petroleum and natural gas that was published in the Federal Register on December 19, 1979 (44 FR 75093). The action encourages States receiving financial assistance for public facilities constructed with funds from the Abandoned Mine Reclamation Fund to use energy sources other than petroleum or natural gas. The intent is to conserve petroleum and natural gas, not prohibit their use. Project proposals for public facilities will be evaluated by using the reclamation project evaluation factors in 30 CFR 874.14. These factors should be sufficent to insure that energy efficiency and cost effectiveness are included in the project design.

EFFECTIVE DATE: September 29, 1980.

FOR FURTHER INFORMATION CONTACT: Charles A. Beasley, Assistant Director, Abandoned Mine Lands, Office of Surface Mining, 1951 Constitution Avenue, NW., Washington, D.C. 20240, 202–343–4012.

SUPPLEMENTAL INFORMATION: Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95–87, (30 U.S.C. 1201 et seq.), establishes an Abandoned Mine Reclamation Fund and provides the authority to use monies from this fund to reclaim and restore land and water resources adversely affected by past mining. Lands and water eligible for reclamation under this authority are those which were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977 and for which there is no continuing reclamation responsibility under State or other Federal laws. OSM published final rules on October 25, 1978 (43 FR 49932) which established the abandoned mine land reclamation program and procedures for administering Title IV of SMCRA.

Part 886 sets forth procedures for grants to States having an approved State reclamation plan for the reclamation of eligible land and water and for other activities, which include the construction of public facilities, necessary to carry out the plan as approved. This part also contains provisions for the reduction or termination of grants under certain circumstances and requirements for the administration of the grants.

Executive Order 12185 requires Federal agencies to review their financial assistance programs and make appropriate regulatory changes to those provisions that could conserve petroleum or natural gas. OSM has determined that petroleum and natural gas could be conserved by encouraging States to use on-site energy sources other than petroleum or natural gas for public facilities.

On May 7, 1980, the Department of the Interior proposed a rule to implement E.O. 12185 and invited public comment on it (45 FR 30382). The rule adopted today is based on that proposed rule. This rule encourages States requesting financial assistance for public facilities projects under their reclamation programs of Title IV of the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95–87, to seriously consider the use of on-site energy sources other than petroleum or natural gas.

Under State reclamation programs of Title IV, public facilities affected by past coal mining practices that occurred before August 3, 1977, may be eligible for Federal assistance.

For example, schools or public utilties affected by past coal mining could be considered. Facilities necessary to control the adverse effects of past coal mining may also be considered. An example would be a plant for control and treatment of water pollution resulting from mine drainage.

Funding under certain conditions can be provided for public facilities in communities impacted by coal development under Section 402(g)(2) of SMCRA. However, funding is prohibited until conditions related to past coal and noncoal mining are corrected, or until funds are obligated to cover the costs of this reclamation.

On-site energy sources refer to primary energy that is actually consumed or used by the facility. Only those facilities that are designed to use petroleum or natural gas on-site for major heating systems, cooling systems, or power generation during the operational phase of the facility will be affected by the rule. When the costs for petroleum and natural gas are considered along with the shortages of these energy sources, prudent design of such facilities, regardless of this rule, should restrain their use.

Comments

OSM received comments from one commenter on the proposal. The comments were very carefully considered by OSM and are discussed below.

1. The commenter stated that the President's Executive Order 12185 authority is derived from Section 403(b) of the Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95–620. OSM does not accept this statement. While this is one authority, Section 301 of Title III of the United States Code provides the President with ample authority to direct Federal agencies to use the statutory provisions establishing their assistance programs to implement measures to conserve petroleum and natural gas. OSM's proposal does not conflict with the statutory provisions that established Federal assistance for the State reclamation programs, nor does it conflict with the Pub. L. 95–620.

2. The commenter pointed out that Section 403(b) of Pub. L. 95–620 mandates Federal agencies to promote the conservation of petroleum and natural gas through their assistance programs, but does not prohibit the use of these fuels. OSM agrees with this statement.

3. The commenter stated that even the mandatory fuel switching provisions of Pub. L. 95–620 do not apply to stationary electric generating units with input design capacity of less than 100 million Btu's per hour or to fuel burning installations of the same Btu's per hour capacity, and that Congress did not intend that facilities with fuel input design capacity less than 100 million Btu's be subject to fuel switching orders. OSM agrees. The proposal does not prohibit the use of petroleum or natural gas in these smaller facilities. It merely encourages States to consider other forms of on-site energy.

4. The commenter felt that from a practical application the proposal would limit the designer's on-site fuel choices. OSM disagrees. If it is not technologically or economically feasible to use other on-site energy, OSM would surely provide the necessary Federal assistance. However, approval of Federal assistance for the construction phase of the facility does not guarantee Federal assistance for energy costs. Federal assistance is requested on a Federal fiscal year basis after the State's reclamation plan is approved. The approval for requested assistance is dependent on availability of funds and their intended use. Since the monies to support these requests are derived from reclamation fees that are imposed on coal production, and since the authority

to collect these fees ends 15 years after the enactment date (August 3, 1977) of the Surface Mining Control and Reclamation Act of 1977, the States will need to consider alternate methods to pay for future energy costs. Therefore, long range planning is necessary for any public facilities that use energy.

5. The commenter urged that the proposal be modified by: (1) Deleting the phrase "To the extent technologically and economically feasible," and (2) adding a new paragraph that would totally exempt facilities with individual input design capacity below 100 million Btu's per hour or aggregate input design capacities less than 250 million Btu's per hour from the proposed rule. These modifications have not been accepted. The technological and economical considerations are of primary importance in any activity under the Title IV program. Since Federal assistance may not be available for public facility energy costs in the future, these considerations are of utmost importance. The second modification attempts to intertwine the mandatory conversion definition language of Pub. L. 95-620 with the proposed rule. OSM fully intends to comply with Pub. L. 95-620 when applicable. However, the proposal does not prohibit the use of petroleum and natural gas for on-site energy. It does encourage the States to conserve petroleum and natural gas by prudent design and long term planning.

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14, 43 FR 58292, et seq. (December 13, 1978).

The Department of the Interior has determined that this action will not have a significant effect on the human environment and an environmental impact statement will therefore not be prepared.

Statement of Authorship

The primary authors of this document are George L. Williams, Abandoned Mined Lands, Office of Surface Mining and Chris Warner, Office of the Solicitor, Division of Surface Mining, Department of the Interior. Under authority of the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95-87, and Executive Order 12185, a revised § 886.12 is set out below.

Dated: August 12, 1980.

Joan M. Davenport,

Assistant Secretary, Energy and Minerals.

Amendment

30 CFR 886.12(b) is revised to read in its entirety as follows:

§ 886.12 Coverage and amount of grants.

* * * * *

(b) Grants shall be approved for 100 percent of the total agreed upon costs for reclamation of eligible lands and water, construction of public facilities, program administration as specified in § 886.21 and the incremental cost of filling voids and sealing tunnels with waste from mine waste piles reworked for conservation purposes. To the extent technologically and economically feasible, public facilities that are planned, constructed, or modified in whole or in part with abandoned mine land grant funds should utilize fuel other than petroleum or natural gas..

* * * * *

[FR Doc. 80-26502 Filed 8-28-80; 8:45 am]
BILLING CODE 4310-05-M

Friday
August 29, 1980

Federal Register

Part VII—Section D

Department of Housing and Urban Development

Petroleum and Natural Gas Conservation: Federal Public Facilities Assistance Programs

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-80-999]

Public Facilities Programs—Administrative Actions Implementing Executive Order 12185

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

ACTION: General notice—administrative measures implementing Executive Order 12185.

SUMMARY: By publishing this Notice, HUD is notifying the public of the significant non-regulatory administrative measures it will take for public facilities programs administered by the undersigned, in order to implement Executive Order 12185.

FOR FURTHER INFORMATION CONTACT: Michael Wells, Office of Policy and Budget, Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, D.C., 20410, (202) 755-6454. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: In accordance with Section 102(b) of the Powerplant and Industrial Fuel Use Act of 1978 (Pub. L. 95-620) and Executive Order 12185, the Assistant Secretary for Housing is about to issue a memorandum to the HUD Field Offices so that Federal Housing Administration appraisal and valuation procedures will place greater emphasis on the trade-off between energy conserving capital costs and subsequent project operating expenses. In accordance with the same legislation and Executive Order, the Assistant Secretary for Housing recent issued to the HUD Field Offices and administrative notice by which HUD both encourages the development of projects which use solar energy systems and provides the maximum permissable mortgage amounts and financial assistance to accommodate such systems.

The above notice and memorandum also apply to the Office of Housing's housing programs.

The Final Rule that is published in the part of this issue of the Federal Register which concerns the housing programs of the Office of Housing, also affects Housing's public facilities programs. This rule provides Section 241 Mortgage Insurance for Supplemental Project Loans for energy conserving improvements in conventionally-financed multifamily projects.

The public facilities programs are part of the National Housing Act and are the Section 232 Nursing Homes and Intermediate Care Facilities Program, the Section 242 Hospitals Program and the Title XI Group Practice Medical Facilities Program. This general notice was published originally in the Federal Register on May 7, 1980 (45 FR 30384). We are publishing it now in order to give an update on the above guidelines of the Office of Housing at the same time the regulation described above is published as a final rule.

(Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Issued at Washington, D.C. on August 21, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-26506 Filed 8-28-80, 8:45 am]

BILLING CODE 4210-01-M

federal register

Friday
August 29, 1980

Part VII—Section E

Department of Education

Petroleum and Natural Gas Conservation: Federal Public Facilities Assistance Programs

DEPARTMENT OF EDUCATION

45 CFR Parts 100a and 100b

Petroleum and Natural Gas Conservation; Regulations To Implement Executive Order 12185

AGENCY: Department of Education.
ACTION: Final regulations.

SUMMARY: The Secretary of Education issues final regulations to implement Executive Order 12185. These regulations are designed to achieve conservation of petroleum and natural gas in connection with the receipt of Federal financial assistance.

EFFECTIVE DATE: These regulations are expected to take effect 45 days after they are transmitted to Congress. Regulations are usually transmitted to Congress several days before they are published in the Federal Register. The effective date is changed by statute if Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Dr. Wilton Anderson, Director, Energy and Education Action Center, U.S. Department of Education, 400 Maryland Avenue SW. (Room 514, Reporters Building), Washington, D.C. 20202. Telephone: (202) 472-7777.

SUPPLEMENTARY INFORMATION:

A. Background

On December 17, 1979, the President issued Executive Order 12185 under the authority granted to the President in section 403(b) of the Powerplant and Industrial Fuel Use Act of 1978 (Pub. L. 95-620). Under this Executive Order, each Federal agency is required to issue regulations designed to achieve conservation of petroleum and natural gas in connection with the receipt of Federal financial assistance.

On February 7, 1980, a preliminary, Government-wide list of Federal programs was published in the Federal Register (45 FR 8534) as a first step in implementing Executive Order 12185. The listed programs were identified by the various Federal agencies as being programs that offered significant opportunities for the conservation of petroleum and natural gas. A number of Federal education programs were listed under the Public Facilities and Labor/Human Resources/Education sections of the Federal Register notice. The public was given 60 days to comment on the list of programs and to submit suggestions for regulations that would achieve the conservation of petroleum and natural gas in these and other Federal financial assistance programs.

The Secretary published a notice of proposed rulemaking (NPRM) in the Federal Register on May 7, 1980 (45 FR 30386) to implement Executive Order 12185. The proposed regulations added a new section to 45 CFR Part 100a and 45 CFR Part 100b, the Education Division General Administrative Regulations (EDGAR). A new § 100a.616 of EDGAR was proposed to require certain energy conservation measures in the construction of facilities under Federal education programs, and new §§ 100a.690 and 100b.690 were proposed to require consideration of energy conservation awareness as a program component in Federal education programs.

In the "Supplementary Information" section of the preamble to the NPRM, the Secretary invited comments on whether the Department should establish, adopt, or suggest specific energy performance standards for buildings constructed with Federal education funds. The Secretary also expressed interest in receiving comments and suggestions for other regulations on energy conservation that could be included in EDGAR or in specific program regulations.

The public had sixty days to comment on the proposed regulations. Twenty-six persons submitted written comments during this time.

B. Summary of Comments and Responses

The following is a summary of the comments received from the public and the Department's responses. The comments and responses appear in the same order as the final regulations.

§ 100a.616 Energy conservation.

(1) *Comment.* A few commenters opposed the issuance of any final regulations to implement Executive Order 12185. One commenter questioned the appropriateness of the Executive Order.

Response. No change has been made. Under Executive Order 12185, the Department of Education is required to issue regulations designed to achieve conservation of petroleum and natural gas in connection with the receipt of Federal financial assistance. The Executive Order was appropriately issued by the President under the authority granted in section 403(b) of the Powerplant and Industrial Fuel Use Act of 1978 (Pub. L. 95-620).

(2) *Comment.* Some of the commenters favored the adoption of energy conservation measures in the construction of facilities under Federal education programs that are more specific than the requirements in the proposed regulations. These commenters favored the adoption of either State and local building standards, or the standards published by the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE). Some commenters stated that the Department of Energy's Building Energy Performance Standards should be used when they are promulgated as final regulations.

Response. A change has been made. In addition to the requirements now contained in § 100a.616(a) of the final regulations, these regulations require in a new § 100a.616(c) that grantees comply with the ASHRAE Standard 90-75. The adoption of ASHRAE 90-75 will ensure that facilities constructed with Federal education funds will be energy efficient. Since many State and local building codes already require compliance with ASHRAE Standard 90-75, its adoption will not impose any additional burdens in those areas. When the Department of Energy's Building Energy Performance Standards are promulgated as final regulations, the Department of Education will consider adopting them in place of ASHRAE 90-75.

§§ 100a.690 and 100b.690 Energy conservation awareness.

(1) *Comment.* The majority of commenters supported the proposed emphasis on energy conservation awareness. A number of the commenters suggested that the language in these sections be more specific and that a component on energy conservation awareness be required in all programs.

Response. No change has been made. The Secretary believes that it is appropriate to have a flexible requirement on the incorporation of energy conservation awareness as a program component in Federal education programs. The utility and feasibility of incorporating this type of component varies among the great number of programs that will be subject to the requirements in EDGAR.

(2) *Comment.* Several persons commented on the need for the development of programs on energy conservation awareness and the dissemination of information on these programs. One commenter suggested that the regulations require a public information component, while several other commenters stated that the Federal Government should develop and disseminate the elements of programs

on energy conservation awareness to participating grantees.

Response. No change has been made. Designation of the Energy and Education Action Center as the Department of Education's lead component for coordinating all activities relating to energy conservation, energy conservation awareness, and Executive Order 12185 has already been made. The Secretary concludes that the present functions and activities of the Energy and Education Action Center are fully responsive to the suggestions made by commenters.

C. Citation of Legal Authority

The reader will find a citation of legal authority in parenthesis on the line following each substantive provision of these final regulations.

Dated: August 22, 1980.

Shirley M. Hufstedler,

Secretary of Education.

The Secretary amends Parts 100a and 100b of Title 45 of the Code of Federal Regulations to read as follows:

PART 100A—DIRECT GRANT PROGRAMS

(1) The following sections are added to the table of contents under Subpart E of Part 100a:

Sec.

100a.616 Energy conservation.

* * * * *

100a.690 Energy conservation awareness.

* * * * *

Authority: Sec. 403(b) of the Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95-620 (42 U.S.C. 8373(b); 92 Stat. 3289-3349) and Executive Order 12185.

(2) The following two sections are added to Part 100a:

§ 100a.616 Energy conservation.

(a) To the extent feasible, the grantee shall design and construct facilities to maximize the efficient use of energy and to minimize the use of petroleum and natural gas as energy sources.

(b) Standard 90-75 of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) is incorporated by reference in this section.

Note.—Incorporation by reference provisions approved by the Director of the Federal Register on August 25, 1980. Incorporated document is on file at the Federal Register.

Copies of ASHRAE 90-75 may be obtained from the Publication Sales Department, American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc., 345 East 47th Street, New York, New York 10017.

(c) A grantee shall comply with ASHRAE Standard 90-75 in designing and constructing facilities built with project funds.

(42 U.S.C. 8373(b); E.O. No. 12185)

§ 100a.690 Energy conservation awareness.

To the extent that it is consistent with the statute and regulations for any program, the grantee shall consider incorporating into its program a component on energy awareness. This component may include study of the problems, solutions, and alternatives relating to the Nation's energy crisis.

(42 U.S.C. 8373(b); E.O. No. 12185)

PART 100B—STATE-ADMINISTERED PROGRAMS

(3) The following section is added to the table of contents under Subpart E of Part 100b:

Sec.

100b.690 Energy conservation awareness.

* * * * *

(4) The following section is added to Part 100b: funds.

§ 100b.690 Energy conservation awareness.

To the extent that it is consistent with the statute and regulations for any program, the subgrantee shall consider incorporating into its program a component on energy awareness. This component may include a study of the problems, solutions, and alternatives relating to the Nation's energy crisis.

(42 U.S.C. 8373(b); E.O. No. 12185)

[FR Doc. 28507 Filed 8-28-80; 8:45 am]

BILLING CODE 4001-01-M

Federal Register

Friday
August 29, 1980

Part VII—Section F

Department of Health and Human Services

Petroleum and Natural Gas Conservation: Federal Public Facilities Assistance Programs

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Petroleum and Natural Gas Conservation; Final Notice

SUMMARY: The final notice published below implements Executive Order 12185 by requiring measures which will conserve petroleum and natural gas in buildings constructed with financial support from programs administered by this Department.

These measures were proposed in the May 7, 1980 Federal Register (45 FR 30388) and public comments were requested. Five comments were received and their views considered in preparing this final notice.

DATE: This notice is effective August 29, 1980.

FOR FURTHER INFORMATION CONTACT: Milton A. Lewis, Director, Office of Engineering and Plant Operations, Division of Plant Operations, 330 Independence Avenue, SW., Room 4617, Washington, D.C. 20201. Telephone: (202) 245–1907.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12185 and Section 403(b) of the Powerplant and Industrial Fuel Use Act of 1978, Federal agencies were required to review their financial assistance programs, identify those which are most likely to offer opportunities for significant conservation of petroleum and natural gas, and institute measures designed to achieve such conservation in those programs.

A preliminary listing of candidate programs was published in the Federal Register on February 7, 1980, and public comments invited. No comments were received. Subsequently, the list was refined and republished in the May 7, 1980 Federal Register together with proposed measures which are now contained in this final notice. Public comments were requested and comments were received from the Alliance to Save Energy; the American Gas Association; Milwaukee County, Wisconsin; the Philadelphia (PA) Electric Company; and the Southern Union Company. Their comments are appreciated.

The comments of the Alliance to Save Energy were forwarded to the Social Security Administration for action, as they addressed the Low Income Assistance Program, which is not within the scope of public facilities construction, which this notice covers.

The other commenters supported the proposed use of the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) Standard 90–75 pending adoption of Buildings Energy Performance Standards (BEPS) developed by the Department of Energy, when those standards become effective.

Two commenters also recommended adoption of an updated version of ASHRAE 90–75 which was approved in June 1980 by the ASHRAE board of directors. However, this new standard, ASHRAE 90A–1980, is not yet published and will not be widely known and available within the building community for a few months. Therefore, it was decided to continue at present with ASHRAE 90–75.

One commenter recommended that ASHRAE 90–75 rather than BEPS should be the standard for the energy conserving program. However, once BEPS becomes effective, the provisions of Section 305 of the Energy Conservation Standards for New Buildings Act of 1976 require each State to certify that BEPS or an equivalent performance standard that meets or exceeds BEPS is adopted and is being implemented (with minor exceptions) in each local government jurisdiction of such State. If this certification is not made, then no Federal financial assistance may be made available or approved in such jurisdiction.

To assure that this Department does not impose energy conservation requirements different from those generally required by the Department of Energy, it is planned that BEPS will be adopted when they become effective.

This commenter also expressed concern with the higher costs which may result from BEPS, or from requirements to use coal or other energy source alternatives to petroleum and natural gas, and indicated that the Federal share of such added costs should be increased. In this regard, except where limited by legislative and regulatory constraints, the programs administered by this Department will generally participate in funding of energy conservation measures which are shown to be life cycle cost effective and which are an integral part of the overall project being constructed to meet a program objective.

Since the public comments received are supportive of the measures the Department is taking to conserve petroleum and natural gas in public facilities construction, these measures are published as a final notice below:

Final Notice Implementing Executive Order 12185

This notice is to advise the public of the measures the Department is taking to conserve petroleum and natural gas in federally assisted construction which it funds or participates in funding.

These measures are required by Executive Order 12185 to implement Section 403(b) of the Powerplant and Industrial Fuel Use Act of 1978.

The Department intends to adopt the Buildings Energy Performance Standards (BEPS) now being developed by the Department of Energy after they become effective, and will at that time propose necessary rules. During the interim period, the requirements outlined below will apply:

To obtain design approval, all applicable construction funded by programs administered by the Department of Health and Human Services must meet the mandatory requirements of the Technical Handbook for Facilities Engineering and Construction Manual for Federally Assisted Construction No. 2.1—Information for Project Applicants and State Agencies on Design and Construction Related Activities. Also, under provisions of Titles VI and XVI of the Public Health Service Act, health care facilities must comply with the requirements set forth in "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities" (Department publication number HRA 79–14500).

Both of these publications require the use of the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) Standing 90–75 as a minimum standard for energy conserving design in federally assisted construction projects, except that energy conservation measures in health care facilities shall not conflict with the minimum requirements of HRA 79–14500.

These publications also require that life cycle cost analysis procedures be used in determining the feasibility and cost effectiveness of energy related investments in both new and existing buildings. It is recommended that the life cycle cost analysis methodology and precedures used be those published by the Department of Energy under 10 CFR Part 436 Subpart A, or other methodology and procedures which yield an equivalent result. The most current methodology may be obtained by contacting Mr. Jack Vitullo, Federal Programs Division, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone: (202) 252–9471.

To be approved, projects must incorporate all energy conservation measures determined to be cost effective by an analysis using the ASHRAE 90–75 standard and acceptable life cycle costing procedures.

The Federal programs listed below authorize financial assistance to public

and private institutions for the construction of facilities. They are administered by the Department of Health and Human Services and construction which they fund is subject to the provisions of this notice.

Categorical Grant Programs:

Cancer Cause and Prevention Research
Cancer Construction
Clinical Research (NIH)
Community Health Centers
Developmental Disabilities—Basic Support and Advocacy
Hospital Affiliated Primary Care Centers
Medical Facilities Construction—Project Grants
Migrant Health Centers
Native American Programs
Residency Training in the General Practice of Dentistry
Special Programs for Aging—Grants for States and Community Programs for the Aging

Dated: August 22, 1980.

Wilford J. Forbush,

Acting Assistant Secretary for Management and Budget.

[FR Doc. 80-26506 Filed 8-28-80; 8:45 am]
BILLING CODE 4110-12-M

Federal Register

Friday
August 29, 1980

Part VII—Section G

Veterans Administration

Petroleum and Natural Gas Conservation: Federal Public Facilities Assistance Programs

VETERANS ADMINISTRATION

38 CFR Part 17

Public Facilities Grants Programs Compliance with E.O. 12185

AGENCY: Veterans Administration.

ACTION: Final notice of compliance with E.O. 12185.

SUMMARY: The Veterans Administration (VA) is issuing a final notice of compliance with E.O. 12185 which will apply to the following programs in the Public Facilities Grants Section, State Home Facility Grants, Grants to New Medical Schools, and Grants for Construction of State Veterans Cemeteries, which fall within the purview of E.O. 12185. The intent of this final notice is to promote the use of energy efficient designs for buildings to be built with the assistance of funds from the VA Public Facilities Grants Program.

DATE: August 29, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. John W. Sisty, Energy Specialist (10A4A1), Engineering Service, Department of Medicine and Surgey, Veterans Administration, 810 Vermont Ave., NW, Washington, DC 20420 (202-389-2893).

SUPPLEMENTARY INFORMATION:

Introduction

On May 7, 1980, VA published proposed rules to establish a set of energy conservation standards and design targets for all building retrofit, renovation or new construction, supported by the Public Facilities Grants Programs.

The VA received two written comments concerning the proposed rules. Both comments were complimentary of the VA overall Energy Conservation Program and concurred with our intention to use BEPS standards. One comment recommended that we use the revised ASHRAE standards. This will be done. The VA uses the latest, most up to date standards, routinely.

Pending approval of the DOE BEPS standards, all requests for funds in the Public Facilities Grants Programs for the purposes of building retrofit, renovation or new construction of (1) State Home Facilities, (2) New Medical Schools and (3) State Veterans Cemeteries will be reviewed for compliance with existing rules. All projects must be life cycle cost effective with a savings to investment ratio of one or better in accordance with the DOE life cycle cost procedures and all building expansion or new building projects must be designed in accordance with the most recent version of the ASHRAE 90-75 standards for energy conservation. In addition, *we are requesting* that all new buildings be designed to meet or exceed the BTU/square foot/year targets listed in the BEPS standards for the local community.

After the BEPS standards have been approved, we will require that all new buildings be designed to meet or exceed the BEPS standards.

Since a clearly drawn up contract, with plans and specifications is required before the recipient is awarded any funding, and each building must be inspected before payments are made, all provisions of the contract must be met before the recipient effectively receives his money. If the contractor fails to live up to his contract, proceedings will be initiated to force compliance in accordance with the terms of the contract. If the contractor fails to comply, he may be barred from bidding on or receiving future government contracts.

Approved: August 21, 1980.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Associate Deputy Administrator.

[FR Doc. 80-26509 Filed 8-28-80; 8:45 am]

BILLING CODE 8320-01-M

Friday
August 29, 1980

Part VIII

Department of Transportation

Office of the Secretary

Petroleum and Natural Gas Conservation: Federal Transportation Assistance Programs

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Parts 152 and 199

23 CFR Parts 420, 450, 630, and 1204

49 CFR Parts 258, 260, 266, and 622

[OST Docket No. 66]

Energy Conservation by Recipients of Federal Financial Assistance

AGENCY: Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: In compliance with a recent Executive Order, DOT issues regulations requiring conservation of petroleum and natural gas in programs receiving Federal financial assistance administered by DOT.

DATE: These regulations take effect on October 1, 1980, unless otherwise indicated.

FOR FURTHER INFORMATION CONTACT: On the general DOT approach in this program—Angus Duncan, Director, Office of Energy Policy, P–6, Department of Transportation, Washington, D.C. 20590 (202) 426–4524. For further information on the proposed implementation of that approach by any of the involved DOT agencies, contact the person identified with that agency in the discussion below.

SUPPLEMENTARY INFORMATION: In the Federal Register of Thursday, May 7, 1980 (45 FR 30398), DOT published a notice of proposed rulemaking (NPRM) in which it invited public comment upon proposed rules for those of its financial assistance programs which are most likely to offer opportunities for significant conservation of petroleum and natural gas by the recipients of such assistance. The proposal responded to Executive Order 12185, Conservation of Petroleum and Natural Gas (December 17, 1979), which implements section 403(b) of the Powerplant and Industrial Fuel Use Act of 1979 (Pub. L. 95–620; 92 Stat. 3318). The Act and the Order require Federal agencies which administer programs of financial assistance to take actions which maximize the efficient use of energy and conserve natural gas and petroleum in programs funded by those agencies. Included among those actions are identification of those financial assistance programs which offer opportunities for significant conservation of petroleum and natural gas by recipients of the assistance and issuance of regulations imposing conservation requirements as a condition of continuing to receive the assistance. Included in the NPRM were programs of the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), National Highway Traffic Safety Administration (NHTSA), and Urban Mass Transportation Administration (UMTA).

General Discussion of Comments

DOT received more than 80 comments from agencies and individuals on the May 7 NPRM. The greatest number of comments concerned the need for more assistance—both technical and financial—to implement the rules, particularly financial assistance for transit and high-occupancy vehicle facilities. DOT recognizes the need to assist State and local agencies in their efforts to ensure that transportation programs contribute to the national goal of significantly reducing petroleum consumption.

With regard to providing technical assistance, the DOT agencies whose programs are covered by this rulemaking plan to expand training and information sharing activities to ensure that the latest state-of-the-art in energy conservation planning, practices, standards, and technology is made available to program constituents. These activities are further discussed in the subsequent sections of this notice, which cover individual agency actions.

On the question of financial assistance, DOT policies, budget requests, and legislative proposals in recent years have increasingly emphasized programs that will reduce the energy requirements of the transportation sector. DOT has requested $24.5 billion in authorizations for public transportation grant programs for FY 81–85; this is well over double the funding levels for the past five-year period. As many comments acknowledged, these regulations focus on the planning process required by modal agencies as the best means of incorporating energy conservation concerns into the nation's transportation system. Recognizing the need for additional funding for energy-related planning, DOT has requested an additional $15 million in FY 81 appropriations for UMTA-supported energy conservation and contingency planning. Given the number of State and local agencies which report transportation-energy planning activities already underway at the current funding level, DOT believes this increase should be sufficient to support implementation of the new planning requirements in FY 81. DOT also has proposed a new incentive program to make more efficient use of the private automobile. The auto-use-management program, if enacted, would encourage States to use federal-aid highway funds for more energy efficient projects, such as ridesharing activities, public transportation, fuel-efficient driver education, and bicycle and pedestrian facilities. While these requests have not yet been approved by Congress, DOT expects that a substantial part, if not all, of these additional resources will be available for FY 1981. As with other actions being taken to implement Executive Order 12185, DOT will continue to review the adequacy of resources to meet program requirements during the coming year.

DOT also received a number of comments concerning a potential increase in the amount of paperwork required of grantees. In implementing Executive Order 12185, DOT has chosen, wherever possible, to use its existing processes and to strengthen current regulations rather than developing separate processes and monitoring requirements for energy assessments. The regulations being adopted with this publication will be the responsibility of those State and local agencies which currently comply with program regulations. In many DOT programs, consideration of energy conservation has been a stated goal or explicit requirement for the past several years. These regulations give more specific direction on the types of activities that will achieve the energy conservation goal and at what point in the planning or project development process these activities should take place. For some programs DOT also has clarified the actions to be taken if energy conservation is not adequately considered in transportation planning or project development. By amending existing regulations, DOT believes that the need for separate documentation and additional staff will be very limited.

In light of the comments received, however, DOT carefully reviewed the proposed regulations and made several revisions to further eliminate the possibility of requiring nonessential or redundant paperwork. In the case of FAA's loan guarantee program, the comments made a strong case against the proposed rule and this rule is being dropped in favor of technical assistance for loan applicants. These and other changes are discussed in the subsequent sections of this notice.

Several comments questioned the need for DOT-required assessments of

buildings to be constructed with DOT financial assistance when the Department of Energy (DOE) is promulgating Building Energy Performance Standards (BEPS) that would require energy efficient building design. DOT does not intend that its required energy assessments duplicate DOE regulatory standards. However, BEPS is still under development within the Federal government. The final rulemaking is not expected to be issued for about a year, with implementation taking up to an additional year. Should BEPS be adopted in the future, DOT will review its energy assessment requirements to consider whether these requirements should be maintained, vacated, or considered satisfied by compliance with a BEPS-certified State building code.

Pursuant to the rules promulgated in this document, energy assessments, where required for building constructed or remodeled using DOT funding assistance, should consider the following:

1. Overall design of facility or modification and alternative designs;
2. Materials and techniques used in construction or rehabilitation;
3. Special or innovative conservation features that may be used.
4. Fuel requirements for heating, cooling, and operations essential to the function of the structure, projected over the life of the facility and including projected costs of this fuel; and
5. Kind of energy to be used, including:

(a) Consideration of opportunities for using fuels other than petroleum and natural gas; and

(b) Consideration of using alternative, renewable energy sources.

These energy assessments may use any accepted and recognized methodology appropriate to project needs. DOT recommends that applicants consider the DOE's Methodology and Procedures for Life Cycle Cost Analyses as set out in 10 CFR Part 436. The most recent methodology can be obtained by contacting Jack Vitullo, department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585. (202–252–9467).

A large number of comments also were received expressing concern about the relationship between DOE State gasoline consumption targets and the regulations proposed by DOT. There was some misunderstanding about how DOT intended to link the two, particularly given the generally long-term nature of much transportation planning and the short (three-month) life span of the DOE targets. DOT encourages the adoption of energy conservation goals by State and local governments to support the broad national goal of significantly reducing the consumption of petroleum and natural gas. These conservation goals may be based on projections of the DOE-established State fuel consumption targets, or other targets adopted by States, by local governments, or by metropolitan-wide jurisdictions on their own initiative. This would allow State and local governments, including transportation agencies, to adopt goals that project greater savings of oil (and consequent savings to their citizens) than the DOE voluntary targets, and that address conservation of fuels other than petroleum, such as natural gas. DOT believes that such goals should encompass both long-term transportation energy savings, and savings that can contribute to achieving the three-month DOE-set targets.

Use of DOE quarterly State targets as one basis for establishing local goals or longer-term State goals helps provide State-to-State consistency, and links national energy conservation goals to national transportation concerns. For these reasons, the use of these targets to support conservation efforts is encouraged, but not required.

DOE is required under the Energy Security Act of 1980 to establish, by February 1, 1981, national end-use energy consumption targets for 1985, 1990, 1995, and 2000. These targets, where they can be disaggregated by fuel, mode, and State, can provide a necessary longer-term national framework for transportation energy use targets and conservation programs. DOT will provide all available information, including disaggregations, to agencies receiving assistance from DOT.

Specific reference to "established energy conservation targets" has been modified in several places to reflect a more encompassing reference to energy conservation targets. DOT assumes that DOE's and other targets will be a basic element of State and local energy conservation goals and objectives, and the reference to targets in the regulation should be viewed within this broader context.

Finally, several comments questioned how DOT intended recipients to consider the use of renewable energy sources in their energy conservation efforts. Executive Order 12185 is directed explicitly at conservation of petroleum and natural gas (nonrenewable sources). In accordance with the Executive Order, DOT defines "energy conservation" as the conserving of natural energy resources through both (1) more efficient use of nonrenewable energy sources, and (2) use of renewable sources of energy.

Comments on specific programs of rules proposed by specific DOT agencies are discussed in the following sections; however, one final general point needs to be addressed. This rulemaking is significant, as that term is used in Executive Order 12044, Improving Government Regulations, as amended. Section 2(d)(8) of E.O. 12044 requires that a plan be developed for evaluating a significant regulation after its issuance. Executive Order 12185 meets this need very well. Section 1–105 of E.O. 12185 requires that the process which has resulted in these final rules be repeated annually. Consequently, the public should expect DOT to publish in the Federal Register, approximately one year after these rules take effect, an invitation for public comment on how well these rules have worked, what changes may be required, and what programs should be added or deleted. This does not mean that we do not want to be kept apprised during implementation of any problems that arise. It means simply that a structured review will take place next year.

Federal Aviation Administration

(For both FAA programs listed, contact Charles Hoch, 202–755–9717.)

Public Comments on Proposed Rule for Airport Development Aid Program

Background. The proposed change to Part 152 would have required that sponsors in the Airport Development Aid Program (ADAP) accomplish an energy assessment and a certification to comply with findings for each building construction or modification which exceeds $50,000 in cost. It also would have required a sponsor to utilize fuel and energy conservation practices in the operation and maintenance of the airport and to encourage airport tenants to use these practices. The proposed change to Part 152 had originally been printed as Subpart F (§§ 152.501–152.509) in the May 7, 1980, Federal Register. These changes are now incorporated in Subpart G (§§ 152.601–152.609), because a new Subpart F has been added since the NPRM was published on May 7, 1980.

Some wording in Subpart G of Part 152 has been changed to clarify the rule. As defined in § 152.605, "Building Construction" and "Major Building Modification" will include only buildings which receive Federal assistance instead of buildings which are eligible for Federal assistance. In § 152.607, the requirement to furnish a certification to comply with energy assessment findings to the FAA has

been deleted, because the provision for certification is already incorporated in § 152.7 of the regulation. In § 152.605 the definition of an energy assessment has been modified slightly to conform with the DOT-wide definition.

The $50,000 cost figure for building construction and modification has been revised upward to $200,000. This change was the result of further study and consideration by FAA. It was found that an insignificant number of buildings fall within the $50,000–$200,000 cost range. Additionally, it is not desirable to create a situation where the cost of an energy assessment represents a significant proportion of the cost of the building construction or modification itself. This could occur if the $50,000 figure had prevailed. Thus, raising the cost minimum will result in an improved application of the rule. The change will be reflected in § 152.605 of Subpart G.

Guidelines to aid airport sponsors in making an energy assessment will be issued by January 1981. The criteria for judging the acceptability of an energy assessment will be based on its scope, content, and comprehensiveness. The energy assessment will include an analysis of alternatives for achieving the desired objectives and recommendations for selection of appropriate alternatives. The energy assessment will be submitted for FAA approval along with the plans and specifications.

Comments. The requirements for sponsors participating in ADAP were the subject of varied comments and suggestions. The comments indicated widespread public support for the concept of energy conservation. The commenters expressed differing views on how this concept should be applied through Federal regulation.

Assessment Requirement. One commenter pointed out that the wording of §§ 152.505 and 152.507 would have required an energy assessment on all buildings eligible for Federal assistance. It was suggested the wording be changed so that only buildings which actually received Federal assistance would be affected by the rule. Since the rule is intended to apply only to those buildings which receive funds from ADAP, the wording of those sections has been changed as suggested.

Equipment Eligibility. One commenter recommended that FAA establish a policy that clearly includes the eligibility of energy-saving equipment as part of terminal building utility systems. Under current regulations, such equipment is generally eligible if it is determined to be a reasonable and necessary part of an ADAP project. The regulation does not need further elaboration.

State v. Federal Regulations. Many commenters stated that the proposed rules would merely duplicate existing State regulations. This would cause redundancies, unnecessary delays, and extra costs. One commenter suggested that FAA waive requirements in States which have enacted their own energy legislation. The situation in which both State and Federal regulations apply to a project is not unique to the energy area. Sponsors are urged to comply with both State and Federal regulations simultaneously, whenever possible. As States become more proficient in writing this sort of regulation and the FAA gains more experience in administering the rule, the acceptance of State requirements in lieu of Federal requirements may be considered.

Limiting Federal Aid. One commenter suggested that ADAP funds be limited to airports serving commercial or commuter customers. Airports used mostly for pleasure or recreation should be excluded. The legislation which authorizes ADAP provides grant assistance for both general aviation and air carrier airports, therefore, no distinction is made in this rule.

Conservation Practices. One commenter stated that sponsors should be required to consider and, whenever feasible, abide by energy conservation practices and techniques. Section 152.609 of the regulation will accomplish this.

Simplicity. Several commenters felt that the rule and compliance procedures should be kept simple. For example, one commenter suggested replacing the required energy assessment for each project costing over $50,000 with a letter from the airport manager. The letter would state that the airport manager has or will develop a total energy conservation program for his airport within a reasonable time. FAA agrees that rules and compliance procedures should be as simple as possible. We believe that this rule modification implements Executive Order 12185 in a simple, effective manner.

Airport Systems Planning. One commenter recommended that airport systems planning include an element which would assess the energy impact of growth alternatives. Consideration of energy factors during the planning process is already allowed under the existing regulation. An element of a systems plan covering energy impacts would be eligible for Federal assistance when it is found to be a reasonable and necessary part of a system plan. Such planning is not required under this regulation but is encouraged by FAA.

Airport Master Planning. An element of a master plan covering energy impacts would also be eligible for Federal assistance when it is determined to be a reasonable and necessary part of a master plan or update of a master plan. Such planning is not required under the regulation, but is encouraged by FAA.

Airport Energy Plan. DOE recommended that each airport be required to submit a plan to FAA and DOE specifying fuel and energy conservation practices. An airport energy plan may become a requirement at a later date; however, the present level of experience and information now available in FAA indicates that such a requirement for all airports would probably not produce benefits commensurate with the cost and administrative burden to sponsors. Some airports, however, may benefit from an overall energy plan and FAA encourages these airport operators to develop such a plan. Such plans would be eligible for Federal assistance if accomplished within the scope and intent of an airport master plan project.

FAA is developing an energy-efficient ground operating plan for Washington National and Dulles International Airports. This plan may serve as a model for other airports in the future. It should be noted that this ground operating plan was described as a "policy" in the May 7, 1980, NPRM which was misleading. The distinction is that the language used in the NPRM is overly broad and could be construed to incorporate such activities as operations scheduling, and approach and departure procedures. This was not the intent of the plan.

Noncompliance. One commenter recommended that funds not be withheld if there is noncompliance with Part 152. Withholding project funds is an appropriate sanction for violation of any of the requirements in Part 152, and is the sanction called for in E.O. 12185.

Runways and Terminals. One commenter suggested that energy considerations should be utilized in the design and construction of runways and terminal facilities. Currently, the rule is limited to the design and construction of terminal buildings. FAA is not imposing energy conservation requirements on runways because a positive relationship among the costs, benefits, and consequences of such regulation does not exist at this time. The rule may be expanded to include runways and other facilities at a later date, if it is shown to be feasible.

Building Cost Level. Some commenters stated that the $50,000 minimum building construction cost was too low. A $500,000 minimum cost was recommended by one commenter since

this is the criterion used in the DOT Minority Business Enterprise (MBE) Program. Another commenter suggested a $250,000 cost level. Energy requirements are completely unrelated to MBE requirements, so it does not follow that MBE cost levels should be used to justify energy conservation cost levels. However, after review and consideration of those comments, the cutoff is being raised to $200,000. This level will not exclude those projects which would have a significant impact on energy, but will avoid unnecessary burdens on the recipients of small building grants.

Relevancy of Projects. One commenter recommended that energy assessments not be required for construction projects which have no bearing on energy consumption. FAA believes that any building construction or modification in excess of $200,000 (using Federal assistance) would have an impact on energy consumption and thus should have an energy assessment. If a building has no impact on energy consumption, the assessment can simply show that fact.

Energy-Saving Suggestions. Many commenters sent in various suggestions on ways to conserve energy at airports. All of the feasible suggestions will be considered in the development of a related Advisory Circular concerning energy assessments at airports.

Cost of Assessments. Some commenters stated that the rule would only add cost and administrative burden upon sponsors seeking ADAP funds. It was suggested that the burden has become so great for small airport operators that some sponsors are inhibited from seeking funds.

It is true that the rule may add some cost for additional analysis and design. However, these costs should be recoverable over time through the reduced energy costs of operating buildings designed to be energy efficient. Also, FAA has raised the minimum cost level to $200,000, which should lessen the proportion of added costs.

Review Procedures. One commenter stated that Subpart F, (now Subpart G) contained no provisions for review of administrative decisions concerning acceptance of the energy assessment by FAA. Subpart G is subject to the general compliance procedures which apply to all requirements of Part 152. The procedure is described in the new Subpart F.

Public Comments on Proposed Rule for Aircraft Loan Guarantee Program

Numerous comments were filed with respect to the proposed amendment of 14 CFR Part 199. The amendment provided that no loan which violated national policy with respect to energy conservation would be guaranteed; and required each applicant for a loan guarantee to submit an energy conservation plan "formulated by the carrier to whom the loan will be made." The amendment further provided that failure to submit an acceptable energy plan could be grounds for rejection of an application.

Several commenters have taken issue generally with the need for additional energy conservation regulations. One commenter has suggested that existing rules and regulations with respect to energy are more than sufficient, while another commented that new rules should be adopted only after present practices are determined to be insufficient.

FAA acknowledges that any regulation which imposes new requirements necessarily adds an additional burden on a regulated industry. The issue is whether the social benefit to be derived from the regulation, or its administrative necessity, offsets the burdens imposed. In analyzing this issue, the effect of existing Federal and State regulation must certainly be taken into account.

In the case of aircraft purchase loans, FAA recognizes that such loans are essentially commercial in nature, and that air carriers are subject to the discipline of the market place when selecting aircraft for use in their operations. One commenter has suggested that additional regulation of air carriers with respect to energy conservation is unnecessary, because the escalation in price of aviation fuels leads carriers to conserve as a matter of good business judgment. FAA agrees that such economic considerations are a powerful spur to conservation. The amendments to Part 199 proposed on May 7, 1980, were intended to assist rather than impede the operation of these natural market factors.

The bulk of the comments received dealt with the adequacy of specific provisions of the proposed amendment. Three general exceptions were taken to the amendatory language: that the proposed rule was not sufficiently specific to give fair notice of FAA's requirements; that the paperwork burden created by the proposed rule far outweighed any possible benefit from it; and that the proposed rule was potentially, if not actually, inflexible, and should be amended to allow implementation of projects which are not inherently conservative of energy.

Several commenters offered specific provisions which, they felt, ought to be added to the rule to make it more definite. One suggested that the rule should provide minimum standards which must be met, including minimum requirements for fuel efficiency, and suggested the use of "on board RNAV" equipment. The same commenter also suggested that FAA should exempt aircraft engines from pollution standards which "degrade fuel efficiency." Another suggested that FAA should develop a procedure for monitoring a carrier's compliance with its plan.

(a) It is not clear that energy conservation would be significantly enhanced through the specification of minimum standards of fuel efficiency for those air carriers which participate in the FAA loan guarantee program. Due to the high cost of aviation fuel, such carriers are now under a strong incentive to select equipment of high fuel efficiency, and to deploy these aircraft in a fuel efficient manner in day-to-day operations. Additionally, it is not clear that meaningful general standards of efficiency could be developed. Many variables are involved in the fuel efficiency of an aircraft. These include aircraft weight, speed, and altitude of operations. These variables are a function of the type of market being served (i.e., vary with route, distance, cargo or passenger operations, and load factor). In this, the benchmark of "fuel efficiency" becomes a very difficult parameter to quantify. For example, one aircraft may be more efficient (in terms of pounds of fuel burned per nautical mile) than another at high altitude; while their order of efficiency may well be reversed at a lower altitude. Other variables which affect fuel use include seating capacity, cargo carrying space, and anticipated load factors in specific markets. Because load factors may change over time, the carrier must also be free to redeploy its fleet to optimize its efficiency. For these reasons adoption of general, quantified fuel use standards for the loan guarantee program would be premature at best.

(b) While RNAV navigation systems promise potential fuel savings as a result of more direct flight paths, mandatory installation of this equipment in guaranteed aircraft at this time would be premature. RNAV is useful on flights transiting medium and large hubs where present traffic flow patterns have resulted in substantial airway development and some circuitous flight paths to separate traffic. Before RNAV can be considered useful in this environment, FAA needs to establish acceptable RNAV routes that do not infringe on existing airways. While such

routes are presently being considered, a sufficient number of routes has not yet been found acceptable to merit mandatory installation of RNAV. Further, flights between small communities have always been accomplished in a direct route without RNAV equipment.

(c) It is not clear at this time whether, and to what extent, aircraft engine pollution standards within FAA's jurisdiction significantly impact energy use. The Environmental Protection Agency (EPA) is responsible under the Clean Air Act for assessing and, if necessary, for establishing aircraft engine emission standards. With regard to aircraft noise pollution, which is within FAA jurisdiction, the FAA recognizes that potential tradeoffs may exist between energy conservation and noise control objectives. This matter was considered in the development of existing standards and will be considered in all new noise standards or changes to existing standards.

(d) Under the proposed amendment to Part 199, FAA did not propose to monitor a carrier's day-to-day compliance with its energy conservation plan, or otherwise to supervise the detailed operation of the carrier. Rather, the intent was to evaluate the feasibility of the plan submitted; to execute the loan guarantee only if the plan met FAA standards; and to exercise general oversight of the carrier as a part of administration of the loan guarantee. No new procedure was deemed necessary for this purpose.

Many commenters have argued that the proposed rule, with its required energy conservation plan, will impose a large, albeit vague, paperwork and reporting requirement on air carriers, but will lead to no significant, documentable energy savings beyond those which result from existing economic incentives.

The amendments to Part 199 were proposed to facilitate air carrier planning for energy conservation in the 1980's. A plan was required in order to focus the attention of a carrier's management on the need for energy conservation, and planning guidelines were added to facilitate consideration of the major planning issues. Appendix B contemplated submission of a detailed plan, but the sole purpose of requiring a plan was educational—i.e., to assist a carrier's management in developing a methodology for achieving energy conservation in its daily operations.

After consideration of all comments, it has become apparent that this purpose may well be achieved without imposition at this time of a formal planning requirement. Due to the escalation in price of aviation fuels, carriers are under strong economic incentive to plan for energy conservation. Executive Order 12044, Improving Government Regulations, dated March 23, 1978, directs agencies to consider alternative approaches to proposed regulations in order to choose the "least burdensome of the acceptable alternatives," and to consider the "direct and indirect effects" of such regulation. Many commenters view the proposed regulation as creating a burdensome reporting requirement, which would not increase energy savings beyond those which would otherwise be achieved. FAA does not intend to add significantly to the documentation now required under the FAA Loan Guarantee program, if effective planning can be achieved without the imposition of a formal reporting requirement. On balance, it appears that the goal of effective energy planning may be achieved without the imposition of a formal reporting requirement, if FAA were to substitute instead a program of assistance to carriers in energy planning. This program will be educational in nature, and will offer to applicant carriers the most current information available for energy planning. For example, FAA is developing a compendium of fuel burn curves based on information provided by aircraft and engine manufacturers that depict the fuel efficiencies of various aircraft at specific speed, altitude, and weight configurations. This information, which will show the most energy efficient set of operating curves by aircraft type, will be updated and expanded to include additional aircraft types as such information becomes available. These data will be made available to loan applicants to assist them in their energy planning and selection of aircraft. Information and guidance of this type will be available to eligible carriers beginning no later than October 1, 1980.

Accordingly, the amendments to Part 199 proposed on May 7, 1980 (45 FR 30398), are withdrawn; and, in lieu thereof, FAA will implement an active test progam of assistance in planning for energy conservation. The question of imposing a formal planning requirement will be reconsidered at a later date, after experience is gained with FAA's educational program. Further information with respect to the FAA program will be available to interested air carriers on an "on call" basis from the Chief of the Energy Division, AEE-200, 202/755-9717.

Federal Highway Administration

(For all FHWA Programs Listed, Contact Bruce Cannon, 202-426-1045; for the UMTA Program Listed, Contact Douglas Kerr, 202-472-5140).

FHWA has specifically identified four existing regulations for amendment: (1) The joint FHWA/UMTA Planning Assistance and Standards—Urban Transportation Planning regulations (23 CFR Part 450, Subpart A and 49 CFR Part 613, Subpart A); (2) FHWA's and Research and Development—Program Approval and Authorization regulations (23 CFR Part 420, Subpart A); (3) FHWA's Preconstruction Procedures Federal-Aid Programs Approval and Authorization regulations (23 CFR Part 630, Subpart A); and (4) the joint FHWA/NHTSA Uniform Standards for State Highway Safety Progams regulations (23 CFR Part 1204). The Proposal regarding the joint FHWA/UMTA Urban Transportation Planning regulations was, and continues to be, handled jointly by the two agencies but is published under the FHWA section of this rule. The joint FHWA/NHTSA Uniform Standard for State Highway Safety Programs was, and continues to be, handled jointly by the two agencies but is published under the NHTSA section of this overall DOT rule.

In addition to the proposed amendments referred to above, FHWA listed a number of further areas in which it is active in administratively promoting energy conservation and also solicited comments on these further actions.

Comments Received

FHWA has reviewed the comments received in response to DOT's May 7 request for public comment and found that over 80 interested groups and individuals commented on the FHWA proposal, the joint FHWA/UMTA proposal and the joint FHWA/NHTSA proposal. Commenters include State departments of transportation and highway agencies, cities, counties, Metropolitan Planning Organizations, transit operators, Federal agencies, individuals, and public interest groups. All comments were given full consideration, including those received after the July 7 closing date for comments. Some of the comments on the proposed amendments and administrative actions identified a number of areas that needed rethinking and revisions to the rules have been made accordingly.

In developing these rules and in keeping with FHWA's policy to reduce redtape, every effort has been made to eliminate any proposed requirements that are not essential to the main objective of conserving petroleum in the

Federal-aid highway program. At the same time, efforts have been made to provide as much flexibility as possible in responding to the requirements established by E.O. 12185 while remaining consistent with the overall objectives of the order.

In an attempt to address the comments in a clear and concise manner, they have been divided into three broad categories: (1) Comments that apply to FHWA's overall proposed rulemaking; (2) comments that apply to the individual amendments to the existing regulations proposed; and (3) comments concerned with the administrative actions FHWA is taking or intends to take in support of the Executive Order.

1. *Overall Rulemaking.*

A. *Need for the Rule.* Comments on the overall rulemaking were mixed. They range from unqualified support total disagreement that any regulatory requirements are necessary. Many commenters supported the concept of actions to conserve petroleum followed by a qualifying "but" or "however" that addressed various parts of the proposed rules. Many commenters believed that the requirements being proposed were already being achieved in their programs and feared a proliferation of paperwork exercises that would severely affect their limited resources and not add to the energy conservation effort. The majority of commenters continued to stress simplicity and flexibility.

FHWA recognizes these concerns and has revised the proposed rules to provide as much flexibility as possible. The final rule builds on existing regulations and, to the extent possible, administrative actions. Agencies that are already achieving the requirements established here should not be significantly affected and those that are currently making progress in that direction should not be adversely affected. Further information on simplicity and flexibility is provided under the administrative actions section of this preamble.

B. *Funding.* A related concern expressed by many commenters was the limited resources and funds available to carry out the requirements of these rules. Since additional funding is not provided for energy analysis and evaluation within the Federal-Aid Highway Program, many believe the priorities would have to be established for transportation agencies to embark on expanded energy activities within existing budgets. This leads to the question of how energy relates to other well-established national, State, and local goals and objectives. The Question of funding was addressed earlier, under General Discussion of Comments. We would, however, add that transportation energy planning and analysis activities and energy-related highway projects are eligible items for Federal-aid highway funding. In addition, DOT has requested in an additional $15 million in FY 81 appropriations for UMTA-supported energy conservation and contingency planning activities which would be available to those agencies now responsible for urban transportation planning.

C. *Targets.* Many of the comments received addressed the issue of energy conservation targets. Commenters asked what targets were being referred to and by whom they were to be developed. Numerous comments advised against using DOE's voluntary State gasoline consumption targets. These issues are addressed in a previous section, General Discussion of Comments. FHWA has revised the amendments to Parts 420 and 450 proposed in the NPRM in concert with the clarification provided. The sections of this preamble dealing with the specific amendments to Parts 420 and 450 contain additional information on the targets issue.

D. *Authority.* One commenter, in raising the issue of FHWA's basic authority to issue these rules, cautioned that care must be taken to not infringe upon "the sovereign rights of the States to determine which projects shall be federally financed," as assured under section 145 of title 23, United States Code. Section 145 makes clear that the mere availability of Federal funds does not infringe upon the States' rights to select the projects for which they will seek Federal funding. Section 145 does not make available Federal funding for any and all projects for which States may seek Federal funding. It is well established that Federal agencies may condition funding upon compliance with requirements that are reasonably related to the program being administered. These rules establish such requirements. The rules themselves in no way dictate to the States the projects for which Federal funding may be sought.

E. *Roles.* A few commenters asked which of the various State and local transportation agencies would be responsible for implementing energy requirements. In an effort to incorporate energy consideration throughout the highway program, FHWA (FHWA and UMTA with respect to Part 450) energy rules were developed through amendments to existing regulations, with responsibility for compliance vested in those agencies having responsibility for compliance with the regulation being amended. The final rules do not change existing roles. Flexibility for trask assignments that previously existed continues under these rules. In general, it is important that agencies with overlapping responsibilities reach an understanding as to the sharing and coordination of roles and activities. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and Federally-assisted programs and projects apply to this program.

F. *Safety.* Several commenters addressed the joint FHWA/NHTSA proposed rule, (23 CFR Part 1204) included under the NHTSA section. These comments are addressed in the NHTSA section below.

G. *Timing.* Many comments were received concerning the timing of the implementation date of the requirements and the effectiveness of requiring energy conservation activities or reviews at specific points. Some commenters were concerned that the authorization stage was too late in the process to require an energy analysis as the project had already passed through the environmental review process, public involvement process, and negotiations with many jurisdictions. They argued that reprioritizing projects on the basis of energy at this point in the process would cause serious political difficulty. Some commenters believed systems planning was too early in the process. Several commenters stated that the FY 1981 implementation time frame was too short since work programs were in the late stages of development.

FHWA believes that the several different stages in the planning and project development and approval process are appropriate for different levels of energy assessment. For example, the no-build alternative and modal choice considerations are best analyzed at the systems planning stage. The consideration of build alternatives on the other hand may best be handled in corridor studies. Finally, the consideration of different design and construction methods are most suited to the project planning stage. Since the projects reaching the authorization stage will have passed through these phases it is reasonable to expect that over time, projects will begin increasingly to reflect energy conservation considerations. The amended regulations add a requirement that FHWA approval of the State's 105 program submission be based on satisfactory progress being made in incorporating energy conservation into the entire planning and project development process. Such decisions

will not be made on project by project review but rather on the overall impact of the program being considered.

2. *Comments Received on Specific Rules.*

A. *Part 420—Program Management and Coordination.* The NPRM included proposed amendments to 23 CFR Part 420, Subpart A, to incorporate energy conservation planning activities as a required element of Statewide transportation planning programs funded with Highway Planning and Research (HP & R) funds. Specifically, a basic policy statement for consideration of energy conservation in Statewide planning programs was proposed under § 420.105(d) and three areas of required program coverage were proposed under new § 420.111. The proposed areas of program coverage were intended to provide considerable flexibility to the State Transportation (Highway) agencies in structuring a program to meet specific State energy conservation goals within the broader context of the national energy conservation goals reflected by E.O. 12185.

Very few comments were received on the specific activities proposed under § 420.111. Most comments on the proposed amendments to Part 420 focused on three areas: (1) Questions and concerns about energy conservation targets; (2) concerns about funding for the additional planning activities; and (3) requests for simple and flexible procedures.

Earlier sections of this preamble (General Discussion of the Rules, and Overall Rulemaking (FHWA)) address the areas of conservation targets and funding. The reference to energy conservation targets in § 420.111(b) has been eliminated in favor of a single policy statement concerning energy conservation targets in § 420.105(d).

In response to the funding concerns, FHWA expects that energy conservation planning activities under Part 420 can be adequately funded through the existing HP & R program. Although some new planning activities are expected as a result of the energy conservation planning requirements, FHWA believes that some activities covered in the final rules are presently being undertaken to some degree by most State transportation agencies. Therefore, the requirements are not expected to significantly add to existing State planning programs. The level of effort and funding reflected in the State planning program in response to the energy conservation planning requirements will be carefully monitored and evaluated at the national level for consideration in formulating national funding policies and programs.

Changes have been made to the final rule to improve clarity and permit maximum flexibility in responding to the spirit and intent of E.O. 12185. Specific changes are:

(a) Section 420.111(a) has been revised to emphasize that the State planning program activity should support the development of the transportation component of State energy conservation and energy contingency plans and policies rather than merely being consistent with such plans and policies. The language in the final rule reflects the need for an active role by the State transportation agency in the development and the implementation of energy conservation policies, plans, and programs. FHWA recognizes that the combined efforts of DOT, DOE, and state counterparts are necessary to ensure early participation of the State transportation agencies in the development of state energy conservation and energy contingency plans and policies.

(b) Section 420.111(b) has also been revised to clarify FHWA's intent that States examine policy, program, and project options that offer the greatest opportunities for improved energy conservation. This is to ensure that planning information concerning energy conservation is available to assist in addressing specific transportation needs.

(c) Section 420.111(c) in the NPRM has been redesignated as § 420.111(d), in the final rule with minor revisions to improve clarity. A new § 420.111(c) has been added to ensure that State programs include monitoring and surveillance of energy consumption indicators. The data produced will assist the States in analyzing the travel-related impacts of fuel price changes, changes in the availability of fuel, and serve as a basis for projections of future travel and fuel consumption.

(d) Section 420.111(d), "Estimate current and future transportation demands on energy consumption," reflects a key output or "end product" of a continuous monitoring and surveillance program of energy consumption and travel indicators. These estimates can provide a measure of response to energy conservation goals and objectives and permit a comparison of anticipated future demands with longer-term energy conservation goals and estimates of fuel availability.

The planning program under Part 420 should consist of activities that will also provide meaningful input to the environmental assessment and the program of projects submitted by State transportation agencies under 23 U.S.C. 105.

Effective date. October 1, 1980, has been established as the effective date for implementation of the energy conservation planning requirements of Part 420. All Statewide HP & R planning work programs approved after the effective date must include activities responsive to the provisions of § 420.111. States with approved HP & R work programs are encouraged to review exsisting planning activities for consistency with the provision of § 420.111 and, where appropriate, amend existing work programs to incorporate the energy conservation planning requirements at the earliest possible opportunity.

B. *Part 450 Planning Assistance and Standards.* FHWA and UMTA believe that energy conservation in urban transportation planning should be integrated throughout the planning process. The final rules are designed to reflect the emphasis that must be placed on energy conservation and to be consistent with the ability to address energy conservation in the planning process. The enhanced consideration of energy conservation should ensure that decisions made are sensitive to the need for energy conservation. Comments received on this part were primarily concerned with energy conservation targets and the technical activities proposed.

Section 450.116(d) of the existing regulation requires that each urban transportation plan be consistent with the area's overall energy conservation goals and objectives. The NPRM had proposed to amend § 450.116(d) to require that plans also "reflect energy conservation targets." This proposed amendment has been deleted from the final rule. FHWA and UMTA still believe it is important that transportation planners take any established targets into consideration in formulating a transportation plan; however, they recognized that this objective could be more effectively accomplished by including a requirement that an element of the transportation planning process provide for consideration of any established energy conservation goals, objectives, and targets. Section 450.120(a)(6) has been so amended in this final rulemaking.

FHWA and UMTA believe that any relevant targets will be reflected in the plan because of the broader mandate of § 450.116(d) (unamended) that each urban transportation plan be consistent with the area's overall energy conservation goals and objectives. The General Discussion of Comments section should be consulted for a

discussion of the link between DOE State gasoline consumption targets and these rules.

Section 450.120(a)(8)—FHWA proposed to amend this section to add technical planning activities that would ensure that pertinent energy-related information is available to transportation decisionmakers. FHWA and UMTA continue to believe that the enhanced consideration of energy conservation should ensure that decisions made are sensitive to energy conservation and have retained the proposed amendments with some minor revisions.

Many State and local transportation agencies commented that they have already undertaken most of these activities. The commenters expressed the view that requiring specific energy-related activities would decrease flexibility and simplicity and further burden already stretched resources. Other commenters pointed out the futility of performing the required analyses based upon rudimentary state-of-the-art. The response to the comments on the need for funding and technical information is included in the general comments section of FHWA's portion of this preamble while a section-by-section response is provided here.

Section 450.120(a)(8)(i)—In the NPRM FHWA and UMTA proposed to amend § 450.120(a)(8)(ii) to require an analysis of vehicle fuel consumption. As part of (a)(8)(ii) such analysis would have required basing estimates of fuel consumption on land development and vehicle ownership. Commenters agreed that it was important to generate estimates of vehicle consumption, but pointed out that it is important not to limit unduly the methods by which to accomplish this task. Accordingly, FHWA and UMTA have decided not to require such analysis to be based upon land development and vehicle ownership, but to impose a general requirement that an analysis of vehicle consumption be conducted in § 450.120(a)(8)(i) of the final rule. The remaining sections in this final rulemaking now reflect the same numbering system as the existing regulations.

Section 450.120(a)(8)(ii)—FHWA and UMTA proposed to amend this section and in this final rule have revised the proposed amendment for clarity. FHWA and UMTA are currently revising Appendix A of Part 450, which provides guidance on the intent and scope of the Transportation System Management (TSM) element. Changes will be published separately in the Federal Register and are not part of this rulemaking.

Section 450.120(a)(8)(iii)—The proposed amendment to this section would have required estimating fuel consumption based solely on travel demand without any corresponding estimate of system supply. Several commenters pointed out that this process would not provide useful information unless possible future transportation investments or strategies are also analyzed. FHWA and UMTA agree and have therefore deleted the phrase "as well as an estimate of total vehicle fuel consumption required to satisfy the projected transportation demand" proposed in the NPRM.

Section 450.120(a)(8)(iv)—This section requires that fuel consumption projections be made during the analysis of alternative investments or strategies phase of the planning process. The majority of commenters on this section agreed with this approach. It is important to note that the phrase "or strategies" has been added in this rule to emphasize that transportation alternatives need not be confined to only high capital expenditures. Alternatives are expected to include such strategies as TSM-type improvements. The section remains unchanged from the NPRM.

Section 450.120(a)(8)(v)—This section was proposed to be amended to emphasize the need to investigate the energy impacts of transportation investments or strategies during the plan refinement stage of the planning process. This section remains unchanged from the NPRM.

Section 450.120(a)(8)(vi)—This section was proposed to be amended to emphasize the continuing nature of energy conservation technical activities. FHWA and UMTA anticipate that collection of energy information will be a continuing activity. This section remains unchanged from the NPRM.

Section 450.120(a)(8)(vii)—This section was not proposed to be amended in the NPRM and is not amended here. It is only included in this final rulemaking to complete the list of activities under § 450.120(a)(8).

Accountability. Several commenters were concerned about which agencies will be held accountable for the energy activities required. As indicated in § 450.112, FHWA and UMTA anticipate that these activities will be the responsibility of the Metropolitan Planning Organization (MPO) in cooperation with the State and operators of publicly owned mass transportation services.

Effective Date. In considering the administration of the amendments proposed in the NPRM, FHWA and UMTA determined that existing certification reviews and approvals conducted under § 450.122 would represent the most logical mechanism to ensure compliance with the increased focus on energy in the urban transportation planning regulations. This would be consistent with the concept of an integrated approach to transportation and energy conservation planning and with the overall continuing, cooperative, and comprehensive (3C) planning concept. As part of the normal certification review, FHWA and UMTA would review all aspects of the process and evaluate the attention given to the activities called for by these amendments. FHWA and UMTA continue to believe this is the best approach. Beginning in fiscal year (FY) 1981, the FHWA/UMTA certification of urban transportation planning programs will require an explicit review of energy conservation planning activities.

Several commenters indicated that the effective date of this requirement would preclude any substantial modification to planning activities in FY 1981 to accomplish the activities described in § 450.120(a)(8). FHWA and UMTA encourage local and State agencies to review existing unified planning work programs (UPWP) and, where appropriate, amend existing UPWP's to incorporate energy conservation planning activities at the earliest possible opportunity. The comments on the NPRM indicated that many State and local transportation agencies have already undertaken these activities. Energy conservation activities will be phased in through FY 1982 in all areas. The certification actions taken in FY 1981 will reflect this transition period.

Level of Effort. FHWA and UMTA recognize that different size urbanized areas will require different levels of effort. Larger areas in general will have more complex transportation-related energy concerns and, therefore, will be expected to include specific energy conservation activities such as those listed in § 450.120(a)(8) in their UPWP's. An urbanized area population of 200,000 should be considered the threshold for this greater level of effort. This size is consistent with air quality planning efforts and FHWA and UMTA efforts to simplify the planning process in smaller urbanized areas. The level of effort appropriate for different size urban areas will be addressed in the technical guidance prepared to assist in implementing the requirements established in this rulemaking.

C. *Part 630—Preconstruction Procedures.* In the NPRM, FHWA proposed to include in § 630.106, a statement of policy on energy

conservation similar to that contained in FHWA's Notice N5520.4, March 21, 1980, (45 FR 26207). The proposed amendment elaborated on that policy by requiring specifically that energy conservation be considered throughout the process by which highway projects are developed.

The comments received on this section of the NPRM were almost unanimously opposed to the issuance of more regulations to implement policy which has been an FHWA program emphasis area for some time and which has been given high priority already. Several commenters objected to the specificity of the proposed rule and recommended that it be issued in the form of guidelines rather than regulations. Several commenters stated that there are sufficient regulations in existence to ensure adequate consideration of energy conservation in project development. Other commenters argued for the flexibility and generality offered by guidelines because energy factors and goals are still in the formulation stage. These comments are further discussed below.

In the NPRM, FHWA proposed to establish a requirement under a new section § 630.110(b), that State highway agencies give consideration to energy-conserving projects in the development of the State's annual program of highway projects. Further, in the program submission, States would be required to discuss the priority given to such projects and to address the consistency of those projects with efforts to achieve energy conservation goals or targets.

Comments on this section focused on the types of projects identified as energy conserving and the specific phrase "in lieu of major reconstruction." This section was, in part, intended to list examples of the types of projects to be considered as energy efficient. However, commenters noted that inclusion of the phrase "in lieu of major reconstruction", implied that all projects were to compete for program approval solely on the basis of energy considerations. This was not FHWA's intent. FHWA recognizes that highway projects are proposed to satisfy a number of objectives. FHWA intends that this section emphasize that energy conservation is now a very important national goal to be balanced against other priority objectives. The phrase "in lieu of major reconstruction" also implies that such energy-conserving projects are the only means of conserving energy in the Federal aid highway program. To eliminate this confusion, FHWA has decided to delete this phrase.

An additional change from the NPRM for clarification purposes was to eliminate the reference to "parking management techniques" under the list of energy conserving projects, and replace that term with "ridesharing activities and facilities, and bicycling and pedestrian facilities." FHWA believes that such a broad term as "techniques" would not adequately define projects eligible for Federal-aid highway funds as part of the highway construction program.

Section 630.112, as published in the NPRM, proposed a new requirement that FHWA Division Administrators review program submissions to assure that there has been an aggressive effort toward energy conservation in program development and that such an effort be reflected in the number and types of energy conserving projects included in the program. It also related such actions to State and national goals or targets. FHWA believes this is a fundamental component of its program to implement E.O. 12185 and this section is included in the final rule.

Finally, in the NPRM, FHWA proposed a new § 630.114 that required the Division Administrator to assure that the projects identified as energy-conserving were implemented at a rate consistent with other type projects identified in the State's program of projects. Further, it required the Division Administrator to assure that all projects (whether an energy-conserving type or other) are designed, planned, and constructed in an energy efficient manner.

Most of the comments on Part 630 focused on § 630.114 and contended that project authorization is an inappropriate point in the project development process for the Division Administrator to assure that each project is being designed, planned, and constructed in an energy efficient manner, because projects at this point are too far developed to incorporate energy concerns. In the NPRM, FHWA proposed under administrative actions to use the PS&E approval (a checkpoint in the project development process where FHWA ensures that requirements relative to planning, environment, and design have been met) to review the extent of energy conservation considerations in project development. Many comments noted that projects developed under certification acceptance procedures are authorized without a PS&E review and approval, and, hence, without sufficient detail to assess the energy conservation aspects of the projects. As a result of the comments received, FHWA has determined that the requirement for review of energy conservation consideration is incorporated in § 630.114 and is not a separate administrative action.

While FHWA realizes that a decision at the project authorization stage is very late in the project development process, the information on which such decisions will be made can be generated much earlier in the process. The new planning requirements discussed previously are designed to make energy conservation an important consideration at the initial systems and project development stages. The Division Administrator will provide periodic review and comment on efforts aimed at energy conservation in the various phases of project development. The results of such reviews will be made available to the States in a timely manner long before projects are submitted for authorization. Reviews at the time of authorization then become a routine formality for those States that have incorporated consideration of energy conservation into the normal project development process. Under this approach, specific detailed documentation is not needed at the time of project authorization and should not adversely affect the certification acceptance program under which many State highway agencies (SHA's) are operating.

FHWA's intention in this final rule is explicitly to establish the Division Administrator's authority to require that energy conserving projects advance at a rate consistent with other projects and to utilize a formal decision/control point to assure that all projects proposed for Federal-aid highway funding are developed with consideration given to energy conservation regardless of whether projects are developed through PS&E stages or via the certification process.

Effective Date: Many of the comments on Part 630 arose from the concern that programs and projects currently under development would be rejected because of the new requirements. Projects being developed should include energy considerations to the extent practicable depending on the stage of their development. The FHWA Division Administrator will have to make some judgments on the extent the project has incorporated energy considerations versus the extent the project could accommodate energy conserving features. Similarly, programs for FY 1981, some of which have been approved, would not be expected to measure up to those developed in the future; however, SHAs are encouraged to implement Part 630 to the extent practicable as soon as possible.

Programs approved for FY 1982 could be expected to reflect the requirements of Part 630 as amended.

3. *Administrative Actions.* In the NPRM, FHWA identified a series of nonregulatory activities that would be taken to support energy-conservation in the Federal-aid highway program. Nearly all of the commenters on this section supported the nonregulatory approach but most commenters requested clarification of the proposed actions and requested more specific information about training and guidance FHWA is developing. In response to these comments, FHWA has decided to reiterate, clarify, and elaborate on the administrative actions it believes to be a vital component to the overall energy-conservation program.

A. *Environmental Impact Statement (EIS).* As noted in the NPRM, one of the primary ways in which FHWA attempts to ensure that full consideration is given to energy conserving alternatives and measures is in the context of the NEPA (National Environmental Policy Act of 1969) process. The need to conserve energy is well recognized in the environmental review process for highway projects. The Council on Environmental Quality (CEQ) has issued regulations implementing NEPA (40 CFR Parts 1500 to 1508) which specifically require the consideration of the direct and indirect energy requirements of various alternatives and mitigation measures to conserve energy (40 CFR 1502.16(e)). FHWA is already subject to these CEQ requirements and is in the final stages of revising its procedures for the preparation of environmental impact statements. This will ensure that energy considerations are incorporated into the existing Federal-aid highway program and receive proper attention during project development.

FHWA will be supplementing the CEQ regulations by the issuance of specific guidance on the consideration of energy and other potential impacts in the EIS process. This guidance will call for consideration of a broad range of alternatives including the alternative of no action, a limited construction alternative designed to maximize use of the present system, and proposed major construction alternatives. The guidance will outline the principal elements to be examined in an energy assessment, such as significant direct and indirect energy impacts resulting from construction, facility operations, and induced changes in land use and travel habits. Also, the guidance will call for a discussion of any energy conservation measures proposed as part of the project. Comments received concerning the technical aspects of the EIS requirements will be considered in developing the needed guidance.

B. *Guidance.* Many commenters were concerned with the technical issues associated with the analysis, assessments, and evaluations called for by the proposed rule changes. Many commenters were uncertain about the use of terms such as net energy analysis, direct and indirect energy consumption, and life-cycle energy analysis. Most commenters expressed concern that the state-of-the-art was not consistent with the requirements imposed, while others stated that they look forward to reviewing technical guidance. Comments were also received that advocated additional energy research as well as comments that identified energy conservation activities. DOT has attempted to provide some guidance in this area as part of its overall preamble. Finally, many commenters requested that thresholds be established for the level of energy analysis required for different types of projects, including exemptions for certain types of projects (*e.g.*, TSM, transit, rural projects, projects not requiring EIS, etc.).

FHWA and UMTA recognize the difficulties indentified in these comments and found them consistent with comments received on the ANPRM. FHWA and UMTA have been developing technical guidance and evaluating the state-of-the-art to assure that requirements in the rule are consistent with the state-of-the-art in energy assessment. On July 7 and 8, 1980, FHWA, with UMTA support, convened an energy panel with representatives of State and local transportation agencies to evaluate preliminary proposals on technical guidance. The meeting was announced in the Federal Register (45 FR 44438, July 1, 1980) and the public was invited to attend. The meeting provided constructive information on the current state-of-the-art of energy analysis, which is being used to develop technical guidance for energy assessments. A summary report of that meeting has been prepared and filed in the public docket for this rulemaking (Docket No. 66).

FHWA and UMTA intends to have the technical guidance available within 60 days of publication of these rules. This guidance will be distributed through field offices to State and local agencies.

C. *Enhanced Coordination.* FHWA has been and will continue to work closely with DOE to strengthen channels of communication between transportation and energy staffs. In order for State and local transportation planning agencies successfully to incorporate energy conservation in their planning, they must become more closely involved with energy conservation planning activities being conducted at the State level, usually by the State transportation agency working with the State energy office. Efforts in this area at the FHWA headquarters are further discussed below.

D. *Energy Council.* FHWA has established an agency-wide Energy Council to specifically coordinate energy activities and to foster increased emphasis on energy conservation within the agency. A major effort now underway is an evaluation of organization and training needs to enhance energy conservation in the Federal-aid highway program. A continuing function of the energy Council is the development of Energy Policy and Program recommendations.

E. *Policy Statement and Emphasis Areas.* The FHWA policy statement on energy conservation, FHWA Notice N 5520.4 (March 21, 1980; 45 FR 26207) defines the broad FHWA policy on energy conservation and supports the efforts being undertaken here in response to E.O. 12185. FHWA Notice N 5520.4 states that it is FHWA policy that the planning, design, construction, management, and operation of the Federal-aid highway systems are to be conducted in a manner that conserves fuel, maintains the greatest degree of personal and economic mobility consistent with the availability of fuel, and maintains a state of emergency preparedness in the event of an abrupt fuel curtailment. This policy statement provides overall direction to the FHWA energy conservation and contingency planning efforts and affects areas of the program beyond those specifically identified in this rulemaking.

FHWA designated energy conservation as a program emphasis area in FY 80 (FHWA Order 1000.1E dated November 2, 1979) and it continues to be an emphasis area in FY 81 (FHWA Order 1000.1F, dated August 1, 1980). The FY 81 energy emphasis area statement references E.O. 12185 and identifies specific objectives related to energy conservation.

F. *Promotional Activities.* FHWA noted in the NPRM that it (in conjunction with UMTA for the urban transportation planning process) would give increased attention to promotional activities for a wide range of energy-conserving transportation actions including a variety of transportation system management actions. These TSM actions include ridesharing programs, high-occupancy vehicle (HOV) lanes, public transit, bicycle and pedestrian

facilities, fringe parking lots, freeway ramp metering, and traffic signalization improvements, as well as data collection and analysis to measure the effects of the conservation efforts. One commenter suggested that the promotion effort be expanded to consider promoting the DOE Driver Energy Conservation Awareness Training (DECAT) Program. The program is aimed at vehicle fleet drivers (those drivers who work in company motor pools or who do routine business driving for government agencies or private industry). Using techniques learned through driver awareness training, a vehicle fleet driver can achieve fuel economy improvements of from 10 to 20 percent in both city and highway driving. FHWA recognizes that this program has a very high potential for energy conservation. FHWA has met with representatives of DOE responsible for this program and is currently evaluating an appropriate method of supporting DOE's effort.

G. *Value Engineering.* Comments that addressed the FHWA's intention to encourage consideration of energy aspects through value engineering-type approaches, including the use of energy efficient materials such as sulfur-extended asphalt, asphaltic emulsions, and high pressure sodium liminairs, expressed concern that specific approaches would be mandated. Similar comments were received on the proposal to encourage the use of alternate construction methods, materials, and designs (e.g., pavement recycling, solar heating, and photovoltaic power generation) which are more energy efficient than those normally proposed. Here the concern was that specific construction methods or materials would be mandated. FHWA does not intend to mandate specific approaches, methods, or materials to be used, but rather that such alternatives be considered and encouraged where appropriate as part of FHWA's ongoing program of working closely with SHA's throughout project development.

H. *Maintenance.* Comments on the proposal to use maintenance certification as an administrative tool to encourage energy conservation reflect an apparent misunderstanding of FHWA's intentions in this area. Commenters were concerned that FHWA was establishing requirements in an area where there is no Federal financial involvement. FHWA is not establishing any regulatory requirements in this area.

FHWA believes that highway maintenance activities offer opportunities for energy conservation and intends to establish an internal program that will foster more attention to energy considerations in the area of highway maintenance. Such a program will focus on using energy-related information derived from the reviews of current State annual maintenance reports to encourage changes in the project development process to minimize the need for energy-inefficient maintenance requirements. The program will also be used to develop a compendium of energy-conserving maintenance practices for distribution to States as part of the information/technology transfer program.

FHWA intends to use the FHWA Division Administrator's annual maintenance report as a vehicle for establishing this program. While FHWA will conduct a management review of State maintenance practices, including a detailed review of selected maintenance activities and detailed physical inspections of selected Federal-aid projects, it will be up to the States to take advantage of the information generated.

I. *Relocation Assistance.* An additional area in which FHWA is fostering energy conservation, not noted in the NPRM, is relocation assistance. FHWA provides assistance to individuals and businesses that are relocated as a result of construction of a Federal-aid highway project. FHWA's program, developed under the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, mandates that decent, safe, and sanitary (DSS) dwellings be made available to displaced persons. While FHWA regulations on relocation assistance do not incorporate explicit energy conservation requirements in the definition of DSS housing, FHWA allows expenditure of funds for energy conservation measures that are required by State or local law.

The current FHWA standards provide maximum flexibility for the application of energy conservation measures without modifying Federal regulations and creating an area where the Uniform Relocation Act is not implemented uniformly. A uniform definition of the term "decent, safe and sanitary" is provided in government-wide guidelines for implementing the Uniform Act at 41 CFR 101.6–102.3. If an energy conservation requirement is part of a State or local code, its use is mandatory, and it is eligible for Federal participation. FHWA has and will continue to encourage State and local governments to incorporate energy conservation requirements in their housing codes.

Urban Mass Transportation Administration

(For All UMTA Programs Listed Contact Douglas Kerr, 202/472–5140).

UMTA is adopting two regulatory changes to further energy conservation by recipients of Federal financial assistance for public transportation capital or operating costs:

1. Changes to existing Joint UMTA/FHWA rules pertaining to the planning process for such projects, which are discussed in the FHWA section of this document; and
2. A rule requiring energy assessments of building construction or reconstruction projects proposed for UMTA assistance, which is described below.

System Planning and Major Transit Project Design

The Joint UMTA/FHWA planning and programming regulations (23 CFR Part 450) prescribe the planning process and programming requirements that are conditions for Federal assistance in urbanized areas under all UMTA and FHWA programs. These planning requirements are being amended to ensure local identification and consideration of energy impacts in transportation system planning and the programming of Federal financial assistance available to local areas. UMTA's response to the various comments received on the NPRM and discussion of the specific changes being adopted are contained in the FHWA portion of this preamble.

As potential major transit project proposals emerge during the systems planning process they become subject to UMTA's requirement to conduct an "alternatives analysis" precedent to UMTA's considering a major investment proposal (*i.e.*, for a new fixed-guideway transit system or major extension to an existing system). This analysis subjects the corridors and alternatives identified in system planning to rigorous assessment of costs and impacts, including both energy and other environmental impacts as required under guidelines and regulations providing for Environmental Impact Assessments and Statements. UMTA's Final Regulation governing the environmental review process will be issued shortly and will reflect new CEQ regulations for environmental impact statements, including required identification and consideration of the direct and indirect energy requirements of various alternatives and mitigation measures to conserve energy. Energy impacts may be subject to further refinement and consideration during

preliminary engineering on major investment proposals and will be a significant consideration in final project design and selection of construction methods.

These planning and environmental analysis requirements will ensure that the energy impacts of major transit projects and their alternatives will be identified and considered in local system planning and that this information will be available for consideration in both the local and the Federal project decisionmaking process.

Project Selection-Major Investment Projects

Applicants for Federal assistance for major mass transit projects are advised that their comparative assessment of the energy-saving potential of a proposed project and of each alternative (developed in the alternatives analysis/draft environmental impact statement) is given strong weight in Federal consideration of the merits of the alternatives and in determining the relative priority of the proposed project for funding by UMTA. Particular attention is given to the relative balance of construction energy consumption versus direct energy savings over the life of the project, including energy savings during operations due to diversion from other modes, increased densities, changed travel patterns, and other factors. Recognition is also given to energy consumption from different energy sources (*e.g.*, oil vs. coal).

In its reviews of preliminary engineering and final design specifications UMTA will pay particular attention to factors that would affect energy efficiency of the project, including vertical alignment, vehicle specifications, station design, modal interfaces, and construction methods. UMTA does not believe that it is feasible or appropriate to express these considerations as rules and no public comments were received suggesting this.

Project Selection—Building or Facility Construction

The NPRM stated that UMTA was considering a rule requiring an energy assessment for any UMTA-assisted building, similar to the FAA proposed rule. This statement drew a number of comments—some supporting this as a reasonable requirement and others opposing it as unnecessary because such an assessment is a normal part of good project design and engineering. UMTA agrees that such analysis is a part of good project design and will normally be documented as part of the environmental analysis requirements. However, some UMTA-assisted construction or reconstruction of buildings are exempt from the requirement for completion of an environmental assessment or EIS, and a new regulation is being adopted requiring applicants for such projects to submit an energy assessment of the proposed project with their application for construction funding. This will assure that adequate energy assessments will be made for all UMTA-assisted facilities.

Energy Conservation in Internal Operations of Grantees

Comments received from transit operators and State transportation agencies confirmed UMTA's belief that there is a variety of opportunities for energy conservation in the internal operations of UMTA grantees—in their selection, deployment, operation, and maintenance of public transportation equipment and services—and that expanded mass transit programs are increasingly being planned and implemented as part of explicit strategies to conserve energy and preserve mobility options. UMTA's position, which was strongly supported by public comments, is that financial constraints tend to assure that local decisions involving existing or expanded services are made with due consideration of both cost effectiveness and energy efficiency. UMTA believes that explicit administrative or regulatory action is not necessary at this time to assure that such energy conservation opportunities in internal operations are being met. UMTA grant recipients are expected to implement programs to assure that every aspect of their operations is fuel-efficient, consistent with other objectives. Such programs should include, but not be limited to, such factors as vehicle specifications, selection of vehicle types for various services, intermodal coordination, maintenance standards and practices, weatherization standards, heat and power sources and fuels, cogeneration or other energy recapture techniques, operations scheduling, trade-offs between deadheading and vehicle storage locations, vehicle operating practices, driver training, employee information and incentives for ridesharing, flexitime, and any other factors or actions which could affect the fuel efficiency of transit operations or facilities.

Technical Assistance

Activities are underway to accelerate the development and dissemination of supplementary guidance to assist State and local agencies and the public in complying with the energy assessment requirements discussed in this document. Instructions to UMTA's field staff concerning implementation of the new planning and project requirements and guidance for applicants on methodology for the assessment of energy impacts and on the scope and content of building energy assessments are to be issued at the same time as this Notice. Guidance on the planning process is being developed jointly with FHWA and is described in more detail in the FHWA portion of this preamble. UMTA will participate in on-going research or methodology development to refine or advance the ability to predict and evaluate energy impacts of projects, transportation system plans, or urban development patterns and the relationship of energy impacts to other impacts of local or national interest.

In addition, UMTA is participating in the development of a revised Appendix to the joint planning regulations concerning Transportation System Management (TSM) and a program for more active stimulation of local TSM program planning and implementation action. A joint program of local seminars to increase knowledge of TSM projects and strategies is already underway, and further mechanisms will be developed to provide additional technical assistance for local officials, planning authorities, and transit operating professionals.

The American Public Transit Association submitted a list of recommended local actions to assure energy efficient transit operations. We consider this list an example of the type of information which we would expect to gather and disseminate to assist local areas in assuring the energy efficiency of their internal operations.

National Highway Traffic Safety Administration

(For All NHTSA Programs Listed, Contact John Tartaglino, 202-426-0637)

NHTSA proposed three areas in which energy savings could be achieved: the Innovative Grant Program, 55 mph speed limit enforcement, and the Highway Safety Grant Program. Since the Innovative Grant Program in contingent on appropriations approval and implementation of the 55-mph speed limit is already well under way, NHTSA's short-term energy saving proposals focused on the Highway Safety Grant Program. NHTSA proposed requiring each State to certify in its Highway Safety Plan for that program that energy conservation was considered in development of the Plan. Under the proposal the NHTSA Regional Administrator and the FHWA

Division Administrator would not approve a plan unless satisfied that due consideration had been given to energy conservation measures.

Comments from several State agencies indicated approval of NHTSA's Highway Safety Grant Program approach. These agencies stated their commitment to energy conservation and noted programs already in operation which combine the objectives of safety and fuel economy. Among these are Colorado's Driver Energy Conservation Awareness Training program and the Safe and Fuel Efficient driving program established by the Maryland State Police.

However, comments from the States suggested that new initiatives by NHTSA are unnecessary in view of the State energy saving programs already in operation. Other State agencies expressed concern that NHTSA's proposal will create a new regulatory burden on the States, which will divert scarce manpower and financial resources away from the pursuit of safety goals, or will interfere with normal law enforcement operations. One commenter stated that energy savings are not attainable in most highway safety programs.

NHTSA believes that the experience of States that have achieved energy savings in their highway safety programs indicates that fuel conservation can be practiced without jeopardizing safety or law enforcement objectives. For those States which have already undertaken energy conservation programs, no significant new burdens would be created by NHTSA's proposal. These States are already considering energy savings in their planning processes and would need only to provide a succinct description of their conservation measures in their Highway Safety Plans.

In the case of States which have yet to consider energy savings measures, NHTSA considers the national interest in fuel conservation to be of sufficient importance that it is not unreasonble to require these States to take some action in this area. Although some State transportation agencies have contended that they lack the technical expertise to deal with energy questions, NHTSA feels that a common sense approach will in most cases be all that is necessary. In those instances where technical support is needed, other State and Federal agencies can be consulted. In order to minimize paperwork work, the proposal has been modified to require discussion of energy conservation measures only in the summary section of the Highway Safety Plan, rather than in individual program module descriptions.

Certain commenters suggested that State energy agencies should be assigned primary responsibility for conservation initiatives in view of their greater expertise and overall planning functions. One commenter recommended NHTSA rely on a general grant stipulation concerning energy conservation, which could be implemented as the State saw fit.

Apart from the fact that many States may not have energy agencies, NHTSA considers agencies assigned specific transportation related functions such as motor vehicle regulation to be in the best position to identify areas where energy savings are possible and to implement programs to achieve these savings. State energy agencies and bodies with overall planning responsibility could function in a coordination role with respect to these programs. Given the overriding national interest in energy conservation, the Federal government must retain a supervisory function to assure the consideration of energy conservation in Federally financed programs.

Among the specific comments regarding NHTSA's proposed regulatory action, two State agencies criticized the plan as being too vague and assigning too much discretion to NHTSA and FHWA regional personnel in the review of State energy saving plans. While NHTSA believes that regional administrators are in the best position to evaluated State programs within their areas of responsibility, the agency agrees that additional guidance is in order. Thus, the language of the amendment has been modified to require NHTSA Regional Administrators and FHWA Division Administrators to find that each State Highway Safety Plan contains a description of specific program areas in which energy conservation has been considered and evaluates the prospects for energy conservation in those areas.

One State law enforcement agency expressed concern that the use of fuel efficient vehicles in local law enforcement would be required under the proposal and could interfere with legitimate law enforcement activities. Another State agency requested examples of fuel saving methods which could be applied to 55-mph speed limit enforcement programs.

The use of fuel efficient vehicles is only one available option for States wishing to conserve fuel in their speed limit enforcement programs. NHTSA does not plan to require that States implement particular energy saving techniques. If a State concludes that use of fuel-efficient vehicles would be inconsistent with the needs of its law enforcement program, there are numerous other options by which savings may be attained. Among these are fuel saving maintenance practices, such as periodic tune-ups and tire pressure checks; and the elimination of unnecessary cruising and idling.

Finally, one commenter noted that the August 1, 1980, deadline for submission of fiscal year 1981 Highway Safety Plans precludes implementation of any new requirements in this year's Highway Safety Plans. NHTSA recognizes that the timing of this amendment makes implementation for fiscal year 1981 impractical. The amendment is, therefore, made effective with regard to State Highway Safety Plans submitted after January 1, 1981. Except as noted above, the amendment to Part 1204 (23 CFR Part 1204) is adopted as proposed.

Federal Railroad Administration

(For All FRA Programs Listed, Contact Marilyn Klein, 202-426-2608.)

FRA has reviewed the public comments received, most of which were favorable. The only change made from the NPRM was to clarify language in 49 CFR 266.15(c)(11); in addition, an unrelated revision of Part 266 is being prepared which will require renumbering of provision. In the revision, it will appear as subparagraph (c)(12); in this final rule, it is being designated (c)(11A).

Comments and FRA Responses

The State of Alabama Highway Department recommended that energy workshops that were offered in 1979 should be continued and expanded. Several commenters suggested that FRA provide technical assistance with respect to energy analyses. FRA, with the cooperation and support of DOE, has scheduled a second annual Energy Management Workshop for the fall of 1980. This workshop will provide a forum for FRA and the rail industry to exchange information and discuss technical assistance. As a result of the first workshop, FRA and an eastern railroad company have initiated a cooperative research project to determine the company's total energy use and the conservation measures it could undertake. In addition, the FRA Office of Research and Development is developing performance-related criteria for rolling stock to enable the industry to incorporate energy-efficient designs into its equipment-purchasing plans. Cooperative Government and industry testing is also underway to conserve energy in operating practices. The Office of Federal Assistance will publish a revised State Rail Planning Manual early in 1981. The manual will include a

chapter on energy conservation, which will provide technical assistance to States.

Several commenters suggested that DOT and FRA should increase intermodal planning and analysis. FRA notes that a freight intermodal transfer facility may be eligible for FRA financial assistance, in accordance with the various program regulations (49 CFR Parts 258, 260, and 266, respectively). FRA funded a demonstration project that began in 1978 to develop improvements in trailer-on-flatcar service on the Milwaukee Road between Chicago and St. Paul. Under a loss-sharing arrangement during the startup period, a group of dedicated, fast intermodal trains operate on eight daily schedules. Traffic on these trains has climbed to as much as 1,700 trailers per week, reducing fuel consumption by approximately 50 percent compared with their movement on the highway. This successful service should encourage other efforts in intermodal transfer facilities and services. With regard to passenger service, the FRA Northeast Corridor Improvement Project includes plans to rehabilitate 15 passenger stations between Washington, D.C., and Boston to make them efficient and attractive intermodal passenger transfer facilities.

Several cities and States suggested that alternatives to petroleum-based energy should be further explored through DOT's Research and Development program. In 1979, FRA's Office of Research and Development issued an interim report on its research into alternative fuels for diesel locomotives. The research, jointly sponsored with DOE and the Association of American Railroads, is an attempt to determine whether less expensive distillate fuels, residual fuels or nondiesel fuel such as alcohol or coal-derived products, can be used in place of conventional diesel fuel for locomotives. The next phase will test various alternative fuels in test engines.

DOE suggested that DOT encourage its grant recipients to invite State energy offices to participate in the transportation planning, programming, and design processes. FRA's State Rail Planning Manual stresses coordination of planning with local, State, and Federal agencies. The Wisconsin DOT and North Carolina DOT commented that the only proposed energy requirement for the Local Rail Service Assistance program is that the State Rail Plan describe how the State planning process considers energy conservation. The Wisconsin DOT believes that an energy assessment should be required as part of a project application. FRA believes that the appropriate place for consideration of energy impacts and potential benefits and costs of various alternatives is in the planning process. Determinations made by the State as part of the planning process can subsequently be used to determine which projects to fund. FRA has revised language in the energy-related regulation for the Local Rail Service Assistance program, as noted above.

The Northeast Indiana Coordinating Council stated that freight planning should be incorporated into the transportation planning process at the local level. With respect to rail freight planning, the FRA regulations governing development of State Rail Plans already require that the State permit local and regional governmental bodies to review and comment on appropriate elements in the State Rail Plan. Further, the Secretary has recently directed FHWA and UMTA to revise the joint UMTA-FHWA urban planning regulations to, among other things, give more direction and emphasis to planning for urban goods movement.

Actions Taken Since Publication of the NPRM

FRA has requested Amtrak to describe what action Amtrak has taken or plans to take to conserve petroleum and natural gas and the savings that are expected to result. Controls in operations, as opposed to the energy efficiencies that might normally be expected to result from the acquisition of new vehicles, are of particular interest.

A reference to Executive Order 12185 has been added to FRA's final Procedures for Considering Environmental Impacts (45 FR 40854, June 16, 1980). Environmental assessments for FRA projects are required to consider the use of energy resources resulting from the proposed action and from reasonable alternatives. If an environmental impact statement is required, it must include detailed assessments of energy resources likely to result from each alternative, as well as any potential energy conservation opportunities, especially those alternatives likely to reduce the use of petroleum and natural gas. Mitigation measures, including those intended to conserve energy, are also to be described. Where appropriate, the FRA program office will include appropriate mitigation measures as a condition to financial assistance and as a provision of contracts.

Final Rules for Each Program

In consideration of the foregoing, the Code of Federal Regulations is amended as follows:

A. Title 14—Aeronautics and Space

FEDERAL AVIATION ADMINISTRATION

PART 152—AIRPORT AID PROGRAM

Part 152 is amended by adding a new table of contents for Subpart G, amending the authority citation for Part 152, and adding a new Subpart G, to read as follows:

PART 152—AIRPORT AID PROGRAM

* * * * *

Subpart G—Energy Conservation in Airport Aid Program

Sec.

152.601 Purpose.
152.603 Applicability.
152.605 Definitions.
152.607 Building design requirements.
152.609 Energy conservation practices.

Authority: Secs. 1–27, 84 Stat. 220–233 (49 U.S.C. 1711–1727). Sec. 1.47(g), Regulations of the Office of the Secretary of Transportation; 35 FR 17044. Sec. 403(b), 92 Stat. 3318; E.O. 12185, unless otherwise noted.

* * * * *

Subpart G—Energy Conservation in Airport Aid Program

§ 152.601 Purpose.

This subpart implements Section 403 of the Powerplant and Industrial Fuel Use Act of 1978 (92 Stat. 3318; Pub. L. 95–620) in order to encourage conservation of petroleum and natural gas by recipients of Federal financial assistance.

§ 152.603 Applicability.

This subpart applies to each recipient of Federal financial assistance from the Federal Aviation Administration through the Airport Development Aid Program (ADAP) unless otherwise excluded by definition.

§ 152.605 Definitions.

As used in this subpart—

"Building construction" means construction of any building which receives Federal assistance under the program, which will exceed $200,000 in construction cost.

"Energy Assessment" means an analysis of total energy requirements of a building, which, within the scope of the proposed construction activity, and at a level of detail appropriate to that scope, considers the following:

(a) Overall design of the facility or modification, and alternative designs;

(b) Materials and techniques used in construction or rehabilitation;

(c) Special or innovative conservation features that may be used;

(d) Fuel requirements for heating, cooling, and operations essential to the function of the structure, projected over the life of the facility and including projected costs of this fuel; and

(e) Kind of energy to be used, including—

(1) Consideration of opportunities for using fuels other than petroleum and natural gas, and

(2) Consideration of using alternative, renewable energy sources.

"Major Building Modification" means modification of any building which receives Federal assistance under the program, which will exceed $200,000 in construction cost.

§ 152.607 Building design requirements.

Each sponsor shall perform an energy assessment for each Federally-assisted building construction or major building modification project proposed at the airport. The building design, construction, and operation shall incorporate, to the extent consistent with good engineering practice, the most cost-effective energy conservation features identified in the energy assessment.

§ 152.609 Energy conservation practices.

Each sponsor shall require fuel and energy conservation practices in the operation and maintenance of the airport and shall encourage airport tenants to use these practices.

B. Title 23—Highways

FEDERAL HIGHWAY ADMINISTRATION

PART 420—PROGRAM MANAGEMENT AND COORDINATION

1. Part 420 is amended by adding a new paragraph (d) to § 420.105 and adding a new § 420.111, to read as follows:

§ 420.105 Policy.

* * * * *

(d) Highway planning activities shall be consistent with State energy conservation goals and objectives and, where established, reflect energy conservation targets.

* * * * *

§ 420.111 Planning program coverage.

In support of the planning of future highway programs and local public transporation systems under 23 U.S.C. 307(c), State planning work programs shall include activities to:

(a) Support the development of the transportation component of State energy conservation and energy contingency plans and policies,

(b) Identify and evaluate policy, program, and project options that offer the greatest opportunities for energy conservation in addressing transportation needs,

(c) Monitor transportation-related energy consumption indicators, and

(d) Estimate current and future transportation demands on energy consumption.

FEDERAL HIGHWAY ADMINISTRATION AND URBAN MASS TRANSPORTATION ADMINISTRATION

PART 450—PLANNING AND ASSISTANCE STANDARDS

2. Part 450 is amended by revising § 450.120(a)(6) and § 450.120(a)(8), to read as follows:

§ 450.120 Urban transportation planning process: Elements.

(a) * * *

(6) Provide for the consideration of energy conservation goals, objectives, and, where established, energy conservation targets.

* * * * *

(8) Include the following technical activities to the degree appropriate for the size of the metropolitan area and the complexity of its transportation problems:

(i) An analysis of existing conditions of travel, transportation facilities, vehicle fuel consumption, and systems management;

(ii) An evaluation of alternative transportation systems management (TSM) improvements and the development of the TSM element of the transportation plan to:

(A) Make more efficient use of existing transportation resources;

(B) Reduce energy consumption for transportation overall; and

(C) Respond to short-term disruptions in the energy supply;

(iii) Projections of urban area economic, demographic, and land use activities consistent with urban development goals, and projections of potential transportation demands based on these levels of activity;

(iv) Analysis of alternative transportation investments or strategies to meet area-wide needs for transportation facilities and to aid in the development of the long-range element of the transportation plan, such analysis to include estimates of the energy consumption of each alternative;

(v) Refinement of the transportation plan through the conduct of corridor, transit technology, and staging studies; and sub-area, feasibility, location, legislative, fiscal, functional classification, institutional, and energy impact studies;

(vi) Monitoring and reporting of urban development, transportation, and energy consumption indicators and a regular program of reappraisal of the transportation plan; and

(vii) Implementation programming which merges the results of plan refinement of the long-range element and the improvements recommended in the transportation systems management element of the transportation plan to produce a transportation improvement program (TIP) as specified in Subpart C of this part.

FEDERAL HIGHWAY ADMINISTRATION

PART 630—PRECONSTRUCTION PROCEDURES

3. Part 630 is amended by—

i. In § 630.106, redesignating paragraph (b) as paragraph (c) and adding a new paragraph (b), to read as follows:

§ 630.106 Policy.

* * * * *

(b) In recognition of the national concern that this country practice rigorous energy conservation, and in further recognition that highway transportation is a major consumer of petroleum-based fuels, the planning, design, construction, management, and operation of the Federal-aid highway system shall be conducted in a manner that conserves fuel, maintains the greatest degree of personal and economic mobility consistent with the availability of fuel, and maintains a state of emergency preparedness in the event of an abrupt fuel curtailment. Energy conservation is a national goal of utmost importance which must be supported by, and incorporated into, the processes for the programming and authorization of Federal-aid projects.

* * * * *

(ii) In § 630.110, redesignating paragraphs (b) through (g) as paragraphs (c) through (h), respectively, and adding a new paragraph (b), to read as follows:

§ 630.110 General requirements.

* * * * *

(b) In preparing the program the SHA shall give consideration to projects identified as energy conserving, such as, but not limited to, public transportation, ridesharing activities and facilities, bicycle and pedestrian facilities, traffic

signalization and control, HOV facilities, and resurfacing, restoration, and rehabilitation (3-R) work. The program shall include a discussion of the priority to be given to such projects, consistent with energy conservation aspects of Statewide and urban comprehensive transportation planning, and the contribution toward achieving energy conservation goals or targets.

* * * * *

iii. In § 630.112, redesignating paragraphs (a) through (f) as paragraphs (b) through (g), respectively, and adding a new paragraph (a), to read as follows:

§ 630.112 Approval of programs.

(a) The FHWA Division Administrator will first review the program to assure that it provides adequate consideration of and represents an aggressive effort toward energy conservation in the number and types of projects which offer high potential for conserving energy in accordance with State and national goals or targets.

* * * * *

iv. In § 630.114, redesignating paragraphs (a) through (g) as paragraphs (b) through (h), respectively, and inserting a new paragraph (a), to read as follows:

§ 630.114 Authorization to proceed.

(a) With each authorization, the FHWA Division Administrator shall review the level of program implementation to assure that the energy conservation projects are proceeding at a rate consistent with implementation of other categories of projects. The FHWA Division Administrator shall also assure that energy efficiency is a basic objective in the design and construction of projects.

* * * * *

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION AND FEDERAL HIGHWAY ADMINISTRATION

PART 1204—UNIFORM STANDARDS FOR STATE HIGHWAY SAFETY PROGRAMS

4. Supplement B to § 1204.4 of Part 1204 is amended by—

i. In Chapter I, adding a new paragraph at the end of Section 3; substituting ", 92 Stat. 3318 section 403(b), and E.O. 12185 impose" for "imposes" in Section 5; and adding a new paragraph c. to Section 6, all to read as follows:

Chapter I—Introduction

* * * * *

3. *Authority.* * * *

Section 403(b) of the Powerplant and Industrial Fuel Use Act of 1978 (92 Stat. 3318; Pub. L. 95-620) and Executive Order 12185 direct each Federal agency to take such actions as lie within its authority to maximize the efficient use of energy and the conservation of petroleum and natural gas in programs funded by the agency.

* * * * *

5. *General Requirements.* 23 U.S.C. 402(b)(1), 92 Stat. 3318 section 403(b), and E.O. 12185 impose certain requirements which must be met as a prerequisite to program approval.

* * * * *

6. *Policy.* * * *

c. With reference to the energy conservation requirements of section 403(b) of the Powerplant and Industrial Fuel Use Act of 1978 and E.O. 12185, each State receiving funds under 23 U.S.C. 402 shall consider, in the formulation of a Highway Safety Plan, measures by which the efficient use of energy and conservation of energy resources can be maximized in the implementation of the State's highway safety program.

* * * * *

b. In Chapter II, Section 3, paragraph a, adding the words "Energy Conservation Measures Considered;" following "Statewide Program Goals," to read as follows:

Chapter II—Content of HSP

* * * * *

3. *Preparation of the Highway Safety Plan.*

* * * * *

c. *Highway Safety Plan Summary (Part I).*

* * * * *

This part should consist of the Certificate of Compliance (Appendix B), a HSP Cost Summary and an Executive Summary which provides a brief multi-year overview of the State's program status, planned activities and anticipated accomplishments, to include: Accident Trends; Significant Statewide Problems Identified; Program Emphasis and Priorities; Statewide Program Goals; Energy Conservation Measures Considered; Key Legislative Needs and Planned Actions; Planned Administrative Actions.

* * * * *

c. In Chapter III, a new sentence is added at the end of paragraph a(1) in Section 4, to read as follows:

Chapter III—Submission and Approval

* * * * *

4. *Approval of the Highway Safety Plan.*

a. *Program Approval.*

* * * * *

The HSP shall not be approved unless it contains a statement, signed by an authorized State official, certifying that the efficient use of energy and the conservation of energy resources were considered in planning the State's highway safety program and the FHWA Division Administrator and the NHTSA Regional Administrator determine that the HSP describes specific program areas in which energy conservation has been considered and evaluates the prospects for energy conservation in those areas through implementation of the plan.

d. In Appendix B to Supplement B, "23 U.S.C. 402(b)(1), 92 STAT. 3318, AND EXECUTIVE ORDER 12185" is inserted in the title after "23 U.S.C. 402(b)(1)" and a new paragraph (g) is added at the end, to read as follows:

Appendix B—State of ———

Certificate of compliance with 23 U.S.C. 402(b)(1), 92 Stat. 3318, and Executive Order 12185.

I hereby certify that:

* * * * *

(g) The efficient use of energy and the conservation of energy resources have been considered in planning the State's highway safety program.

C. Title 49—Transportation

FEDERAL RAILROAD ADMINISTRATION

PART 258—REGULATIONS GOVERNING SECTION 505 OF THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976, AS AMENDED

1. Part 258 is amended by adding a new subdivision (vii) to § 258.7(a)(4) and by revising paragraphs (b) and (c) of § 258.29, all to read as follows:

§ 258.7 Form and content of application.

(a) Each application shall include, in the order indicated and identified by applicable section numbers and letters corresponding to those used in this part, the following information:

* * * * *

(4) Detailed description of the amount and timing or purposes, including—

* * * * *

(vii) A description of the project's effect on national energy consumption (over the life of the project) by the applicant and other parties (as applicable) with particular emphasis on increases and decreases in the national use of petroleum, natural gas, and coal.

* * * * *

§ 258.29 Order of funding.

* * * * *

(b) Where appropriated funds are adequate to finance some but not all projects which are eligible for Federal assistance within any one of the categories described in paragraph (a) of this section, priority for funding will be given first to projects that provide safety improvements and signals, including underpasses or overpasses at railroad crossings at which injury or loss of life has frequently occurred or is likely to occur and then to projects which significantly reduce national energy consumption.

(c) As between two projects within the same category, as described in paragraph (a) of this section, which both either provide or do not provide safety improvements and signals or which significantly reduce national energy consumption, priority for funding will be given to the project which was first proposed in a completed application.

PART 260—REGULATIONS GOVERNING SECTION 511 OF THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976, AS AMENDED

2. In Part 260, a new subdivision (iv), is added to § 260.7(a)(7), to read as follows:

§ 260.7 Form and content of application.

(a) Each application shall include, in the order indicated and identified by applicable section numbers and letters corresponding to those used in this part, the following information:

* * * * *

(7) Statement, together with supporting evidence, that the facilities or equipment being acquired, rehabilitated, or improved will be efficiently and economically utilized, including:

* * * * *

(iv) A description of the project's effect on national energy consumption (over the life of the project and in light of the information provided in response to § 260.6) by the applicant and other parties (as applicable) with particular emphasis on increases and decreases in national use of petroleum, natural gas, and coal.

PART 266—ASSISTANCE TO STATES FOR LOCAL RAIL SERVICE UNDER SECTION 5 OF THE DEPARTMENT OF TRANSPORTATION ACT

3. In Part 266, a new subdivision (11A) is added to § 266.15(c) to read as follows:

§ 266.15 Requirements for State Rail Plan.

* * * * *

(c) *Contents of the State Rail Plan.* Each State Rail Plan shall:

* * * * *

(11A) Indicate how the overall planning process in the State addresses the need to improve national energy efficiency, reduce the national use of petroleum and natural gas, and increase the national use of coal.

Urban Mass Transportation Administration

4. Title 49 is further amended by adding a new Part 622 consisting of Subparts A and B—Reserved and Subpart C to read as follows:

PART 622—ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

Subpart A—Reserved

Subpart B—Reserved

Subpart C—Requirements for Energy Assessments

§ 622.301 Buildings.

(a) UMTA assistance for the construction, reconstruction, or modification of buildings for which applications are submitted to UMTA after October 1, 1980, will be approved only after the completion of an energy assessment. An energy assessment shall consist of an analysis of the total energy requirements of a building, within the scope of the proposed construction activity and at a level of detail appropriate to that scope, which considers:

(1) Overall design of the facility or modification, and alternative designs;

(2) Materials and techniques used in construction or rehabilitation;

(3) Special or innovative conservation features that may be used;

(4) Fuel requirements for heating, cooling, and operations essential to the function of the structure, projected over the life of the facility and including projected costs of this fuel; and

(5) Kind of energy to be used, including—

(i) Consideration of opportunities for using fuels other than petroleum and natural gas, and

(ii) Consideration of using alternative, renewable energy sources.

(b) Compliance with the requirements of paragraph (a) of this section shall be documented as part of the Environmental Assessment or Environmental Impact Statement for projects which are subject to a requirement for one. Projects for which there is no environmental assessment or EIS shall document compliance by submission of appropriate material with the application for UMTA assistance for actual construction.

(c) The cost of undertaking and documenting an energy assessment may be eligible for UMTA participation if the requirements of Federal Management Circular 74-4 (A-87) are met.

(d) This requirement shall not apply to projects for which the final project application or environmental assessment have been submitted to UMTA prior to October 1, 1980.

(Sec. 403(b), Pub. L. 95-620; E.O. 12185)

Issued in Washington, D.C., on August 21, 1980.

William J. Beckham, Jr.,

Acting Secretary of Transportation.

[FR Doc. 80-26510 Filed 8-28-80; 8:45 am]

BILLING CODE 4910-62-M

Friday
August 29, 1980

Part IX

Department of Housing and Urban Development

Office of Assistant Secretary for Housing—Federal Housing Commissioner

Section 8 Projects; Fair Market Rents for New Construction and Substantial Rehabilitation for All Market Areas

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. R-80-838]

Section 8 Projects; Fair Market Rents for New Construction and Substantial Rehabilitation for all Market Areas

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Interim rule and request for comments.

SUMMARY: This Rule amends the section 8 Fair Market Rents applicable to New Construction and Substantial Rehabilitation for all market areas, in compliance with the requirements of section 8(c)(1) of the U.S. Housing Act of 1937. Revised section 8 Fair Market Rents are published annually in the Federal Register. HUD published the last Annual Revision of the Fair Market Rents applicable to New Construction and Substantial Rehabilitation on January 11, 1980, retroactive to October 1, 1979.

The amended Fair Market Rents reflect the changes which have occurred in the general levels of market rents for recently completed or newly constructed dwelling units of modest design within each market area since their Annual or Special (Interim) Revision.

COMMENT DUE DATE: Comments are due on or before September 29, 1980.

EFFECTIVE DATE: October 1, 1980.

ADDRESS: Comments should be sent to the Rules Docket Clerk, Room 5218, Office of the General Counsel, Department of Housing and Urban Development, 451–7th Street SW., Washington, D.C. 20410, (202) 755–7603. This is not a toll-free number. Each person submitting a comment should include his/her name and address and refer to the document by the docket number indicated by the heading and date of publication, and give reasons for any recommentation. Copies of all written comments will be available for examination by interested persons in the Office of the Rules Docket Clerk. In order to expedite consideration of comments, a copy of your comment should be sent to the Field Office having jurisdiction for the market area involved.

FOR FURTHER INFORMATION CONTACT: Edward M. Winiarski, Supervisory Appraiser, Valuation Branch, Technical Support Division, Office of Multifamily Housing Development, 451–7th Street SW., Washington, D.C. 20410, (202) 755–5743. This is not a toll-free number.

The last Annual Revision of all Fair Market Rents was published at 45 FR 2534 on January 11, 1980, effective October 1, 1979.

Fair Market Rents are based primarily on the level of rentals paid for recently completed or newly constructed dwelling units of modest design within each market area as determined by HUD Field Office staff. They are estimates of the rentals that prospective tenants who are not receiving federal rental subsidies would be willing to pay for recently completed or newly constructed dwelling units of modest design.

The contract rent plus any utility allowance for the unit must not exceed the Fair Market Rent in effect at the time of processing. The published Fair Market Rents will reflect a trended rent in order to allow for the period of construction as stated in the publication. If the scheduled construction time for a project is less, an appropriate reduction will be made in detemining the approvable contract rent.

This Interim Rule includes Fair Market Rents for 0, 1, 2, 3, and 4 or more bedroom units in five structural categories (detached, semi-detached/row, walkup, elevator 2–4 story, and elevator 5+ story). Construction of elevator projects for families with children is legally prohibited unless there is no practical alternative. Fair Market Rents for family units in elevator structures in these schedules have been determined necessary for the affected market areas.

Proposals involving combinations of structural types and unit sizes for which Fair Market Rents have not been published may not be approved until publication of the applicable Fair Market Rents for comment and effect takes place.

Interested parties may submit information with adequate documentation on Fair Market Rents at any time. This data will be considered in initiating interim revisions to Fair Market Rent Schedules. In order to expedite consideration of comments, please send a copy of your comment to the HUD Field Office having jurisdiction for the market area involved.

In previous years, publication of the Fair Market Rents as a Final Rule, pursuant to the rule making process, resulted in the final rent schedules being published 90 to 120 days after the effective date of the rents. The delayed publication of the Final Rule adversely affected the interests of program participants and had a significant negative effect on the production of housing pursuant to the section 8 Housing Assistance Payment Program. Accordingly, it has been determined that such action did not favorably serve the public interest.

This year, in order to rectify the difficulties experienced in previous years attributable to the delayed publication of the Fair Market Rent Schedules as a Final Rule, HUD proposes to publish the revised Fair Market Rent Schedules as an Interim Rule and provide for a 30 day comment period. Unless, after considering comments received, the Secretary publishes notification to the contrary to justify changing the published rent schedules, these Fair Market Rent schedules will, without further publication, become a Final Rule having an effective date of October 1, 1980.

HUD has made a Finding of Inapplicability regarding requirements under the National Environmental Policy Act of 1969 in accordance with HUD procedures. A copy of this Finding of Inapplicability is available for public inspection during regular business hours at the Office of the Rules Docket Clerk at the address set forth above.

This Rule is not listed in the Department's semiannual agenda of significant rules published pursuant to Executive Order 12044.

Accordingly, Schedule A of Part 888 is proposed to be amended as set forth below.

Authority: Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)).

Issued at Washington, D.C., July 17, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing, Federal Housing Commissioner.

Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation (Including Housing Finance and Development Agencies Program)

These Fair Market Rents have been trended ahead to October 1, 1982, to update the current Fair Market Rent Schedules which these revised rent schedules will replace.

Note.—The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size units, not to exceed 2-bedrooms for the elderly, multiplied by 1.05 rounded to the nearest whole dollar, (2) congregate housing dwelling units are the same as for noncongregate units, and (3) single room occupancy dwelling units are those for zero bedroom units of the same type.

BILLING CODE 4210-01-M

AREA OFFICE HARTFORD, CONN. REGION I - BOSTON

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HARTFORD/* NEW HAVEN	DETACHED			570	635	684
	SEMI-DETACHED/ROW		466	541	615	664
	WALKUP	386	448	510	597	640
	ELEVATOR-2-4 Sty	397	461	535		
	5 + Sty	411	504	596		
BRIDGEPORT/* DANBURY	DETACHED			622	696	748
	SEMI-DETACHED/ROW		513	594	671	722
	WALKUP	435	504	590	658	709
	ELEVATOR-2-4 Sty	445	553	641		
	5 + Sty	461	566	653		
NEW MILFORD	DETACHED			560	621	670
	SEMI-DETACHED/ROW		446	531	590	638
	WALKUP	382	441	525	583	631
	ELEVATOR-2-4 Sty	400	458	547		
	5 + Sty	413	476	560		
NORWICH/* NEW LONDON	DETACHED			544	608	655
	SEMI-DETACHED/ROW		446	517	577	623
	WALKUP	374	436	509	572	618
	ELEVATOR-2-4 Sty	390	451	529		
	5 + Sty	404	468	544		
RIDGEFIELD/* STAMFORD	DETACHED			676	749	799
	SEMI-DETACHED/ROW		571	638	712	761
	WALKUP	467	541	633	705	761
	ELEVATOR-2-4 Sty	489	564	654		
	5 + Sty	503	575	666		
WINDHAM	DETACHED			522	591	639
	SEMI-DETACHED/ROW		422	498	561	606
	WALKUP	366	417	489	555	601
	ELEVATOR-2-4 Sty	366	429	504		
	5 + Sty	381	448	523		

*Market areas are not combined. FMRs are identical for these market areas.

AREA OFFICE MANCHESTER, N.H. REGION I - BOSTON

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MAINE (STATEWIDE)	DETACHED		463	522	596	691
	SEMI-DETACHED/ROW	377	428	489	561	650
	WALKUP	339	398	466	528	595
	ELEVATOR-2-4 Sty	365	438	550		
	5 + Sty	406	487	611		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA OFFICE MANCHESTER, N.H. REGION I - BOSTON

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEW HAMPSHIRE (STATEWIDE)	DETACHED		461	516	595	691
	SEMI-DETACHED/ROW	393	438	492	563	653
	WALKUP	346	389	446	508	577
	ELEVATOR-2-4 Sty	365	411	510		
	5 + Sty	406	457	566		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA OFFICE MANCHESTER, N.H. REGION I - BOSTON

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
VERMONT (STATEWIDE)	DETACHED		516	561	638	735
	SEMI-DETACHED/ROW	440	494	534	605	691
	WALKUP	397	453	498	561	623
	ELEVATOR-2-4 Sty	406	463	549		
	5 + Sty	451	515	610		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA. OFFICE BOSTON, MASSACHUSETTS REGION I - BOSTON

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BOSTON	DETACHED					
	SEMI-DETACHED/ROW		536	629	742	821
	WALKUP	462	522	626	690	782
	ELEVATOR-2-4 Sty	480	582	672	943	1035
	5 + Sty	480	582	672	943	1035
FALL RIVER	DETACHED					
	SEMI-DETACHED/ROW		473	598	724	733
	WALKUP	456	457	576	646	677
	ELEVATOR-2-4 Sty	456	473	576		
	5 + Sty	458	498	602		
WORCHESTER	DETACHED					
	SEMI-DETACHED/ROW		476	584	681	781
	WALKUP	434	453	578	642	738
	ELEVATOR-2-4 Sty	434	498	596		
	5 + Sty	455	524	627		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA. OFFICE PROVIDENCE, R.I. REGION I - BOSTON

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PROVIDENCE (STATEWIDE)	DETACHED			576	660	738
	SEMI-DETACHED/ROW		419	493	553	593
	WALKUP	315	407	481	542	582
	ELEVATOR-2-4 Sty	320	436	560		
	5 + Sty	324	436	560		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA, OFFICE NEWARK, N.J. REGION II - NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEWARK	DETACHED			904	1009	1073
	SEMI-DETACHED/ROW	513	570	721	836	909
	WALKUP	451	503	645	748	820
	ELEVATOR-2-4 Sty	520	578	736	857	925
	5 + Sty	584	655	835	977	1054
ATLANTIC CITY	DETACHED			763	863	914
	SEMI-DETACHED/ROW	459	514	583	696	764
	WALKUP	408	457	516	618	683
	ELEVATOR-2-4 Sty	491	546	616	732	798
	5 + Sty	556	624	715	852	927
ASBURY PARK	DETACHED			798	903	967
	SEMI-DETACHED/ROW	461	518	617	730	803
	WALKUP	399	451	539	642	714
	ELEVATOR-2-4 Sty	468	526	630	751	819
	5 + Sty	532	608	729	871	948
CAMDEN/* BURLINGTON GLOUCESTER	DETACHED			793	893	954
	SEMI-DETACHED/ROW	435	490	613	726	794
	WALKUP	384	433	546	648	713
	ELEVATOR-2-4 Sty	467	522	646	762	828
	5 + Sty	532	600	745	882	957
FREEHOLD	DETACHED			831	936	1000
	SEMI-DETACHED/ROW	504	561	652	763	836
	WALKUP	442	494	577	675	747
	ELEVATOR-2-4 Sty	511	569	663	784	852
	5 + Sty	575	646	762	904	981
NORTH BERGEN	DETACHED			898	1003	1067
	SEMI-DETACHED/ROW	561	618	717	830	903
	WALKUP	499	551	639	742	814
	ELEVATOR-2-4 Sty	568	626	730	851	919
	5 + Sty	632	703	829	971	1048

*Market areas are not combined. FMRs are identical for these market areas.

AREA, OFFICE NEWARK, N.J. REGION II - NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TRENTON	DETACHED			809	909	970
	SEMI-DETACHED/ROW	502	557	629	742	810
	WALKUP	451	500	562	664	729
	ELEVATOR-2-4 Sty	534	589	662	778	844
	5 + Sty	599	667	761	898	973
VINELAND	DETACHED			696	796	857
	SEMI-DETACHED/ROW	404	459	516	629	697
	WALKUP	353	402	449	551	616
	ELEVATOR-2-4 Sty	436	491	549	665	731
	5 + Sty	501	569	648	785	860
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA. OFFICE NEW YORK, N.Y. REGION II - NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEW YORK CITY	DETACHED					
	SEMI-DETACHED/ROW		621	741	879	1073
	WALKUP	484	582	687	822	994
	ELEVATOR-2-4 Sty	521	664	716	901	1059
	5 + Sty	680	820	918	1164	1331
NASSAU	DETACHED			816	930	1021
	SEMI-DETACHED/ROW		580	745	845	937
	WALKUP	430	558	675	775	860
	ELEVATOR-2-4 Sty	442	615	683		
	5 + Sty	448	683	725		
ORANGE	DETACHED			606	688	749
	SEMI-DETACHED/ROW		461	547	650	710
	WALKUP	323	457	519	608	671
	ELEVATOR-2-4 Sty	479	595	699		
	5 + Sty	519	635	726		
PUTNAM	DETACHED			709	815	886
	SEMI-DETACHED/ROW		496	608	729	796
	WALKUP	373	469	521	652	758
	ELEVATOR-2-4 Sty	523	603	689		
	5 + Sty	560	644	721		
ROCKLAND	DETACHED			744	807	867
	SEMI-DETACHED/ROW		534	664	773	839
	WALKUP	406	502	618	718	794
	ELEVATOR-2-4 Sty	441	532	660		
	5 + Sty	483	575	695		
SUFFOLK	DETACHED			660	800	890
	SEMI-DETACHED/ROW	496	524	625	654	779
	WALKUP	398	462	561	611	675
	ELEVATOR-2-4 Sty	511	608	730		
	5 + Sty	551	614	766		

AREA. OFFICE NEW YORK, N.Y. REGION II - NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
POUGHKEEPSIE	DETACHED			604	705	805
	SEMI-DETACHED/ROW		417	525	604	663
	WALKUP	333	397	523	561	623
	ELEVATOR-2-4 Sty	504	589	709		
	5 + Sty	528	612	732		
WESTCHESTER	DETACHED			742	866	948
	SEMI-DETACHED/ROW		531	621	764	832
	WALKUP	426	496	592	715	785
	ELEVATOR-2-4 Sty	515	596	724	847	
	5 + Sty	556	660	767		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA .OFFICE BUFFALO, N.Y. REGION II - NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ALBANY/* GLEN FALLS/ MASSENA*	DETACHED			470	568	629
	SEMI-DETACHED/ROW		347	415	504	558
	WALKUP	296	338	396	465	527
	ELEVATOR-2-4 Sty	296	363	460		
	5 + Sty	321	398	495		
BINGHAMPTON* ITHACA/ SCHNECTADY/* WATERTOWN	DETACHED			467	563	622
	SEMI-DETACHED/ROW		344	415	496	551
	WALKUP	294	336	394	462	522
	ELEVATOR-2-4 Sty	294	365	463		
	5 + Sty	326	388	498		
PLATTSBURGH	DETACHED			478	563	621
	SEMI-DETACHED/ROW		403	440	508	566
	WALKUP	318	348	403	470	536
	ELEVATOR-2-4 Sty	381	419	508		
	5 + Sty	416	454	543		
SYRACUSE	DETACHED			484	584	626
	SEMI-DETACHED/ROW		359	425	518	574
	WALKUP	296	349	408	479	536
	ELEVATOR-2-4 Sty	297	372	471		
	5 + Sty	332	405	506		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

*Market areas are not combined. FMRs are identical for these market areas.

AREA .OFFICE BUFFALO, N.Y. REGION II - NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BUFFALO	DETACHED			498	560	631
	SEMI-DETACHED/ROW		395	435	510	590
	WALKUP	313	347	403	473	503
	ELEVATOR-2-4 Sty	419	447	596		
	5 + Sty	454	480	631		
ELMIRA	DETACHED			480	556	616
	SEMI-DETACHED/ROW		417	453	518	577
	WALKUP	326	338	424	490	556
	ELEVATOR-2-4 Sty	382	428	515		
	5 + Sty	417	463	536		
JAMESTOWN	DETACHED			489	549	616
	SEMI-DETACHED/ROW		409	445	510	583
	WALKUP	335	364	413	474	546
	ELEVATOR-2-4 Sty	390	433	526		
	5 + Sty	425	468	561		
ROCHESTER	DETACHED			478	535	593
	SEMI-DETACHED/ROW		387	440	510	577
	WALKUP	299	329	390	460	518
	ELEVATOR-2-4 Sty	392	432	525		
	5 + Sty	427	467	561		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA. OFFICE CARIBBEAN REGION II - NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SAN JUAN	DETACHED			456	510	574
	SEMI-DETACHED/ROW		400	447	502	573
	WALKUP	284	369	414	464	511
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	333	409	448	505	566
PONCE	DETACHED			401	472	512
	SEMI-DETACHED/ROW		377	401	472	512
	WALKUP	302	377	401	472	512
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	350	428	455	528	637
ARECIBO/* MAYAGUEZ	DETACHED			417	489	547
	SEMI-DETACHED/ROW		369	408	481	546
	WALKUP	294	369	392	462	504
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	344	421	502	592	683
ST. CROIX, V.I.	DETACHED			574	637	710
	SEMI-DETACHED/ROW		482	532	599	679
	WALKUP	331	422	472	528	583
	ELEVATOR-2-4 Sty					
	5 + Sty					
ST. THOMAS, V.I.	DETACHED			574	637	710
	SEMI-DETACHED/ROW		482	532	599	679
	WALKUP	338	429	481	538	596
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	353	445	510		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

*Market areas are not combined. FMRs are identical for these market areas.

AREA. OFFICE PHILADELPHIA, PA. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
DOVER, DEL.	DETACHED			505	633	684
	SEMI-DETACHED/ROW		354	425	523	571
	WALKUP	312	337	382	456	492
	ELEVATOR-2-4 Sty	318	389	460		
	5 + Sty	337	429	511		
WILMINGTON, DEL.	DETACHED			528	663	693
	SEMI-DETACHED/ROW		385	471	566	620
	WALKUP	320	369	436	506	542
	ELEVATOR-2-4 Sty	352	411	517		
	5 + Sty	374	477	528		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA _____ OFFICE WASHINGTON, D.C. REGION III-PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WASHINGTON, D.C.	DETACHED			666	726	822
	SEMI-DETACHED/ROW		444	527	591	669
	WALKUP	326	433	488	570	631
	ELEVATOR-2-4 Sty	360	481	569	648	
	5 + Sty	371	491	654	744	
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA _____ OFFICE BALTIMORE, MD REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BALTIMORE*/ WALDORF/ FREDERICK	DETACHED			588	663	779
	SEMI-DETACHED/ROW		409	477	566	729
	WALKUP	333	409	471	560	637
	ELEVATOR-2-4 Sty	344	448	512		
	5 + Sty	381	470	599		
HAGERSTOWN	DETACHED			556	636	747
	SEMI-DETACHED/ROW		393	451	543	699
	WALKUP	320	393	445	537	611
	ELEVATOR-2-4 Sty	331	430	484		
	5 + Sty	366	452	566		
SALISBURY	DETACHED			540	595	698
	SEMI-DETACHED/ROW		377	439	508	653
	WALKUP	291	377	433	502	571
	ELEVATOR-2-4 Sty	301	413	471		
	5 + Sty	333	433	551		
BALTIMORE	MOBILE HOMES			549	577	
HAGERSTOWN	MOBILE HOMES			484	512	
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

*Market areas are not combined. FMRs are identical for these market areas.

AREA. OFFICE PHILADELPHIA, PA. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PHILADELPHIA	DETACHED					
	SEMI-DETACHED/ROW		425	550	624	670
	WALKUP	354	415	519	586	628
	ELEVATOR-2-4 Sty	378	438	550		
	5 + Sty	424	460	560		
ALLENTOWN/* BETHLEHEM	DETACHED					
	SEMI-DETACHED/ROW		410	510	596	658
	WALKUP	350	385	480	560	625
	ELEVATOR-2-4 Sty	413	436	511		
	5 + Sty	424	466	572		
BELLEFONTE/* WELLSBORO	DETACHED					
	SEMI-DETACHED/ROW		415	507	585	640
	WALKUP	330	403	472	558	600
	ELEVATOR-2-4 Sty	360	420	520		
	5 + Sty	400	450	555		
HARRISBURG	DETACHED					
	SEMI-DETACHED/ROW		419	460	586	640
	WALKUP	330	385	445	549	598
	ELEVATOR-2-4 Sty	375	435	480		
	5 + Sty	405	470	520		
LANCASTER*/ YORK*	DETACHED					
	SEMI-DETACHED/ROW		389	478	588	610
	WALKUP	322	376	468	563	587
	ELEVATOR-2-4 Sty	390	451	585		
	5 + Sty	410	471	605		
READING/* POTTSTOWN	DETACHED					
	SEMI-DETACHED/ROW		410	490	589	655
	WALKUP	326	394	471	556	610
	ELEVATOR-2-4 Sty	373	440	510		
	5 + Sty	403	482	565		

*Market areas are not combined. FMRs are identical for these market areas.

AREA. OFFICE PHILADELPHIA, PA REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SCRANTON	DETACHED					
	SEMI-DETACHED/ROW		435	504	573	627
	WALKUP	361	400	480	550	610
	ELEVATOR-2-4 Sty	409	475	535		
	5 + Sty	435	505	570		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA OFFICE PITTSBURGH, PA. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PITTSBURGH	DETACHED		465	517	604	700
	SEMI-DETACHED/ROW		443	492	575	673
	WALKUP	347	414	478	545	638
	ELEVATOR-2-4 Sty	360	426	486		
	5 + Sty	370	441	517		
ALTOONA/ JOHNSTOWN*	DETACHED		438	491	561	650
	SEMI-DETACHED/ROW		421	463	534	625
	WALKUP	302	373	445	512	584
	ELEVATOR-2-4 Sty	344	402	458		
	5 + Sty	353	416	486		
ERIE	DETACHED		450	501	582	693
	SEMI-DETACHED/ROW		429	477	549	654
	WALKUP	307	370	430	495	564
	ELEVATOR-2-4 Sty	362	423	483		
	5 + Sty	372	438	513		
NEW CASTLE/ SHARON*	DETACHED		438	491	561	650
	SEMI-DETACHED/ROW		417	463	529	625
	WALKUP	299	373	441	507	584
	ELEVATOR-2-4 Sty	348	405	463		
	5 + Sty	357	420	492		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

*Market areas are not combined. FMRs are identical for above market areas.

AREA OFFICE RICHMOND, VA REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
RICHMOND	DETACHED			434	503	595
	SEMI-DETACHED/ROW		324	374	436	485
	WALKUP	277	320	369	434	484
	ELEVATOR-2-4 Sty	277	329	428		
	5 + Sty	277	364	451		
NEWPORT NEWS*/ HAMPTON*	DETACHED			417	507	555
	SEMI-DETACHED/ROW		313	354	440	490
	WALKUP	248	278	334	401	448
	ELEVATOR-2-4 Sty	278	290	384		
	5 + Sty	293	343	467		
FREDERICKBURG*/ CHARLOTTEVILLE*	DETACHED			449	519	593
	SEMI-DETACHED/ROW		363	392	508	541
	WALKUP	296	328	377	444	478
	ELEVATOR-2-4 Sty	296	348	451		
	5 + Sty	296	385	472		
ROANOKE/* LYNCHBURG/ DANVILLE*	DETACHED			408	480	540
	SEMI-DETACHED/ROW		317	360	438	473
	WALKUP	247	280	342	404	448
	ELEVATOR-2-4 Sty	251	318	416		
	5 + Sty	266	355	440		
HARRISONBURG*/ WARRENTON* WINCHESTER*	DETACHED			387	433	527
	SEMI-DETACHED/ROW		302	355	403	454
	WALKUP	231	274	347	403	452
	ELEVATOR-2-4 Sty	241	305	396		
	5 + Sty	255	339	415		
CHESAPEAKE/* NORFOLK/ PORTSMOUTH/ SUFFOLK/ VIRGINIA BEACH*	DETACHED			432	511	576
	SEMI-DETACHED/ROW		305	362	443	485
	WALKUP	277	305	357	440	484
	ELEVATOR-2-4 Sty	291	334	487		
	5 + Sty	305	334	519		

*Market areas are not combined. FMRs are identical for these market areas.

AREA OFFICE RICHMOND, VA REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BRISTOL	DETACHED			425	469	510
	SEMI-DETACHED/ROW		288	357	413	443
	WALKUP	246	278	357	413	443
	ELEVATOR-2-4 Sty	258	318	416		
	5 + Sty	266	355	440		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA OFFICE CHARLESTON, WEST VA. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CHARLESTON	DETACHED			441	485	540
	SEMI-DETACHED/ROW		408	420	526	589
	WALKUP	291	357	406	416	469
	ELEVATOR-2-4 Sty	353	408	460		
	5 + Sty	358	414	465		
BECKLEY/ * BLUEFIELD	DETACHED			397	436	487
	SEMI-DETACHED/ROW		294	374	408	460
	WALKUP	257	294	332	370	407
	ELEVATOR-2-4 Sty	312	370	415		
	5 + Sty	317	376	420		
FAIRMONT	DETACHED			411	455	509
	SEMI-DETACHED/ROW		342	387	436	488
	WALKUP	262	321	376	413	463
	ELEVATOR-2-4 Sty	349	383	426		
	5 + Sty	355	388	432		
HUNTINGTON	DETACHED			400	481	523
	SEMI-DETACHED/ROW		320	391	455	501
	WALKUP	206	320	391	434	475
	ELEVATOR-2-4 Sty	312	370	443		
	5 + Sty	317	376	448		
MARTINSBURG	DETACHED			411	455	509
	SEMI-DETACHED/ROW		342	387	436	488
	WALKUP	262	319	374	411	463
	ELEVATOR-2-4 Sty	349	383	426		
	5 + Sty	355	388	432		
PARKERSBURG	DETACHED			354	408	448
	SEMI-DETACHED/ROW		294	333	385	424
	WALKUP	240	323	325	365	403
	ELEVATOR-2-4 Sty	304	365	443		
	5 + Sty	310	370	448		

*Market areas are not combined. FMRs are identical for these market areas.

AREA OFFICE CHARLESTON, WEST VA. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
POINT PLEASANT	DETACHED			353	406	444
	SEMI-DETACHED/ROW		282	332	383	421
	WALKUP	239	273	324	361	400
	ELEVATOR-2-4 Sty	302	361	404		
	5/ + Sty	307	367	410		
WHEELING	DETACHED			411	455	509
	SEMI-DETACHED/ROW		342	387	442	488
	WALKUP	272	321	374	411	447
	ELEVATOR-2-4 Sty	308	368	446		
	5 + Sty	313	374	451		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA OFFICE BIRMINGHAM, ALA. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BIRMINGHAM*/ TUSCALOOSA	DETACHED			559	677	721
	SEMI-DETACHED/ROW		333	383	449	483
	WALKUP	288	322	377	438	477
	ELEVATOR-2-4 Sty	344	383	444		
	5 + Sty	361	394	460		
DOTHAN	DETACHED			493	578	618
	SEMI-DETACHED/ROW		316	372	488	488
	WALKUP	277	311	355	488	488
	ELEVATOR-2-4 Sty	344	383	444		
	5 + Sty	361	394	460		
FLORENCE	DETACHED			547	648	691
	SEMI-DETACHED/ROW		316	377	444	483
	WALKUP	288	316	372	438	477
	ELEVATOR-2-4 Sty	344	383	444		
	5 + Sty	361	394	460		
HUNTSVILLE	DETACHED			560	671	714
	SEMI-DETACHED/ROW		316	377	444	483
	WALKUP	264	311	372	433	477
	ELEVATOR-2-4 Sty	344	383	444		
	5 + Sty	361	394	460		
MOBILE	DETACHED			559	658	701
	SEMI-DETACHED/ROW		311	377	449	483
	WALKUP	261	311	361	438	477
	ELEVATOR-2-4 Sty	344	383	444		
	5 + Sty	361	394	460		
MONTGOMERY	DETACHED			504	582	635
	SEMI-DETACHED/ROW		335	372	438	483
	WALKUP	283	322	372	433	477
	ELEVATOR-2-4 Sty	344	383	444		
	5 + Sty	361	394	460		

*Market areas are not combined. FMRs are identical for these market areas.

AREA, OFFICE JACKSONVILLE, FLA. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
JACKSONVILLE	DETACHED			592	641	695
	SEMI-DETACHED/ROW	341	383	462	544	586
	WALKUP	320	361	435	512	564
	ELEVATOR-2-4 Sty	381	423	512		
	5 + Sty	431	473	568		
COCOA	DETACHED			450	503	564
	SEMI-DETACHED/ROW	333	392	444	496	557
	WALKUP	312	356	430	490	540
	ELEVATOR-2-4 Sty	381	430	513		
	5 + Sty	434	483	567		
FT. LAUDERDALE	DETACHED			601	667	743
	SEMI-DETACHED/ROW	488	535	594	652	721
	WALKUP	402	445	551	598	645
	ELEVATOR-2-4 Sty	482	535	630		
	5 + Sty	563	623	723		
FT. MYERS	DETACHED			543	607	680
	SEMI-DETACHED/ROW	447	495	536	594	662
	WALKUP	390	425	477	535	584
	ELEVATOR-2-4 Sty	479	531	625		
	5 + Sty	559	611	689		
WEST PALM BEACH	DETACHED			591	657	733
	SEMI-DETACHED/ROW	483	530	579	637	696
	WALKUP	398	436	521	575	635
	ELEVATOR-2-4 Sty	483	538	634		
	5 + Sty	569	619	714		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA, OFFICE JACKSONVILLE, FLA. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MIAMI/* KEY WEST	DETACHED			589	650	716
	SEMI-DETACHED/ROW	467	533	587	641	705
	WALKUP	425	468	544	591	655
	ELEVATOR-2-4 Sty	505	560	657		
	5 + Sty	590	645	740		
DAYTONA BEACH* FT. PIERCE	DETACHED			602	657	719
	SEMI-DETACHED/ROW	382	421	466	530	596
	WALKUP	348	392	446	496	550
	ELEVATOR-2-4 Sty	414	463	547		
	5 + Sty	470	519	603		
FT. WALTON BEACH* PANAMA CITY/ PENSACOLA	DETACHED			487	570	610
	SEMI-DETACHED/ROW	354	395	475	554	586
	WALKUP	323	364	444	522	557
	ELEVATOR-2-4 Sty	369	416	499		
	5 + Sty	414	457	544		
SARASOTA	DETACHED			488	546	615
	SEMI-DETACHED/ROW	388	428	481	533	598
	WALKUP	336	378	447	495	544
	ELEVATOR-2-4 Sty	398	452	540		
	5 + Sty	457	511	599		
TAMPA	DETACHED			602	657	719
	SEMI-DETACHED/ROW	341	390	476	529	591
	WALKUP	319	371	437	492	547
	ELEVATOR-2-4 Sty	392	445	536		
	5 + Sty	450	503	594		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

*Market areas are not combined. FMRs are identical for these market areas.

AREA. .OFFICE JACKSONVILLE, FLA. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
GAINESVILLE	DETACHED			488	557	636
	SEMI-DETACHED/ROW	364	413	466	525	582
	WALKUP	357	398	455	514	576
	ELEVATOR-2-4 Sty	406	456	546		
	5 + Sty	448	505	595		
LAKELAND	DETACHED			434	497	557
	SEMI-DETACHED/ROW	322	366	423	480	546
	WALKUP	309	361	420	475	537
	ELEVATOR-2-4 Sty	382	435	526		
	5 + Sty	440	493	584		
ORLANDO	DETACHED			590	640	705
	SEMI-DETACHED/ROW	331	380	466	520	580
	WALKUP	309	360	423	480	540
	ELEVATOR-2-4 Sty	380	435	525		
	5 + Sty	440	490	580		
ST. PETERSBURG	DETACHED			507	680	741
	SEMI-DETACHED/ROW	339	385	462	557	606
	WALKUP	322	361	435	529	585
	ELEVATOR-2-4 Sty	395	442	533		
	5 + Sty	457	504	609		
TALLAHASSEE	DETACHED			468	535	609
	SEMI-DETACHED/ROW	359	428	462	521	583
	WALKUP	315	364	393	474	523
	ELEVATOR-2-4 Sty	377	419	506		
	5 + Sty	416	444	544		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA. .OFFICE ATLANTA, GA. REGION IV-ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ATLANTA	DETACHED			463	551	586
	SEMI-DETACHED/ROW		388	440	530	563
	WALKUP	355	376	429	519	552
	ELEVATOR-2-4 Sty	378	399	452		
	5 + Sty	425	449	521		
ALBANY	DETACHED			430	497	530
	SEMI-DETACHED/ROW		323	399	480	525
	WALKUP	280	311	388	468	513
	ELEVATOR-2-4 Sty	305	336	424		
	5 + Sty	349	383	490		
AUGUSTA	DETACHED			361	423	459
	SEMI-DETACHED/ROW		304	341	406	437
	WALKUP	267	292	329	394	426
	ELEVATOR-2-4 Sty	290	315	352		
	5 + Sty	324	350	403		
BRUNSWICK	DETACHED			392	471	513
	SEMI-DETACHED/ROW		317	373	448	488
	WALKUP	275	306	356	437	477
	ELEVATOR-2-4 Sty	299	330	380		
	5 + Sty	353	389	461		
COLUMBUS	DETACHED			344	405	441
	SEMI-DETACHED/ROW		286	331	392	435
	WALKUP	246	268	318	381	418
	ELEVATOR-2-4 Sty	271	292	343		
	5 + Sty	318	344	412		
MACON	DETACHED			376	406	452
	SEMI-DETACHED/ROW		313	355	387	435
	WALKUP	282	299	343	375	418
	ELEVATOR-2-4 Sty	306	323	367		
	5 + Sty	354	375	439		

AREA, OFFICE ATLANTA, GA. REGION IV ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ROME	DETACHED			363	409	457
	SEMI-DETACHED/ROW		283	339	396	432
	WALKUP	247	272	328	375	421
	ELEVATOR-2-4 Sty	271	296	352		
	5 + Sty	321	351	425		
SAVANNAH	DETACHED			400	498	534
	SEMI-DETACHED/ROW		320	379	474	510
	WALKUP	283	309	363	463	498
	ELEVATOR-2-4 Sty	306	332	386		
	5 + Sty	361	392	468		
VALDOSTA	DETACHED			331	391	433
	SEMI-DETACHED/ROW		261	312	373	424
	WALKUP	229	248	305	362	405
	ELEVATOR-2-4 Sty	252	273	329		
	5 + Sty	299	323	398		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA, OFFICE LOUISVILLE, KY REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ASHLAND	DETACHED			432	491	551
	SEMI-DETACHED/ROW		358	412	467	526
	WALKUP	320	349	400	454	507
	ELEVATOR-2-4 Sty	347	376	427		
	5 + Sty	418	459	540		
BOWLING GREEN	DETACHED			456	513	571
	SEMI-DETACHED/ROW		386	437	490	547
	WALKUP	315	343	401	477	529
	ELEVATOR-2-4 Sty	342	370	428		
	5 + Sty	410	439	536		
CORBIN	DETACHED			480	551	624
	SEMI-DETACHED/ROW		404	455	519	574
	WALKUP	326	354	430	515	567
	ELEVATOR-2-4 Sty	359	381	457		
	5 + Sty	427	466	565		
COVINGTON	DETACHED			434	518	596
	SEMI-DETACHED/ROW		358	412	475	545
	WALKUP	320	349	400	454	507
	ELEVATOR-2-4 Sty	347	376	427		
	5 + Sty	422	464	545		
FRANKFORT	DETACHED			480	551	624
	SEMI-DETACHED/ROW		404	455	519	574
	WALKUP	326	354	430	515	567
	ELEVATOR-2-4 Sty	359	387	457		
	5 + Sty	427	466	565		
HOPKINSVILLE	DETACHED			456	513	571
	SEMI-DETACHED/ROW		387	437	490	547
	WALKUP	315	343	401	477	529
	ELEVATOR-2-4 Sty	342	370	428		
	5 + Sty	401	440	524		

AREA OFFICE LOUISVILLE, KY REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LOUISVILLE	DETACHED			456	516	579
	SEMI-DETACHED/ROW		386	437	490	547
	WALKUP	315	343	401	477	529
	ELEVATOR-2-4 Sty	342	370	428		
	5 + Sty	410	449	536		
LEXINGTON	DETACHED			480	551	624
	SEMI-DETACHED/ROW		404	455	519	574
	WALKUP	326	354	430	515	567
	ELEVATOR-2-4 Sty	359	387	457		
	5 + Sty	427	466	565		
MIDDLESBORO	DETACHED			478	560	636
	SEMI-DETACHED/ROW		373	455	530	600
	WALKUP	323	354	430	515	572
	ELEVATOR-2-4 Sty	356	381	457		
	5 + Sty	410	429	544		
MURRAY	DETACHED			456	514	573
	SEMI-DETACHED/ROW		386	437	491	549
	WALKUP	315	343	401	477	529
	ELEVATOR-2-4 Sty	342	370	428		
	5 + Sty	399	438	521		
NEWPORT	DETACHED			445	523	592
	SEMI-DETACHED/ROW		359	416	478	540
	WALKUP	320	349	400	454	507
	ELEVATOR-2-4 Sty	347	376	427		
	5 + Sty	414	454	535		
OWENSBORO	DETACHED			456	513	571
	SEMI-DETACHED/ROW		386	437	490	547
	WALKUP	315	343	401	477	529
	ELEVATOR-2-4 Sty	342	360	428		
	5 + Sty	410	439	536		

AREA OFFICE LOUISVILLE, KY REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PADUCAH	DETACHED			456	514	573
	SEMI-DETACHED/ROW		386	437	491	549
	WALKUP	315	343	401	477	529
	ELEVATOR-2-4 Sty	342	370	428		
	5 + Sty	399	438	521		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA, OFFICE JACKSON, MISSISSIPPI REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
JACKSON	DETACHED			444	515	580
	SEMI-DETACHED/ROW	337	378	439	508	571
	WALKUP	316	361	428	493	543
	ELEVATOR-2-4 Sty	445	498	599		
	5 + Sty	458	513	617		
CORINTH	DETACHED			340	429	496
	SEMI-DETACHED/ROW	238	278	330	415	480
	WALKUP	226	269	325	409	463
	ELEVATOR-2-4 Sty	354	407	495		
	5 + Sty	366	421	514		
GREENVILLE	DETACHED			413	435	499
	SEMI-DETACHED/ROW	326	336	407	427	490
	WALKUP	305	319	396	412	462
	ELEVATOR-2-4 Sty	431	455	566		
	5 + Sty	444	470	584		
GREENWOOD	DETACHED			406	425	485
	SEMI-DETACHED/ROW	309	347	394	412	485
	WALKUP	293	338	391	405	457
	ELEVATOR-2-4 Sty	417	468	555		
	5 + Sty	430	483	573		
GULFPORT	DETACHED			385	452	516
	SEMI-DETACHED/ROW	318	339	381	445	473
	WALKUP	295	320	363	423	473
	ELEVATOR-2-4 Sty	428	464	543		
	5 + Sty	440	478	561		
HATTIESBURG	DETACHED			389	459	524
	SEMI-DETACHED/ROW	305	328	383	452	515
	WALKUP	284	310	372	437	487
	ELEVATOR-2-4 Sty	413	447	543		
	5 + Sty	426	462	562		

AREA, OFFICE JACKSON, MISSISSIPPI REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SOUTHAVEN	DETACHED			404	468	533
	SEMI-DETACHED/ROW	274	355	398	462	524
	WALKUP	264	350	400	462	516
	ELEVATOR-2-4 Sty	379	475	555		
	5 + Sty	395	489	573		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA. OFFICE GREENSBORO, N.C. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
GREENSBORO	DETACHED			421	493	556
	SEMI-DETACHED/ROW		319	381	445	508
	WALKUP	298	319	381	445	508
	ELEVATOR-2-4 Sty	325	346	408		
	5 + Sty	414	444	538		
ASHEVILLE	DETACHED			377	476	549
	SEMI-DETACHED/ROW		304	350	441	503
	WALKUP	260	304	350	441	503
	ELEVATOR-2-4 Sty	289	333	379		
	5 + Sty	377	423	500		
CHARLOTTE	DETACHED			430	497	557
	SEMI-DETACHED/ROW		337	400	461	534
	WALKUP	312	337	400	461	534
	ELEVATOR-2-4 Sty	341	364	427		
	5 + Sty	416	445	534		
DURHAM	DETACHED			422	537	603
	SEMI-DETACHED/ROW		317	391	499	559
	WALKUP	298	317	391	499	559
	ELEVATOR-2-4 Sty	325	344	418		
	5 + Sty	413	449	545		
FAYETTEVILLE	DETACHED			364	426	488
	SEMI-DETACHED/ROW		288	339	394	453
	WALKUP	252	288	339	394	453
	ELEVATOR-2-4 Sty	277	315	366		
	5 + Sty	347	390	462		
GREENVILLE	DETACHED			391	435	504
	SEMI-DETACHED/ROW		295	356	399	460
	WALKUP	257	295	356	399	460
	ELEVATOR-2-4 Sty	283	322	383		
	5 + Sty	355	412	493		

AREA. OFFICE GREENSBORO, N.C. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
RALEIGH	DETACHED			480	546	613
	SEMI-DETACHED/ROW		380	445	505	565
	WALKUP	332	380	445	505	565
	ELEVATOR-2-4 Sty	359	407	472		
	5 + Sty	450	505	602		
WILMINGTON	DETACHED			381	445	506
	SEMI-DETACHED/ROW		298	359	407	466
	WALKUP	257	298	359	407	466
	ELEVATOR-2-4 Sty	282	315	386		
	5 + Sty	369	410	492		
WINSTON-SALEM	DETACHED			390	473	543
	SEMI-DETACHED/ROW		310	359	445	501
	WALKUP	267	310	359	441	498
	ELEVATOR-2-4 Sty	292	335	386		
	5 + Sty	396	423	507		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA. OFFICE COLUMBIA, S.C. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
COLUMBIA/* ANDERSON GREENVILLE SPARTANBURG	DETACHED	390	430	470	555	610
	SEMI-DETACHED/ROW	375	415	455	540	590
	WALKUP	355	395	435	520	570
	ELEVATOR-2-4 Sty	380	435	510		
	5 + Sty	400	455	530		
AIKEN*/FLORENCE GREENWOOD, NORTH AUGUSTA ORANGEBURG ROCK HILL	DETACHED	380	415	455	550	600
	SEMI-DETACHED/ROW	365	400	440	535	585
	WALKUP	345	380	430	515	565
	ELEVATOR-2-4 Sty	370	420	505		
	5 + Sty	390	440	525		
BEAUFORT*/ CHARLESTON MYRTLE BEACH	DETACHED	400	430	495	565	615
	SEMI-DETACHED/ROW	385	415	480	550	600
	WALKUP	365	405	460	530	580
	ELEVATOR-2-4 Sty	390	445	535		
	5 + Sty	410	465	555		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

*Market areas are not combined. FHRs are identical for these market areas.

AREA OFFICE NASHVILLE, TENN. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NASHVILLE	DETACHED			400	465	500
	SEMI-DETACHED/ROW		340	385	455	490
	WALKUP	290	330	380	450	485
	ELEVATOR-2-4 Sty	295	345	385		
	5 + Sty	300	355	400		
CLARKSVILLE	DETACHED			366	430	465
	SEMI-DETACHED/ROW		300	350	420	455
	WALKUP	255	290	345	415	450
	ELEVATOR-2-4 Sty	260	305	350		
	5 + Sty	265	315	365		
COLUMBIA	DETACHED			366	419	458
	SEMI-DETACHED/ROW		270	320	412	440
	WALKUP	225	265	310	400	435
	ELEVATOR-2-4 Sty	230	280	317		
	5 + Sty	240	300	345		
JACKSON	DETACHED			343	400	471
	SEMI-DETACHED/ROW		274	322	371	431
	WALKUP	226	260	313	362	412
	ELEVATOR-2-4 Sty	276	328	416		
	5 + Sty	309	364	453		
MEMPHIS	DETACHED			360	411	480
	SEMI-DETACHED/ROW		321	360	404	438
	WALKUP	232	260	303	363	392
	ELEVATOR-2-4 Sty	289	338	409		
	5 + Sty	321	375	454		
UNION CITY	DETACHED			343	400	471
	SEMI-DETACHED/ROW		274	322	371	431
	WALKUP	226	260	313	362	412
	ELEVATOR-2-4 Sty	276	328	416		
	5 + Sty	309	364	453		

AREA OFFICE KNOXVILLE, TENNESSEE REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CHATTANOOGA	DETACHED			425	485	510
	SEMI-DETACHED/ROW		385	420	480	505
	WALKUP	355	375	405	465	490
	ELEVATOR-2-4 Sty	380	400	445		
	5 + Sty	405	425	465		
KNOXVILLE/* OAK RIDGE	DETACHED			400	490	520
	SEMI-DETACHED/ROW		340	395	480	510
	WALKUP	310	325	380	460	485
	ELEVATOR-2-4 Sty	330	350	405		
	5 + Sty	355	375	430		
JOHNSON CITY/* KINGSPORT	DETACHED			395	465	480
	SEMI-DETACHED/ROW		315	385	460	475
	WALKUP	285	300	375	450	460
	ELEVATOR-2-4 Sty	310	325	400		
	5 + Sty	330	350	425		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

*Market areas are not combined. FMRs are identical in above market areas.

AREA OFFICE CHICAGO, ILLINOIS REGION V - CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CHICAGO	DETACHED			740	799	864
	SEMI-DETACHED/ROW		575	644	700	783
	WALKUP	370	434	511	610	645
	ELEVATOR-2-4 Sty	402	463	546	650	686
	5 + Sty	438	534	642	695	735
BELLEVILLE	DETACHED			539	610	679
	SEMI-DETACHED/ROW		423	475	535	618
	WALKUP	339	375	433	488	540
	ELEVATOR-2-4 Sty	346	398	462		
	5 + Sty	397	436	505		
E. ST. LOUIS	DETACHED			466	536	603
	SEMI-DETACHED/ROW		374	443	498	568
	WALKUP	292	337	404	455	505
	ELEVATOR-2-4 Sty	310	360	433		
	5 + Sty	375	424	514		
MOLINE	DETACHED			572	681	753
	SEMI-DETACHED/ROW		464	524	621	688
	WALKUP	374	416	474	567	595
	ELEVATOR-2-4 Sty	393	439	503		
	5 + Sty	418	455	545		
SPRINGFIELD	DETACHED			589	659	729
	SEMI-DETACHED/ROW		431	490	547	619
	WALKUP	330	377	437	494	547
	ELEVATOR-2-4 Sty	348	401	466		
	5 + Sty	389	437	511		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA OFFICE INDIANAPOLIS, INDIANA REGION V - CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BLOOMINGTON	DETACHED			482	530	588
	SEMI-DETACHED/ROW		331	398	447	505
	WALKUP	276	315	376	422	468
	ELEVATOR-2-4 Sty	332	340	404		
	5 + Sty	396	444	541		
INDIANAPOLIS	DETACHED			492	583	641
	SEMI-DETACHED/ROW		349	422	487	542
	WALKUP	293	332	391	460	500
	ELEVATOR-2-4 Sty	350	359	449		
	5 + Sty	414	463	555		
EVANSVILLE	DETACHED			478	527	586
	SEMI-DETACHED/ROW		354	420	470	535
	WALKUP	287	325	386	432	476
	ELEVATOR-2-4 Sty	347	355	417		
	5 + Sty	395	444	537		
FORT WAYNE	DETACHED			493	541	601
	SEMI-DETACHED/ROW		344	405	452	506
	WALKUP	302	327	387	427	471
	ELEVATOR-2-4 Sty	344	352	412		
	5 + Sty	410	455	548		
GARY	DETACHED			504	552	608
	SEMI-DETACHED/ROW		382	451	508	577
	WALKUP	320	364	427	481	513
	ELEVATOR-2-4 Sty	381	389	452		
	5 + Sty	406	455	542		
HAMMOND	DETACHED			504	562	610
	SEMI-DETACHED/ROW		385	454	510	580
	WALKUP	321	364	427	476	528
	ELEVATOR-2-4 Sty	379	389	452		
	5 + Sty	435	482	577		

AREA OFFICE INDIANAPOLIS, INDIANA REGION V - CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LAFAYETTE	DETACHED			507	556	615
	SEMI-DETACHED/ROW		344	413	464	522
	WALKUP	288	327	391	436	480
	ELEVATOR-2-4 Sty	344	352	416		
	5 + Sty	419	461	558		
SOUTH BEND	DETACHED			531	582	645
	SEMI-DETACHED/ROW		376	457	511	576
	WALKUP	307	342	417	457	500
	ELEVATOR-2-4 Sty	347	370	462		
	5 + Sty	412	473	582		
TERRE HAUTE	DETACHED			491	544	606
	SEMI-DETACHED/ROW		343	413	464	522
	WALKUP	284	326	384	432	483
	ELEVATOR-2-4 Sty	347	365	410		
	5 + Sty	400	453	541		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA, OFFICE DETROIT, MICHIGAN REGION V- CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
DETROIT-ANN ARBOR-YPSILANTI*	DETACHED			567	624	673
	SEMI-DETACHED/ROW		475	514	568	617
	WALKUP	348	399	458	510	570
	ELEVATOR-2-4 Sty	366	437	487		
	5 + Sty	413	468	554		
BAY CITY/ FLINT/ SAGINAW*	DETACHED			528	580	627
	SEMI-DETACHED/ROW		439	449	531	570
	WALKUP	313	371	432	487	545
	ELEVATOR-2-4 Sty	348	415	463		
	5 + Sty	392	445	526		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

*Market areas are not combined. FMRs are identical for these market areas.

AREA, OFFICE GRAND RAPIDS, MICHIGAN REGION V- CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
KALAMAZOO/* BATTLE CREEK	DETACHED			497	584	615
	SEMI-DETACHED/ROW		393	456	543	582
	WALKUP	284	339	420	481	500
	ELEVATOR-2-4 Sty	320	379	440		
	5 + Sty	358	414	463		
BENTON HARBOR	DETACHED			509	597	629
	SEMI-DETACHED/ROW		393	463	552	591
	WALKUP	288	330	418	479	500
	ELEVATOR-2-4 Sty	320	379	438		
	5 + Sty	365	421	472		
GRAND RAPIDS	DETACHED			491	575	606
	SEMI-DETACHED/ROW		383	450	542	575
	WALKUP	291	330	400	459	493
	ELEVATOR-2-4 Sty	314	371	420		
	5 + Sty	348	405	450		
JACKSON	DETACHED			512	607	641
	SEMI-DETACHED/ROW		401	472	563	605
	WALKUP	290	348	436	499	518
	ELEVATOR-2-4 Sty	328	382	456		
	5 + Sty	371	427	479		
LANSING	DETACHED			494	586	621
	SEMI-DETACHED/ROW		401	456	539	578
	WALKUP	309	358	438	508	538
	ELEVATOR-2-4 Sty	328	382	448		
	5 + Sty	355	422	459		
MARQUETTE	DETACHED			553	653	682
	SEMI-DETACHED/ROW		425	505	600	641
	WALKUP	286	339	415	487	519
	ELEVATOR-2-4 Sty	341	404	482		
	5 + Sty	405	467	522		

* Market areas are not combined. FMRs are identical for these market areas.

AREA, OFFICE GRAND RAPIDS, MICHIGAN REGION V- CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MUSKEGON	DETACHED			498	584	615
	SEMI-DETACHED/ROW		393	453	539	578
	WALKUP	287	345	418	500	508
	ELEVATOR-2-4 Sty	320	379	438		
	5 + Sty	355	414	459		
MT. PLEASANT*	DETACHED			530	621	654
	SEMI-DETACHED/ROW		404	483	574	615
	WALKUP	305	367	442	529	538
	ELEVATOR-2-4 Sty	325	387	462		
	5 + Sty	384	442	496		
TRAVERSE CITY	DETACHED			539	634	667
	SEMI-DETACHED/ROW		412	492	586	627
	WALKUP	309	372	449	530	548
	ELEVATOR-2-4 Sty	336	397	469		
	5 + Sty	392	453	508		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

* Newly established Market Area.

AREA, OFFICE MINNEAPOLIS, MINN. REGION V - CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MINNEAPOLIS ST. PAUL	DETACHED			584	655	683
	SEMI-DETACHED/ROW		417	484	534	596
	WALKUP	284	330	388	496	514
	ELEVATOR-2-4 Sty	319	373	470	520	
	5 + Sty	361	458	557		
DULUTH	DETACHED			534	641	680
	SEMI-DETACHED/ROW		438	517	588	661
	WALKUP	317	355	450	520	548
	ELEVATOR-2-4 Sty	347	385	484		
	5 + Sty	364	419	529		
MANKATO	DETACHED			522	590	617
	SEMI-DETACHED/ROW		392	457	505	565
	WALKUP	279	311	389	446	472
	ELEVATOR-2-4 Sty	318	363	467		
	5 + Sty	361	447	549		
ROCHESTER	DETACHED			537	606	636
	SEMI-DETACHED/ROW		403	470	520	580
	WALKUP	285	318	391	450	477
	ELEVATOR-2-4 Sty	320	371	452		
	5 + Sty	363	458	534		
ST. CLOUD	DETACHED			513	574	603
	SEMI-DETACHED/ROW		393	457	505	565
	WALKUP	267	299	366	446	469
	ELEVATOR-2-4 Sty	312	362	465		
	5 + Sty	354	445	546		
WORTHINGTON	DETACHED			490	555	582
	SEMI-DETACHED/ROW		381	438	486	546
	WALKUP	261	282	345	430	453
	ELEVATOR-2-4 Sty	319	358	445		
	5 + Sty	362	441	564		

AREA. OFFICE COLUMBUS, OHIO REGION V - CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
COLUMBUS	DETACHED			580	654	682
	SEMI-DETACHED/ROW		348	417	489	524
	WALKUP	302	348	388	455	494
	ELEVATOR-2-4 Sty	349	389	460		
	5 + Sty	430	493	589		
CINCINNATI	DETACHED			636	700	728
	SEMI-DETACHED/ROW		415	497	565	603
	WALKUP	330	376	438	519	547
	ELEVATOR-2-4 Sty	379	420	493		
	5 + Sty	472	537	660		
DAYTON	DETACHED			623	686	714
	SEMI-DETACHED/ROW		383	465	526	564
	WALKUP	336	382	445	466	504
	ELEVATOR-2-4 Sty	395	426	500		
	5 + Sty	478	538	662		
TROY ATHENS LIMA MARIETTA NEWARK SPRINGFIELD ZANESVILLE	DETACHED			564	627	650
	SEMI-DETACHED/ROW		355	425	486	521
	WALKUP	309	355	403	485	514
	ELEVATOR-2-4 Sty	346	396	457		
	5 + Sty	437	500	604		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA. OFFICE CLEVELAND, OHIO REGION V - CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CLEVELAND	DETACHED			638	691	745
	SEMI-DETACHED/ROW		447	485	548	589
	WALKUP	368	397	425	494	535
	ELEVATOR-2-4 Sty	383	418	525	598	645
	5 + Sty	404	440	552		
AKRON	DETACHED			624	683	731
	SEMI-DETACHED/ROW		435	482	551	580
	WALKUP	344	371	421	494	532
	ELEVATOR-2-4 Sty	364	396	520		
	5 + Sty	385	418	547		
FINDLAY	DETACHED			578	620	665
	SEMI-DETACHED/ROW		421	467	528	559
	WALKUP	339	363	411	478	511
	ELEVATOR-2-4 Sty	354	382	510		
	5 + Sty	373	402	534		
LORAIN	DETACHED			598	653	699
	SEMI-DETACHED/ROW		424	467	530	562
	WALKUP	337	363	408	477	513
	ELEVATOR-2-4 Sty	353	381	505		
	5 + Sty	372	402	530		
MANSFIELD	DETACHED			562	617	657
	SEMI-DETACHED/ROW		370	451	514	545
	WALKUP	287	317	395	464	499
	ELEVATOR-2-4 Sty	297	325	488		
	5 + Sty	316	346	513		
TOLEDO	DETACHED			612	670	714
	SEMI-DETACHED/ROW		437	480	547	581
	WALKUP	349	375	420	493	530
	ELEVATOR-2-4 Sty	363	394	518		
	5 + Sty	384	416	545		

AREA, OFFICE CLEVELAND, OHIO REGION V - CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
YOUNGSTOWN	DETACHED			559	616	658
	SEMI-DETACHED/ROW		409	437	502	534
	WALKUP	324	350	380	451	487
	ELEVATOR-2-4 Sty	337	367	468		
	5 + Sty	357	388	494		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA, OFFICE MILWAUKEE, WISC. REGION V - CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MILWAUKEE	DETACHED			617	694	742
	SEMI-DETACHED/ROW		462	536	639	678
	WALKUP	337	383	465	564	595
	ELEVATOR-2-4 Sty	354	400	482	581	
	5 + Sty	461	518	631		
EAU CLAIRE	DETACHED			482	607	644
	SEMI-DETACHED/ROW		398	455	552	583
	WALKUP	303	344	401	492	
	ELEVATOR-2-4 Sty	320	361	418	509	
	5 + Sty	411	461	548		
GREEN BAY	DETACHED			488	588	628
	SEMI-DETACHED/ROW		364	436	532	572
	WALKUP	278	316	388	478	
	ELEVATOR-2-4 Sty	295	333	405	495	
	5 + Sty	391	425	538		
MADISON	DETACHED			596	674	715
	SEMI-DETACHED/ROW		431	510	614	656
	WALKUP	327	372	452	550	
	ELEVATOR-2-4 Sty	344	389	469	567	
	5 + Sty	438	494	604		
REEDSVILLE	DETACHED			555	630	670
	SEMI-DETACHED/ROW		406	473	566	605
	WALKUP	314	357	424	520	
	ELEVATOR-2-4 Sty	331	374	441	537	
	5 + Sty	425	480	575		
SUPERIOR	DETACHED			573	643	685
	SEMI-DETACHED/ROW		413	481	588	630
	WALKUP	313	360	428	530	
	ELEVATOR-2-4 Sty	330	377	445	547	
	5 + Sty	433	492	592		

AREA, OFFICE MILWAUKEE, WIS. REGION V - CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WAUSAU	DETACHED			520	593	625
	SEMI-DETACHED/ROW		383	444	534	574
	WALKUP	293	335	396	487	
	ELEVATOR-2-4 Sty	310	352	413	504	
	5 + Sty	406	454	544		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA, OFFICE LITTLE ROCK, ARK REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LITTLE ROCK	DETACHED			403	479	576
	SEMI-DETACHED/ROW	242	294	361	431	518
	WALKUP	242	289	349	426	481
	ELEVATOR-2-4 Sty	286	341	412		
	5 + Sty	367	416	480		
FAYETTEVILLE	DETACHED			399	473	572
	SEMI-DETACHED/ROW	242	294	360	430	517
	WALKUP	231	290	350	422	482
	ELEVATOR-2-4 Sty	273	342	413		
	5 + Sty	364	413	472		
FORT SMITH	DETACHED			368	456	549
	SEMI-DETACHED/ROW	231	280	348	412	496
	WALKUP	208	270	326	406	446
	ELEVATOR-2-4 Sty	245	318	384		
	5 + Sty	370	423	484		
JONESBORO	DETACHED			366	433	522
	SEMI-DETACHED/ROW	231	279	349	411	495
	WALKUP	227	279	335	399	458
	ELEVATOR-2-4 Sty	268	332	395		
	5 + Sty	359	408	468		
TEXARKANA	DETACHED			390	464	558
	SEMI-DETACHED/ROW	239	292	359	426	514
	WALKUP	222	277	343	416	471
	ELEVATOR-2-4 Sty	262	327	405		
	5 + Sty	363	414	472		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA, OFFICE NEW ORLEANS, LA. REGION VI-DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEW ORLEANS	DETACHED			497	589	714
	SEMI-DETACHED/ROW		357	429	524	628
	WALKUP	268	334	404	497	576
	ELEVATOR-2-4 Sty	279	350	432		
	5 + Sty	392	519	568		
BATON ROUGE	DETACHED			465	583	654
	SEMI-DETACHED/ROW		374	455	571	636
	WALKUP	279	331	404	511	569
	ELEVATOR-2-4 Sty	295	351	439		
	5 + Sty	459	532	677		
LAFAYETTE	DETACHED			459	598	673
	SEMI-DETACHED/ROW		358	449	587	648
	WALKUP	260	335	423	556	603
	ELEVATOR-2-4 Sty	276	351	439		
	5 + Sty	419	485	619		
LAKE CHARLES	DETACHED			522	617	710
	SEMI-DETACHED/ROW		410	514	605	670
	WALKUP	334	377	475	570	661
	ELEVATOR-2-4 Sty	350	393	491		
	5 + Sty	456	504	634		
HOUMA	DETACHED			459	551	656
	SEMI-DETACHED/ROW		362	450	540	601
	WALKUP	295	338	422	507	570
	ELEVATOR-2-4 Sty	311	354	438		
	5 + Sty	418	466	588		
SHREVEPORT	DETACHED			402	479	556
	SEMI-DETACHED/ROW		299	383	469	532
	WALKUP	233	273	357	438	482
	ELEVATOR-2-4 Sty	304	328	373		
	5 + Sty	353	401	515		

AREA, OFFICE NEW ORLEANS, LA. REGION VI DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ALEXANDRIA	DETACHED			360	426	487
	SEMI-DETACHED/ROW		285	354	417	472
	WALKUP	231	270	342	402	445
	ELEVATOR-2-4 Sty	282	308	358		
	5 + Sty	347	394	493		
MONROE	DETACHED			367	464	528
	SEMI-DETACHED/ROW		284	343	458	513
	WALKUP	234	273	337	449	493
	ELEVATOR-2-4 Sty	300	327	353		
	5 + Sty	352	398	494		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA. OFFICE DALLAS, TEXAS REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ALBUQUERQUE/* DULCE, N.M.	DETACHED			439	571	627
	SEMI-DETACHED/ROW		303	383	451	526
	WALKUP	239	284	362	420	488
	ELEVATOR-2-4 Sty	250	313	393		
	5 + Sty	350	420	558		
ALAMOGORDO, N.M.	DETACHED			408	530	584
	SEMI-DETACHED/ROW		281	355	419	488
	WALKUP	221	264	337	389	453
	ELEVATOR-2-4 Sty	231	290	365		
	5 + Sty	325	389	518		
ARTESIA/ * CARLSBAD, N.M.	DETACHED			374	485	533
	SEMI-DETACHED/ROW		288	327	384	449
	WALKUP	210	255	308	356	415
	ELEVATOR-2-4 Sty	228	266	335		
	5 + Sty	298	356	474		
CLOVIS, N.M.	DETACHED			349	453	498
	SEMI-DETACHED/ROW		278	316	371	442
	WALKUP	207	251	288	339	388
	ELEVATOR-2-4 Sty	224	260	327		
	5 + Sty	278	334	444		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

*Market areas are not combined. FMRs are identical for these market areas.

AREA. OFFICE DALLAS, TEXAS REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
FARMINGTON, N.M.	DETACHED			472	614	674
	SEMI-DETACHED/ROW		326	411	485	566
	WALKUP	256	306	390	451	525
	ELEVATOR-2-4 Sty	268	337	423		
	5 + Sty	376	451	600		
FT. SUMNER, N.M.	DETACHED			349	453	498
	SEMI-DETACHED/ROW		299	334	399	473
	WALKUP	218	272	316	334	430
	ELEVATOR-2-4 Sty	242	279	352		
	5 + Sty	278	334	444		
HOBBS, N.M.	DETACHED			448	582	639
	SEMI-DETACHED/ROW		308	390	460	536
	WALKUP	243	290	370	427	498
	ELEVATOR-2-4 Sty	254	318	401		
	5 + Sty	356	427	569		
* JEMEZ/ ISLETA, N.M.	DETACHED			439	571	627
	SEMI-DETACHED/ROW		303	383	451	526
	WALKUP	239	284	362	420	488
	ELEVATOR-2-4 Sty	250	313	393		
	5 + Sty	350	420	558		
GALLUP	DETACHED			439	571	627
	SEMI-DETACHED/ROW		308	383	451	526
	WALKUP	239	284	362	420	488
	ELEVATOR-2-4 Sty	250	313	393		
	5 + Sty	350	420	558		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

*Market areas are not combined. FMRs are identical for these market areas.

AREA. OFFICE DALLAS, TEXAS REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LAGUNA. N.M.	DETACHED			439	571	627
	SEMI-DETACHED/ROW		308	383	451	526
	WALKUP	239	284	362	420	488
	ELEVATOR-2-4 Sty	250	313	393		
	5 + Sty	350	420	558		
LAS CRUCES, N.M.	DETACHED			408	530	584
	SEMI-DETACHED/ROW		281	355	419	488
	WALKUP	221	264	337	389	453
	ELEVATOR-2-4 Sty	231	290	365		
	5 + Sty	325	389	518		
LAS VEGAS/ * LOS ALAMOS/ POJOAQUE RATON/ PENASCO, N.M.	DETACHED			433	562	617
	SEMI-DETACHED/ROW		299	376	444	518
	WALKUP	234	280	358	413	481
	ELEVATOR-2-4 Sty	245	307	387		
	5 + Sty	344	413	549		
MESCALERO, N.M.	DETACHED			408	530	584
	SEMI-DETACHED/ROW		299	355	419	488
	WALKUP	221	272	337	389	453
	ELEVATOR-2-4 Sty	242	290	365		
	5 + Sty	325	389	518		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

*Market areas are not combined. FMRs are identical for these market areas.

AREA. OFFICE DALLAS, TEXAS REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
RUIDOSO/ * SILVER CITY, N.M.	DETACHED			408	530	584
	SEMI-DETACHED/ROW		299	355	419	488
	WALKUP	221	272	337	389	453
	ELEVATOR-2-4 Sty	242	290	365		
	5 + Sty	325	389	518		
SANTA FE/ * TAOS, N.M.	DETACHED			433	562	617
	SEMI-DETACHED/ROW		299	376	444	518
	WALKUP	234	280	358	413	481
	ELEVATOR-2-4 Sty	245	307	387		
	5 + Sty	344	413	549		
TIERRA AMARILLA/* SOCORRO, N.M	DETACHED			439	571	627
	SEMI-DETACHED/ROW		303	383	451	526
	WALKUP	239	284	362	420	488
	ELEVATOR-2-4 Sty	250	313	393		
	5 + Sty	350	420	558		
TRUTH OR CONSEQUENCES	DETACHED			408	530	584
	SEMI-DETACHED/ROW		281	355	419	488
	WALKUP	221	264	337	389	453
	ELEVATOR-2-4 Sty	231	290	365		
	5 + Sty	325	389	518		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

*Market areas are not combined. FMRs are identical for these market areas.

AREA OFFICE OKLAHOMA CITY, OKLA. REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
OKLAHOMA CITY	DETACHED			405	494	552
	SEMI-DETACHED/ROW		332	393	482	541
	WALKUP	263	284	339	424	469
	ELEVATOR-2-4 Sty	273	303	359		
	5 + Sty	279	328	388		
ADA	DETACHED			428	505	551
	SEMI-DETACHED/ROW		327	417	493	539
	WALKUP	257	280	361	434	466
	ELEVATOR-2-4 Sty	286	314	384		
	5 + Sty	297	327	422		
ARDMORE	DETACHED			426	502	548
	SEMI-DETACHED/ROW		322	414	490	536
	WALKUP	249	275	361	434	466
	ELEVATOR-2-4 Sty	272	298	381		
	5 + Sty	297	327	422		
BARTLESVILLE	DETACHED			378	443	492
	SEMI-DETACHED/ROW		302	366	431	480
	WALKUP	249	272	316	379	413
	ELEVATOR-2-4 Sty	258	278	324		
	5 + Sty	265	292	366		
ENID	DETACHED			450	495	551
	SEMI-DETACHED/ROW		355	437	483	539
	WALKUP	224	301	377	416	451
	ELEVATOR-2-4 Sty	251	329	416		
	5 + Sty	272	353	438		
GUYMON	DETACHED			391	466	523
	SEMI-DETACHED/ROW		309	379	453	509
	WALKUP	233	259	322	388	428
	ELEVATOR-2-4 Sty	243	273	356		
	5 + Sty	281	311	383		

AREA OFFICE OKLAHOMA CITY, OKLA. REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LAWTON	DETACHED			468	492	563
	SEMI-DETACHED/ROW		379	457	481	552
	WALKUP	295	331	404	418	473
	ELEVATOR-2-4 Sty	324	364	443		
	5 + Sty	343	383	465		
MCALESTER	DETACHED			375	435	479
	SEMI-DETACHED/ROW		274	363	423	467
	WALKUP	193	218	303	363	390
	ELEVATOR-2-4 Sty	203	232	318		
	5 + Sty	241	270	359		
MUSKOGEE	DETACHED			341	394	445
	SEMI-DETACHED/ROW		303	329	382	433
	WALKUP	222	247	274	340	367
	ELEVATOR-2-4 Sty	232	261	285		
	5 + Sty	270	299	325		
SHAWNEE	DETACHED			376	413	455
	SEMI-DETACHED/ROW		306	365	401	441
	WALKUP	230	256	309	337	368
	ELEVATOR-2-4 Sty	240	270	342		
	5 + Sty	278	308	370		
STILLWATER	DETACHED			388	447	503
	SEMI-DETACHED/ROW		321	377	436	487
	WALKUP	229	273	321	373	412
	ELEVATOR-2-4 Sty	250	287	352		
	5 + Sty	277	325	382		
TULSA	DETACHED			434	495	561
	SEMI-DETACHED/ROW		340	422	483	549
	WALKUP	265	308	368	426	476
	ELEVATOR-2-4 Sty	272	322	388		
	5 + Sty	283	366	487		

AREA OFFICE OKLAHOMA CITY, OKLA. REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WOODWARD	DETACHED			416	500	544
	SEMI-DETACHED/ROW		323	405	481	533
	WALKUP	250	275	349	416	452
	ELEVATOR-2-4 Sty	261	289	384		
	5 + Sty	298	327	410		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA OFFICE DALLAS, TEXAS REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
DALLAS	DETACHED			514	668	733
	SEMI-DETACHED/ROW		355	448	528	616
	WALKUP	280	333	425	491	572
	ELEVATOR-2-4 Sty	292	366	461		
	5 + Sty	409	491	653		
SHERMAN	DETACHED			460	598	656
	SEMI-DETACHED/ROW		318	401	473	551
	WALKUP	240	298	378	439	512
	ELEVATOR-2-4 Sty	261	328	414		
	5 + Sty	366	439	584		
TYLER/MARSHALL*	DETACHED			465	604	662
	SEMI-DETACHED/ROW		321	405	478	557
	WALKUP	243	301	382	443	517
	ELEVATOR-2-4 Sty	264	331	418		
	5 + Sty	369	443	590		
WACO	DETACHED			465	604	662
	SEMI-DETACHED/ROW		321	405	478	557
	WALKUP	243	301	378	443	517
	ELEVATOR-2-4 Sty	264	331	418		
	5 + Sty	369	443	590		
FORT WORTH	DETACHED			494	642	705
	SEMI-DETACHED/ROW		341	430	508	592
	WALKUP	269	320	409	472	550
	ELEVATOR-2-4 Sty	280	352	443		
	5 + Sty	393	472	627		
ABILENE	DETACHED			462	600	659
	SEMI-DETACHED/ROW		319	402	475	553
	WALKUP	251	299	385	441	514
	ELEVATOR-2-4 Sty	262	329	414		
	5 + Sty	367	441	583		

*Market areas are not combined. FMRS are identi cal for these market areas.

AREA. OFFICE DALLAS, TEXAS REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SAN ANGELO/ WICHITA FALLS*	DETACHED			454	591	649
	SEMI-DETACHED/ROW		314	396	467	545
	WALKUP	247	294	376	434	506
	ELEVATOR-2-4 Sty	258	324	408		
	5 + Sty	362	434	577		
AMARILLO	DETACHED			465	604	662
	SEMI-DETACHED/ROW		321	405	477	557
	WALKUP	253	301	359	444	517
	ELEVATOR-2-4 Sty	277	331	417		
	5 + Sty	369	444	590		
EL PASO	DETACHED			443	576	632
	SEMI-DETACHED/ROW		306	387	455	531
	WALKUP	241	287	359	423	493
	ELEVATOR-2-4 Sty	277	315	397		
	5 + Sty	352	423	563		
LUBBOCK	DETACHED			477	620	680
	SEMI-DETACHED/ROW		329	415	490	571
	WALKUP	259	309	369	456	531
	ELEVATOR-2-4 Sty	277	339	428		
	5 + Sty	380	456	606		
MIDLAND/ ODESSA*	DETACHED			494	642	705
	SEMI-DETACHED/ROW		342	431	508	593
	WALKUP	270	317	390	472	550
	ELEVATOR-2-4 Sty	306	352	443		
	5 + Sty	393	472	628		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

*Market areas are not combined. FMRs are identical for these market areas.

AREA. OFFICE DALLAS, TEXAS REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HOUSTON	DETACHED			540	667	772
	SEMI-DETACHED/ROW	315	364	474	594	677
	WALKUP	292	349	441	544	603
	ELEVATOR-2-4 Sty	351	503	529		
	5 + Sty	444	518	600		
BEAUMONT	DETACHED			491	606	731
	SEMI-DETACHED/ROW	327	349	413	518	688
	WALKUP	279	322	396	490	596
	ELEVATOR-2-4 Sty	374	386	475		
	5 + Sty	440	467	567		
BRYAN	DETACHED			641	747	850
	SEMI-DETACHED/ROW	373	430	553	642	792
	WALKUP	275	326	423	498	591
	ELEVATOR-2-4 Sty	389	433	558		
	5 + Sty	458	509	658		
ELCAMPO	DETACHED			505	604	727
	SEMI-DETACHED/ROW	290	309	413	503	625
	WALKUP	266	302	390	473	566
	ELEVATOR-2-4 Sty	308	362	469		
	5 + Sty	376	442	546		
LUFKIN	DETACHED			494	580	709
	SEMI-DETACHED/ROW	326	368	450	521	638
	WALKUP	260	304	375	439	516
	ELEVATOR-2-4 Sty	345	375	461		
	5 + Sty	406	441	542		
TEXAS CITY	DETACHED			520	631	745
	SEMI-DETACHED/ROW	311	357	445	567	678
	WALKUP	280	350	445	535	616
	ELEVATOR-2-4 Sty	354	420	534		
	5 + Sty	444	518	600		

AREA, OFFICE SAN ANTONIO, TEXAS REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
AUSTIN	DETACHED			553	662	736
	SEMI-DETACHED/ROW	409	468	533	600	704
	WALKUP	386	437	503	566	646
	ELEVATOR-2-4 Sty	564	599	694		
	5 + Sty	652	686	800		
* CORPUS CHRISTIE/ VICTORIA	DETACHED			533	661	769
	SEMI-DETACHED/ROW	360	447	509	594	700
	WALKUP	340	422	480	566	642
	ELEVATOR-2-4 Sty	507	578	672		
	5 + Sty	585	663	768		
DEL RIO/* EAGLE PASS/ LAREDO	DETACHED			518	680	694
	SEMI-DETACHED/ROW	347	428	504	608	664
	WALKUP	324	386	454	553	593
	ELEVATOR-2-4 Sty	512	552	658		
	5 + Sty	586	637	758		
HARLINGEN	DETACHED			562	637	743
	SEMI-DETACHED/ROW	351	439	530	621	701
	WALKUP	331	392	461	549	599
	ELEVATOR-2-4 Sty	371	525	659		
	5 + Sty	599	604	761		
SAN ANTONIO	DETACHED			530	641	728
	SEMI-DETACHED/ROW	341	370	482	583	645
	WALKUP	322	352	464	555	597
	ELEVATOR-2-4 Sty	480	496	668		
	5 + Sty	551	570	770		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

*Market areas are not combined. FMRs are identifical for these market areas.

AREA, OFFICE OMAHA, NEBRASKA REGION VII-KANSAS CITY

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
DES MOINES, IOWA	DETACHED			525	606	700
	SEMI-DETACHED/ROW		380	455	511	585
	WALKUP	291	335	388	437	483
	ELEVATOR-2-4 Sty	365	418	478		
	5 + Sty	398	458	539		
BETTENDORF/* DAVENPORT, IOWA	DETACHED			534	615	710
	SEMI-DETACHED/ROW		394	463	520	595
	WALKUP	298	341	398	446	496
	ELEVATOR-2-4 Sty	363	415	475		
	5 + Sty	395	455	535		
CEDAR RAPIDS, IOWA	DETACHED			534	615	711
	SEMI-DETACHED/ROW		377	446	509	586
	WALKUP	291	333	387	444	506
	ELEVATOR-2-4 Sty	365	418	478		
	5 + Sty	398	457	516		
COUNCIL BLUFFS IOWA	DETACHED			480	556	642
	SEMI-DETACHED/ROW		362	433	487	554
	WALKUP	272	313	368	411	455
	ELEVATOR-2-4 Sty	344	390	448		
	5 + Sty	374	429	503		
DUBUQUE, IOWA	DETACHED			534	615	711
	SEMI-DETACHED/ROW		386	463	519	595
	WALKUP	297	340	397	455	505
	ELEVATOR-2-4 Sty	367	421	481		
	5 + Sty	400	461	543		
MASON CITY, IOWA	DETACHED			513	592	686
	SEMI-DETACHED/ROW		386	463	520	595
	WALKUP	275	317	371	427	487
	ELEVATOR-2-4 Sty	365	419	480		
	5 + Sty	400	461	543		

* Market areas are not combined. FMRs are identifical for these market areas.

AREA, OFFICE OMAHA, NEBRASKA REGION VII - KANSAS CITY

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SIOUX CITY IOWA	DETACHED			520	592	685
	SEMI-DETACHED/ROW		384	461	518	593
	WALKUP	276	317	373	428	497
	ELEVATOR-2-4 Sty	354	403	462		
	5 + Sty	400	461	543		
WATERLOO IOWA	DETACHED			535	615	711
	SEMI-DETACHED/ROW		386	463	519	595
	WALKUP	297	340	397	455	505
	ELEVATOR-2-4 Sty	365	418	478		
	5 + Sty	398	458	539		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA, OFFICE KANSAS CITY, MO. REGION VII - KANSAS CITY

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TOPEKA, KAN.	DETACHED			425	534	576
	SEMI-DETACHED/ROW		323	381	472	520
	WALKUP	268	285	353	447	493
	ELEVATOR-2-4 Sty	289	334	421		
	5 + Sty	345	389	508		
GARDEN CITY, KAN.	DETACHED			416	519	561
	SEMI-DETACHED/ROW		307	367	460	507
	WALKUP	247	289	367	418	462
	ELEVATOR-2-4 Sty	282	330	421		
	5 + Sty	336	379	495		
PITTSBURG, KAN.	DETACHED			407	511	552
	SEMI-DETACHED/ROW		302	357	452	498
	WALKUP	242	267	315	396	435
	ELEVATOR-2-4 Sty	277	330	421		
	5 + Sty	330	372	486		
SALINA, KAN.	DETACHED			413	519	561
	SEMI-DETACHED/ROW		307	363	460	507
	WALKUP	261	286	345	441	481
	ELEVATOR-2-4 Sty	282	330	421		
	5 + Sty	336	379	495		
WICHITA, KAN.	DETACHED			455	543	568
	SEMI-DETACHED/ROW		346	405	484	521
	WALKUP	266	321	380	448	490
	ELEVATOR-2-4 Sty	328	332	421		
	5 + Sty	342	385	503		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA, OFFICE KANSAS CITY, MO. REGION VII - KANSAS CITY

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
KANSAS CITY	DETACHED			489	610	652
	SEMI-DETACHED/ROW		377	410	543	590
	WALKUP	297	347	392	449	477
	ELEVATOR-2-4 Sty	314	363	449		
	5 + Sty	374	422	551		
JOPLIN	DETACHED			463	547	583
	SEMI-DETACHED/ROW		315	408	484	525
	WALKUP	224	270	350	417	453
	ELEVATOR-2-4 Sty	290	335	414		
	5 + Sty	345	389	508		
ST. JOSEPH	DETACHED			480	585	625
	SEMI-DETACHED/ROW		358	420	516	561
	WALKUP	293	337	395	449	477
	ELEVATOR-2-4 Sty	299	345	427		
	5 + Sty	356	401	524		
SEDALIA	DETACHED			472	590	629
	SEMI-DETACHED/ROW		364	416	524	569
	WALKUP	287	335	378	433	460
	ELEVATOR-2-4 Sty	303	350	433		
	5 + Sty	361	407	532		
SPRINGFIELD	DETACHED			383	477	543
	SEMI-DETACHED/ROW		283	379	458	500
	WALKUP	219	264	328	408	450
	ELEVATOR-2-4 Sty	259	299	370		
	5 + Sty	308	348	454		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA, OFFICE ST. LOUIS, MO. REGION VII - KANSAS CITY

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ST. LOUIS	DETACHED					
	SEMI-DETACHED/ROW		425	503	586	642
	WALKUP	306	385	472	528	583
	ELEVATOR-2-4 Sty	339	418	505		
	5 + Sty	379	491	666		
COLUMBIA	DETACHED					
	SEMI-DETACHED/ROW		320	409	501	562
	WALKUP	249	306	395	483	535
	ELEVATOR-2-4 Sty	282	339	428		
	5 + Sty					
KIRKSVILLE	DETACHED					
	SEMI-DETACHED/ROW		307	392	494	543
	WALKUP	235	294	371	461	508
	ELEVATOR-2-4 Sty	268	327	404		
	5 + Sty					
ROLLA	DETACHED					
	SEMI-DETACHED/ROW		287	366	466	533
	WALKUP	214	271	352	432	470
	ELEVATOR-2-4 Sty	247	304	385		
	5 + Sty					
CAPE GIRARDEAU	DETACHED					
	SEMI-DETACHED/ROW		294	376	481	538
	WALKUP	224	284	358	440	494
	ELEVATOR-2-4 Sty	257	317	391		
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA. OFFICE OMAHA, NEBRASKA REGION VII - KANSAS CITY

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
OMAHA	DETACHED			517	612	666
	SEMI-DETACHED/ROW		350	423	493	522
	WALKUP	271	305	375	443	469
	ELEVATOR-2-4 Sty	314	363	464		
	5 + Sty	366	430	564		
GRAND ISLAND	DETACHED			517	629	686
	SEMI-DETACHED/ROW		351	426	499	528
	WALKUP	278	316	396	473	504
	ELEVATOR-2-4 Sty	298	342	435		
	5 + Sty	355	422	561		
LINCOLN	DETACHED			520	628	683
	SEMI-DETACHED/ROW		359	436	510	540
	WALKUP	277	312	386	457	485
	ELEVATOR-2-4 Sty	314	365	472		
	5 + Sty	359	427	567		
NORFOLK	DETACHED			512	623	679
	SEMI-DETACHED/ROW		348	422	493	522
	WALKUP	275	313	392	467	497
	ELEVATOR-2-4 Sty	295	338	428		
	5 + Sty	349	415	552		
NORTH PLATTE*/ SCOTTSBLUFF	DETACHED			517	629	686
	SEMI-DETACHED/ROW		351	426	499	528
	WALKUP	278	316	396	473	504
	ELEVATOR-2-4 Sty	298	342	435		
	5 + Sty	355	422	561		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

*Market areas are not combined. FMRs are identical for these market areas.

AREA. OFFICE DENVER, COLO. REGION VIII - DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
DENVER	DETACHED			525	568	620
	SEMI-DETACHED/ROW		392	470	531	560
	WALKUP	294	354	419	515	551
	ELEVATOR-2-4 Sty	294	354	451		
	5 + Sty	303	368	465		
COLO SPRINGS	DETACHED			400	500	575
	SEMI-DETACHED/ROW		335	360	450	525
	WALKUP	285	298	339	413	490
	ELEVATOR-2-4 Sty	290	325	350		
	5 + Sty	300	355	380		
DURANGO	DETACHED			504	576	610
	SEMI-DETACHED/ROW		405	444	529	569
	WALKUP	344	391	422	492	535
	ELEVATOR-2-4 Sty	354	399	433		
	5 + Sty	368	407	441		
GRAND JUNCTION	DETACHED			489	532	567
	SEMI-DETACHED/ROW		378	451	497	542
	WALKUP	304	350	419	478	513
	ELEVATOR-2-4 Sty	320	362	425		
	5 + Sty	332	374	432		
GREELEY	DETACHED			475	540	575
	SEMI-DETACHED/ROW		375	415	515	540
	WALKUP	311	350	388	483	525
	ELEVATOR-2-4 Sty	325	360	410		
	5 + Sty	340	370	425		
PUEBLO	DETACHED			450	515	550
	SEMI-DETACHED/ROW		300	400	480	510
	WALKUP	255	277	365	450	490
	ELEVATOR-2-4 Sty	265	300	375		
	5 + Sty	275	320	400		

AREA, OFFICE DENVER, COLORADO REGION VIII - DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HELENA, MONTANA	DETACHED			455	506	551
	SEMI-DETACHED/ROW		336	437	497	541
	WALKUP	264	326	424	487	531
	ELEVATOR-2-4 Sty	280	346	437		
	5 + Sty	291	356	450		
BILLINGS, MONT.	DETACHED			447	508	540
	SEMI-DETACHED/ROW		334	437	499	532
	WALKUP	277	324	425	488	523
	ELEVATOR-2-4 Sty	290	342	441		
	5 + Sty	301	354	454		
BOZEMAN, MONT.	DETACHED			441	512	545
	SEMI-DETACHED/ROW		365	432	502	535
	WALKUP	308	355	424	493	527
	ELEVATOR-2-4 Sty	313	367	445		
	5 + Sty	325	380	458		
BUTTE, MONT.	DETACHED			393	463	498
	SEMI-DETACHED/ROW		328	383	455	489
	WALKUP	262	319	375	455	481
	ELEVATOR-2-4 Sty	279	338	395		
	5 + Sty	290	350	406		
GREAT FALLS, MONT.	DETACHED			390	449	482
	SEMI-DETACHED/ROW		308	382	440	475
	WALKUP	249	300	374	432	466
	ELEVATOR-2-4 Sty	268	312	392		
	5 + Sty	280	324	403		
HAVRE*/ HILES CITY MONT.	DETACHED			407	465	504
	SEMI-DETACHED/ROW		304	395	451	494
	WALKUP	256	298	387	442	484
	ELEVATOR-2-4 Sty	279	319	406		
	5 + Sty	287	329	418		

*Market areas are not combined. FMRs are identical for these market areas.

AREA, OFFICE DENVER, COLO. REGION VIII - DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
KALISPELL, MONT.	DETACHED			428	464	504
	SEMI-DETACHED/ROW		328	416	455	494
	WALKUP	271	318	404	455	494
	ELEVATOR-2-4 Sty	293	337	424		
	5 + Sty	305	350	437		
MISSOULA, MONT.	DETACHED			403	475	511
	SEMI-DETACHED/ROW		346	395	467	503
	WALKUP	288	339	378	447	482
	ELEVATOR-2-4 Sty	306	355	435		
	5 + Sty	318	366	444		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA. OFFICE DENVER, COLO. REGION VIII - DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
FARGO, N.D.	DETACHED	—		490	590	640
	SEMI-DETACHED/ROW		360	455	545	600
	WALKUP	305	340	420	530	580
	ELEVATOR-2-4 Sty	320	375	475		
	5 + Sty	360	410	530		
BISMARCK, N.D.	DETACHED			520	585	635
	SEMI-DETACHED/ROW		390	490	530	585
	WALKUP	335	380	455	515	570
	ELEVATOR-2-4 Sty	350	405	495		
	5 + Sty	385	440	545		
DICKERSON, N.D.	DETACHED			460	550	580
	SEMI-DETACHED/ROW		365	430	510	550
	WALKUP	285	350	405	495	530
	ELEVATOR-2-4 Sty	310	365	430		
	5 + Sty	335	395	475		
GRAND FORKS, N.D.	DETACHED			475	550	575
	SEMI-DETACHED/ROW		375	455	505	550
	WALKUP	290	355	415	480	520
	ELEVATOR-2-4 Sty	330	370	445		
	5 + Sty	350	410	475		
MINOT, N.D.	DETACHED			455	535	575
	SEMI-DETACHED/ROW		345	410	490	530
	WALKUP	280	330	370	480	505
	ELEVATOR-2-4 Sty	305	350	410		
	5 + Sty	325	380	445		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA. OFFICE DENVER, COLO. REGION VIII - DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SIOUX FALLS, S.D.	DETACRED			430	470	515
	SEMI-DETACHED/ROW		344	402	440	485
	WALKUP	260	318	373	425	465
	ELEVATOR-2-4 Sty	291	355	392		
	5 + Sty	296	341	397		
ABERDEEN, S.D.	DETACHED			401	435	474
	SEMI-DETACHED/ROW		338	383	417	451
	WALKUP	263	316	361	401	435
	ELEVATOR-2-4 Sty	275	327	372		
	5 + Sty	285	338	378		
FT. THOMPSON, S.D.	DETACHED			412	449	492
	SEMI-DETACHED/ROW		351	394	428	475
	WALKUP	284	333	372	409	451
	ELEVATOR-2-4 Sty	293	341	381		
	5 + Sty	297	346	385		
MCLAUGHLIN, S.D.	DETACHED			412	449	492
	SEMI-DETACHED/ROW		351	393	428	475
	WALKUP	284	333	372	413	451
	ELEVATOR-2-4 Sty	293	341	381		
	5 + Sty	297	346	385		
MISSION, S.D.	DETACHED			412	448	492
	SEMI-DETACHED/ROW		351	394	428	475
	WALKUP	284	333	372	413	451
	ELEVATOR-2-4 Sty	293	341	381		
	5 + Sty	297	346	385		
PIERRE, S.D.	DETACHED			440	477	519
	SEMI-DETACHED/ROW		375	425	458	500
	WALKUP	281	330	415	434	483
	ELEVATOR-2-4 Sty	300	356	398		
	5 + Sty	305	362	404		

AREA, OFFICE DENVER, COLO. REGION VIII - DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
RAPID CITY, S.D.	DETACHED			461	570	610
	SEMI-DETACHED/ROW		365	442	540	590
	WALKUP	282	335	420	525	560
	ELEVATOR-2-4 Sty	295	350	429		
	5 + Sty	300	357	435		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA, OFFICE DENVER, COLO. REGION VIII - DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SALT LAKE CITY, UTAH	DETACHED			481	588	667
	SEMI-DETACHED/ROW		326	392	502	550
	WALKUP	226	316	371	471	520
	ELEVATOR-2-4 Sty	281	371	428		
	5 + Sty	310	396	476		
CEDAR CITY, UTAH	DETACHED			395	433	471
	SEMI-DETACHED/ROW		301	354	396	424
	WALKUP	218	295	347	392	409
	ELEVATOR-2-4 Sty	276	332	392		
	5 + Sty	290	368	422		
PROVO, UTAH	DETACHED			415	474	548
	SEMI-DETACHED/ROW		329	367	412	471
	WALKUP	257	321	354	404	464
	ELEVATOR-2-4 Sty	290	374	405		
	5 + Sty	319	392	431		
LOGAN, UTAH	DETACHED			450	481	552
	SEMI-DETACHED/ROW		332	360	401	439
	WALKUP	237	323	353	394	428
	ELEVATOR-2-4 Sty	282	337	399		
	5 + Sty	313	392	438		
VERNAL, UTAH	DETACHED			476	555	610
	SEMI-DETACHED/ROW		388	464	549	607
	WALKUP	238	325	378	447	504
	ELEVATOR-2-4 Sty	290	380	411		
	5 + Sty	325	455	453		
MOAB, UTAH	DETACHED			395	437	471
	SEMI-DETACHED/ROW		306	354	396	420
	WALKUP	221	295	347	388	409
	ELEVATOR-2-4 Sty	276	333	392		
	5 + Sty	288	372	422		

AREA. OFFICE DENVER, COLO. REGION VIII - DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CASPER, WYO.	DETACHED			574	664	705
	SEMI-DETACHED/ROW		441	530	651	702
	WALKUP	382	427	530	641	692
	ELEVATOR-2-4 Sty	417	458	561		
	5 + Sty	469	530	604		
CHEYENNE, WYO.	DETACHED			506	586	635
	SEMI-DETACHED/ROW		388	456	573	623
	WALKUP	321	337	445	570	620
	ELEVATOR-2-4 Sty	356	404	490		
	5 + Sty	390	461	520		
CODY, WYO.	DETACHED			495	556	615
	SEMI-DETACHED/ROW		340	460	525	585
	WALKUP	272	330	442	510	560
	ELEVATOR-2-4 Sty	308	358	470		
	5 + Sty	345	404	495		
GILLETTE, WYO.	DETACHED			600	696	761
	SEMI-DETACHED/ROW		482	581	688	747
	WALKUP	423	468	570	680	724
	ELEVATOR-2-4 Sty	456	506	594		
	5 + Sty	498	564	635		
JACKSON, WYO.	DETACHED			582	677	736
	SEMI-DETACHED/ROW		457	545	641	698
	WALKUP	397	442	530	633	662
	ELEVATOR-2-4 Sty	430	472	559		
	5 + Sty	470	524	596		
LARAMIE, WYO.	DETACHED			467	568	613
	SEMI-DETACHED/ROW		339	449	548	592
	WALKUP	271	330	442	542	582
	ELEVATOR-2-4 Sty	301	362	472		
	5 + Sty	330	404	495		

AREA. OFFICE DENVER, COLO. REGION VIII - DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
RIVERTON, WYO.	DETACHED			495	536	594
	SEMI-DETACHED/ROW		338	460	521	584
	WALKUP	271	330	442	510	560
	ELEVATOR-2-4 Sty	306	358	470		
	5 + Sty	338	404	495		
ROCK SPRINGS, WYO.	DETACHED			609	708	749
	SEMI-DETACHED/ROW		470	573	688	734
	WALKUP	419	462	558	676	720
	ELEVATOR-2-4 Sty	450	494	590		
	5 + Sty	506	566	625		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA, .OFFICE LOS ANGELES, CA. REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PHOENIX, ARIZ.	DETACHED			531	586	657
	SEMI-DETACHED/ROW		462	510	564	625
	WALKUP	341	393	472	531	574
	ELEVATOR-2-4 Sty	359	411	490		
	5 + Sty	437	498	609		
CASA GRANDE, ARIZ.	DETACHED			448	510	583
	SEMI-DETACHED/ROW		371	426	486	554
	WALKUP	296	334	386	433	480
	ELEVATOR-2-4 Sty	314	352	404		
	5 + Sty	-	-	-		
FLAGSTAFF, ARIZ.	DETACHED			525	612	671
	SEMI-DETACHED/ROW		455	513	599	658
	WALKUP	387	426	486	561	605
	ELEVATOR-2-4 Sty	405	444	504		
	5 + Sty	-	-	-		
KEAMS CANYON, ARIZ.	DETACHED			482	545	622
	SEMI-DETACHED/ROW		407	459	520	588
	WALKUP	351	391	437	492	542
	ELEVATOR-2-4 Sty	369	409	455		
	5 + Sty	-	-	-		
TUSCON, ARIZ.	DETACHED			502	584	648
	SEMI-DETACHED/ROW		399	480	556	616
	WALKUP	311	366	452	528	572
	ELEVATOR-2-4 Sty	329	384	470		
	5 + Sty	441	509	637		
YUMA, ARIZ.	DETACHED			538	586	644
	SEMI-DETACHED/ROW		480	529	574	629
	WALKUP	411	458	492	532	571
	ELEVATOR-2-4 Sty	429	463	510		
	5 + Sty					

AREA, .OFFICE LOS ANGELES, CA. REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LOS ANGELES	DETACHED			724	791	870
	SEMI-DETACHED/ROW		572	623	753	819
	WALKUP	431	488	587	707	753
	ELEVATOR-2-4 Sty	452	514	626	707	753
	5 + Sty	563	643	844		
BAKERSFIELD	DETACHED			522	634	702
	SEMI-DETACHED/ROW		374	493	592	651
	WALKUP	287	353	472	577	610
	ELEVATOR-2-4 Sty	302	368	488	584	625
	5 + Sty	430	504	660		
LANCASTER	DETACHED			567	634	715
	SEMI-DETACHED/ROW		436	522	591	669
	WALKUP	358	406	485	543	603
	ELEVATOR-2-4 Sty	373	422	503		
	5 + Sty	490	551	673		
OXNARD/VENTURA*	DETACHED			670	713	785
	SEMI-DETACHED/ROW		459	511	622	678
	WALKUP	395	432	484	592	633
	ELEVATOR-2-4 Sty	413	450	502	610	651
	5 + Sty	537	583	672		
PASO ROBLES	DETACHED			629	671	729
	SEMI-DETACHED/ROW		405	503	605	672
	WALKUP	338	381	469	558	603
	ELEVATOR-2-4 Sty	354	398	487	581	636
	5 + Sty	480	535	662		
SANTA ANA	DETACHED			655	792	861
	SEMI-DETACHED/ROW		555	643	778	844
	WALKUP	444	521	600	719	761
	ELEVATOR-2-4 Sty	446	537	618		
	5 + Sty	569	669	786		

*Market areas are not combined. FMRs are identical for these market areas.

AREA, .OFFICE LOS ANGELES, CA. REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SANTA BARBARA	DETACHED			831	881	901
	SEMI-DETACHED/ROW		758	810	858	875
	WALKUP	369	412	531	601	652
	ELEVATOR-2-4 Sty	383	430	549	619	669
	5 + Sty	499	556	711		
SAN DIEGO/* EL CAJON	DETACHED			547	650	718
	SEMI-DETACHED/ROW		441	536	636	702
	WALKUP	356	407	492	577	619
	ELEVATOR-2-4 Sty	385	444	558		
	5 + Sty	461	538	658		
SANTA MARIA	DETACHED			599	650	742
	SEMI-DETACHED/ROW		524	577	627	715
	WALKUP	330	373	432	480	528
	ELEVATOR-2-4 Sty	348	391	450	498	546
	5 + Sty	467	521	617		
RIVERSIDE/* SAN BERNARDINO	DETACHED			499	612	676
	SEMI-DETACHED/ROW		411	489	601	662
	WALKUP	362	394	461	566	607
	ELEVATOR-2-4 Sty	377	410	479		
	5 + Sty	502	543	649		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

*Market areas are not combined. FMRs are identical for these market areas.

AREA, OFFICE SACRAMENTO, CA. REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SACRAMENTO	DETACHED			490	535	600
	SEMI-DETACHED/ROW		410	470	530	590
	WALKUP	310	365	420	500	580
	ELEVATOR-2-4 Sty	400	450	505		
	5 + Sty	485	550	630		
PLACERVILLE	DETACHED			500	550	615
	SEMI-DETACHED/ROW		420	480	545	605
	WALKUP	320	375	430	515	595
	ELEVATOR-2-4 Sty	410	460	520		
	5 + Sty	-	-	-		
REDDING	DETACHED			495	540	605
	SEMI-DETACHED/ROW		420	475	535	595
	WALKUP	275	350	410	475	540
	ELEVATOR-2-4 Sty	405	455	510		
	5 + Sty	-	-	-		
SO. LAKE TAHOE	DETACHED			575	630	710
	SEMI-DETACHED/ROW		495	550	625	700
	WALKUP	355	420	495	605	690
	ELEVATOR-2-4 Sty	460	530	610		
	5 + Sty	-	-	-		
YREKA	DETACHED			540	595	670
	SEMI-DETACHED/ROW		445	520	590	660
	WALKUP	335	400	470	560	650
	ELEVATOR-2-4 Sty	430	485	555		
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA, OFFICE SAN FRANCISCO, CA REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SAN FRANCISCO	DETACHED			1217	1358	1438
	SEMI-DETACHED/ROW		819	978	1130	1216
	WALKUP	461	534	697	849	933
	ELEVATOR-2-4 Sty	512	612	782	961	1104
	5 + Sty	645	748	946	1112	1283
FRESNO	DETACHED			541	688	763
	SEMI-DETACHED/ROW		327	421	553	623
	WALKUP	276	327	397	506	578
	ELEVATOR-2-4 Sty	345	411	512		
	5 + Sty	534	619	758		
MODESTO	DETACHED			578	686	738
	SEMI-DETACHED/ROW		356	422	516	560
	WALKUP	314	327	403	493	537
	ELEVATOR-2-4 Sty	383	411	518		
	5 + Sty	572	619	764		
SAN JOSE	DETACHED			775	902	954
	SEMI-DETACHED/ROW		455	554	671	739
	WALKUP	376	451	535	638	696
	ELEVATOR-2-4 Sty	401	467	541		
	5 + Sty	570	651	754		
OAKLAND/ MARIN*	DETACHED			953	984	1049
	SEMI-DETACHED/ROW		623	739	757	835
	WALKUP	427	501	644	697	772
	ELEVATOR-2-4 Sty	459	502	677		
	5 + Sty	627	685	890		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

*Market areas are not combined. FMRs are identical for these market areas.

AREA, OFFICE HONOLULU, HAWAII REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HONOLULU	DETACHED			556	893	948
	SEMI-DETACHED/ROW		433	519	575	630
	WALKUP	352	413	457	569	621
	ELEVATOR-2-4 Sty	380	441	485		
	5 + Sty	393	538	714		
HILO	DETACHED			479	545	593
	SEMI-DETACHED/ROW		376	469	535	583
	WALKUP	279	327	394	509	563
	ELEVATOR-2-4 Sty	307	355	422		
	5 + Sty	-	-	-		
KAUAI	DETACHED			572	610	667
	SEMI-DETACHED/ROW		463	562	600	657
	WALKUP	305	354	462	578	633
	ELEVATOR-2-4 Sty	333	382	490		
	5 + Sty	-	-	-		
KONA	DETACHED			579	684	740
	SEMI-DETACHED/ROW		476	569	674	730
	WALKUP	352	401	462	577	631
	ELEVATOR-2-4 Sty	380	429	490		
	5 + Sty	-	-	-		
MAUI	DETACHED			622	725	779
	SEMI-DETACHED/ROW		517	613	715	769
	WALKUP	317	412	516	629	681
	ELEVATOR-2-4 Sty	345	440	544		
	5 + Sty	-	-	-		
GUAM, NORTHERN MARIANAS, TRUST TERRITORIES	DETACHED			532	612	665
	SEMI-DETACHED/ROW		437	489	569	622
	WALKUP	255	315	392	483	-
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA. OFFICE SAN FRANCISCO, CA REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
RENO, NEVADA	DETACHED			715	806	865
	SEMI-DETACHED/ROW		475	586	672	752
	WALKUP	396	437	549	628	703
	ELEVATOR-2-4 Sty	439	532	676		
	5 + Sty	653	721	894		
LAS VEGAS. NEVADA	DETACHED			679	772	830
	SEMI-DETACHED/ROW		448	536	622	678
	WALKUP	379	430	510	601	649
	ELEVATOR-2-4 Sty	461	524	636		
	5 + Sty	636	714	855		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA. OFFICE ANCHORAGE, ALASKA REGION X - SEATTLE

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ANCHORAGE	DETACHED			643	711	735
	SEMI-DETACHED/ROW		553	616	671	694
	WALKUP	384	453	531	628	650
	ELEVATOR-2-4 Sty	503	592	662		
	5 + Sty	512	602	673		
FAIRBANKS	DETACHED			633	690	751
	SEMI-DETACHED/ROW		542	608	683	737
	WALKUP	476	517	584	657	723
	ELEVATOR-2-4 Sty	583	670	746		
	5 + Sty	595	684	760		
JUNEAU	DETACHED			670	763	794
	SEMI-DETACHED/ROW		538	650	727	763
	WALKUP	431	481	599	693	735
	ELEVATOR-2-4 Sty	483	545	625		
	5 + Sty	507	572	650		
KETCHIKAN	DETACHED			589	670	745
	SEMI-DETACHED/ROW		478	561	639	710
	WALKUP	385	435	510	581	645
	ELEVATOR-2-4 Sty	442	505	592		
	5 + Sty	464	515	609		
COSTAL AREA, * N. OF ALEUTIANS	DETACHED		861	947	1042	1146
	SEMI-DETACHED/ROW		836	920	1012	1113
	WALKUP	738	812	894	983	1081
N. COASTAL AREA, BARTER ISLAND	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

FMRs are identical for these market areas.

Market areas are not combined.

AREA, | OFFICE PORTLAND, OREGON REGION X - SEATTLE

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BOISE	DETACHED			419	478	507
	SEMI-DETACHED/ROW		311	372	425	462
	WALKUP	243	285	338	397	432
	ELEVATOR-2-4 Sty	297	364	425		
	5 + Sty	312	382	463		
COEUR D ALENE	DETACHED			395	440	489
	SEMI-DETACHED/ROW		280	365	418	446
	WALKUP	220	261	321	380	420
	ELEVATOR-2-4 Sty	281	344	402		
	5 + Sty	295	361	438		
IDAHO FALLS	DETACHED			415	467	511
	SEMI-DETACHED/ROW		320	364	437	461
	WALKUP	259	283	349	422	457
	ELEVATOR-2-4 Sty	303	371	433		
	5 + Sty	318	389	472		
LEWISTON	DETACHED			429	472	514
	SEMI-DETACHED/ROW		286	365	423	460
	WALKUP	247	273	329	395	432
	ELEVATOR-2-4 Sty	295	361	422		
	5 + Sty	309	379	459		
MCCALL	DETACHED			306	345	384
	SEMI-DETACHED/ROW		234	273	319	358
	WALKUP	176	215	254	306	345
	ELEVATOR-2-4 Sty	-	-	-		
	5 + Sty	222	273	326		
POCATELLO	DETACHED			428	474	505
	SEMI-DETACHED/ROW		316	371	431	461
	WALKUP	246	289	356	428	451
	ELEVATOR-2-4 Sty	300	367	429		
	5 + Sty	315	386	467		

AREA, | OFFICE PORTLAND, OREGON REGION X - SEATTLE

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TWIN FALLS	DETACHED			395	448	479
	SEMI-DETACHED/ROW		300	370	410	450
	WALKUP	235	259	329	374	401
	ELEVATOR-2-4 Sty	283	347	405		
	5 + Sty	297	364	441		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA OFFICE PORTLAND, ORE. REGION X - SEATTLE

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PORTLAND	DETACHED			441	517	555
	SEMI-DETACHED/ROW	267	302	369	434	480
	WALKUP	263	290	357	418	460
	ELEVATOR-2-4 Sty	323	397	453		
	5 + Sty	355	436	500		
BEND	DETACHED			379	462	508
	SEMI-DETACHED/ROW		320	372	448	484
	WALKUP	265	310	362	438	474
	ELEVATOR-2-4 Sty	316	376	436		
	5 + Sty	347	414	480		
COOS BAY	DETACHED			360	399	440
	SEMI-DETACHED/ROW		309	348	389	427
	WALKUP	250	289	329	369	409
	ELEVATOR-2-4 Sty	299	355	404		
	5 + Sty	330	393	447		
EUGENE	DETACHED			385	463	499
	SEMI-DETACHED/ROW		310	349	413	452
	WALKUP	277	290	342	406	444
	ELEVATOR-2-4 Sty	321	351	412		
	5 + Sty	354	389	456		
MEDFORD	DETACHED			372	424	470
	SEMI-DETACHED/ROW		315	357	402	448
	WALKUP	251	299	347	388	425
	ELEVATOR-2-4 Sty	297	352	418		
	5 + Sty	328	389	461		
ONTARIO	DETACHED			356	404	452
	SEMI-DETACHED/ROW		283	331	387	438
	WALKUP	219	266	315	380	429
	ELEVATOR-2-4 Sty	249	306	365		
	5 + Sty	278	340	406		

AREA OFFICE PORTLAND, ORE. REGION X - SEATTLE

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PENDLETON	DETACHED			383	435	480
	SEMI-DETACHED/ROW		304	376	421	458
	WALKUP	252	292	356	408	445
	ELEVATOR-2-4 Sty	301	356	426		
	5 + Sty	330	392	469		
WEST SALEM	DETACHED			364	439	476
	SEMI-DETACHED/ROW		303	346	421	457
	WALKUP	253	293	336	405	452
	ELEVATOR-2-4 Sty	306	364	415		
	5 + Sty	340	404	462		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA, OFFICE SEATTLE, WASHINGTON REGION X - SEATTLE

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SEATTLE	DETACHED			520	679	748
	SEMI-DETACHED/ROW		461	510	613	702
	WALKUP	348	407	478	570	656
	ELEVATOR-2-4 Sty	365	434	565		
	5 + Sty	378	556	630		
ABERDEEN	DETACHED			456	598	656
	SEMI-DETACHED/ROW		356	420	557	610
	WALKUP	274	337	411	488	529
	ELEVATOR-2-4 Sty	311	367	536		
	5 + Sty	342	411	600		
BELLINGHAM	DETACHED			448	586	644
	SEMI-DETACHED/ROW		364	431	567	621
	WALKUP	266	345	411	536	587
	ELEVATOR-2-4 Sty	328	410	472		
	5 + Sty	361	459	529		
LONGVIEW	DETACHED			448	591	644
	SEMI-DETACHED/ROW		299	369	484	530
	WALKUP	243	292	363	473	518
	ELEVATOR-2-4 Sty	293	366	440		
	5 + Sty	322	410	478		
OLYMPIA	DETACHED			440	576	633
	SEMI-DETACHED/ROW		345	403	529	579
	WALKUP	278	330	396	520	569
	ELEVATOR-2-4 Sty	319	432	487		
	5 + Sty	351	484	546		
PORT ANGELES	DETACHED			432	572	621
	SEMI-DETACHED/ROW		313	395	562	604
	WALKUP	228	298	375	536	587
	ELEVATOR-2-4 Sty	270	346	432		
	5 + Sty	297	388	484		

AREA, OFFICE SEATTLE, WASHINGTON REGION X - SEATTLE

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SPOKANE/ CHENEY*	DETACHED			440	574	633
	SEMI-DETACHED/ROW		341	410	513	575
	WALKUP	296	324	401	500	552
	ELEVATOR-2-4 Sty	365	432	544		
	5 + Sty	384	475	598		
KENNEWICK	DETACHED			520	682	748
	SEMI-DETACHED/ROW		378	475	620	679
	WALKUP	286	375	458	551	633
	ELEVATOR-2-4 Sty	346	454	499		
	5 + Sty	380	499	550		
PULLMAN	DETACHED			480	649	692
	SEMI-DETACHED/ROW		354	453	590	647
	WALKUP	282	324	427	557	610
	ELEVATOR-2-4 Sty	341	418	534		
	5 + Sty	375	460	587		
YAKIMA	DETACHED			447	588	643
	SEMI-DETACHED/ROW		315	410	539	590
	WALKUP	264	312	373	490	536
	ELEVATOR-2-4 Sty	313	362	451		
	5 + Sty	346	406	507		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

* Market areas are not combined, FHRs are identical for these market areas.

[FR Doc. 80-26410 Filed 8-28-80; 8:45 am]
BILLING CODE 4210-01-C

Federal Register

Friday
August 29, 1980

Part X

Department of Health and Human Services

Health Care Financing Administration

Research and Demonstration Grants; Special Solicitation

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Health Financing Research and Demonstration Grants; Special Solicitation

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: HCFA is soliciting applications from State Medicaid agencies for demonstration projects to improve the efficiency of services and management in financially troubled hospitals in medically underserved rural and inner city areas, so that they can better serve the Medicare, Medicaid, uninsured and inadequately insured populations.

The problem of financially troubled hospitals has been the focus of Congressional hearings, legislative proposals and public debate. We are concerned that a combination of factors—the provision of care to many uninsured individuals, reimbursement incentives that encourage inpatient care instead of appropriate and less expensive outpatient care, ineffective organization and management of services, and others—threaten the financial security of institutions that provide care to Medicare and Medicaid beneficiaries and the uninsured or inadequately insured. Often these hospitals represent the sole source of care in their communities.

Although expanded public health insurance coverage would provide long term relief for financially distressed institutions, this solicitation will enable HCFA to address these issues now on an individual basis through Medicare and Medicaid projects and waivers.

This special solicitation provides funds for projects that ensure access to services for Federal beneficiaries and that address the financially troubled hospital problem through system reforms. We are interested especially in projects that test the way in which changes in health care delivery and reimbursement, and changes in Medicaid eligibility rules, will affect the ability of financially distressed hospitals to provide health care for Federal beneficiaries and the uninsured and inadequately insured while achieving fiscal viability. This solicitation contains information about demonstration requirements, application procedures, and amount and duration of grant awards..

CLOSING DATE FOR APPLICATIONS: The closing date for grant applications is 4:30 p.m., September 30, 1980.

FOR FURTHER INFORMATION CONTACT: Steven A. Pelovitz, Health Care Financing Administration, Office of Research, Demonstrations and Statistics, Office of Demonstrations and Evaluations, Area 1–E–6, Oak Meadows Building, 6340 Security Boulevard, Baltimore, Maryland 21207, (301) 597–1821.

SUPPLEMENTARY INFORMATION: This notice is published in accordance with HCFA's Federal Register notice of February 25, 1980 (45 FR 12362), which stated that special solicitations would be announced periodically.

Availability of Grants

A. General

This special solicitation announces the HHS initiative to fund projects that attempt to address the problems facing financially troubled hospitals in rural and inner city areas. HCFA's Office of Research, Demonstrations and Statistics (ORDS) is seeking projects to further our key objectives for these hospitals (see General Policy Considerations below). Only the single State agency which administers the Medicaid program may apply, and the applications must be made under section 1115(a) of the Social Security Act, which authorizes the Secretary to waive statutory Medicaid State plan requirements (section 1115(a)(1) and/or to reimburse costs not otherwise Federally matchable (section 1115(a)(2)) in order to enable State Medicaid agencies to carry out significant demonstration projects. Under section 1115, the States must share in the costs of the projects on the basis of their medical assistance matching rate.

If the Medicare program is to be involved in the project, waivers may be requested under section 402 of the Social Security Amendments of 1967 (as amended by section 222(b) of the Social Security Amendments of 1972) and section 222(a) of the 1972 Amendments. Waivers under these authorities allow demonstration projects for the testing of alternative reimbursement principles. However, all projects must be primarily section 1115(a) applications.

B. Authorities

The authorities for these grants are:

Section 1115(a) of the Social Security Act.

Section 222(a) of the Social Security Amendments of 1972.

Section 402(a) of Social Security Amendments of 1967 as amended by section 222(b) of the Social Security Amendments of 1972.

If a Medicaid agency believes that funding under relevant sections of the Public Health Service Act (Service Delivery and Resource Development Programs) would be consistent with the overall proposed program, and application may be submitted to the Public Health Service and referenced in the HCFA application. The PHS application will be reviewed separately from this solicitation and in accordance with the criteria established by the appropriate authorities.

General Policy Considerations

The problem of financially troubled hospitals in medically underserved areas is a major concern of HHS, which is responsible for assuring both access to care and achieving system reforms. We are interested in funding projects that focus both on financially troubled institutions and the people served by them. The deteriorating financial situation faced by some hospitals may jeopardize access to care for the people in their communities. In particular, we are concerned about situations in which these hospitals represent the only source of medical care for a community. In many cases, the shortage of office-based physicians and other organized primary care systems in underserved areas often forces hospitals to act as the primary care physicians in their communities. They are also major sources of employment and upward mobility for community residents. Our interest in this solicitation is focused on those financially troubled hospitals whose failure would result in severe hardship on the people in the surrounding area.

While we expect the demonstration projects to preserve and even expand access to necessary care, we also have a responsibility to pursue efficient, cost effective health care systems. Therefore, any project that is to be funded should provide information that will enable HCFA to: (1) determine the cost of removing the Medicaid categorical restrictions; (2) determine the cost effectiveness of alternate payment methodologies; and (3) compare the effectiveness of alternative configurations of services or facilities while testing the validity of some of the following hypotheses:

(a) Access to and quality of health care can be improved through restructuring of the health care delivery system.

(b) The effectiveness of current programs and facilities can be maximized.

(c) Excess capacity and duplication of services can be eliminated without

adversely affecting access to needed health care, and their elimination will reduce overall per capital health costs.

(d) Reimbursement can be designed to provide incentives that induce more efficient hospital services and management.

(e) Investing in a system to establish Medicaid eligibility determinations for all potential eligibles and engaging in reasonable efforts to ensure maximum collections from self-pay patients can be cost-effective.

(f) Providing Medicaid eligibility to the non-categorically related poor is less costly per case than care to families with dependent children (AFDC).

(g) The hospital or network of facilities assuming the role of family physician can attract patients with third-party coverage and alternative available sources of care.

At the core of this strategy is the need to improve the way we provide needed care to our beneficiaries and to other low-income persons with insufficient health care coverage, a disproportionate number of whom represent ethnic minorities, disadvantaged and disabled populations. At a minimum, we expect State and local governments to maintain current efforts in these areas.

Eligibility of Hospitals To Participate in Projects

We will consider these factors in determining whether hospitals involved in a proposed project are appropriately qualified to participate in demonstration grants.

(a) *Financial Distress.* The hospital must demonstrate its financial distress. The following items can be used for documentation:

- The sources of the hospital's financial troubles, including uncompensated inpatient and outpatient services provided, slow payment by third parties, new services, etc.
- The consequences of the distress for the institution, such as the cutbacks in service, layoffs of employees, deteriorating physical plant, imminent closure, etc.
- The hospital's best estimate of the short run future impact of the financial distress if it is not relieved.
- Whether the hospital's financial position has recently deteriorated and the sources of the change.
- How this hospital's financial position compares with nearby institutions in the same community and reasons for any differences.

The following specific information would also help indicate the hospital's financial situation:

1. Utilization by payor which could be detailed in the following table:

Utilization by Payor

Payor	Patient days		Outpatient dept. visits		Emergency room visits	
	Number	Percent	Number	Percent	Number	Percent
A. Compensated care:						
Medicaid						
Medicare						
Blue Cross						
Commercial insurance						
Self pay						
Other (specify)						
B. Uncompensated care:						
Free care (e.g., Hill-Burton obligation)						
Other uncompensated care						

2. Revenue and contractual allowances by payor which could be detailed in the following table:

Revenue by Payor

Payor	Inpatient		Outpatient	
	Gross revenue	Contractual allowance or bad debt	Gross revenue	Contractual allowance or bad debt
A. Compensated care:				
Medicaid				
Medicare				
Blue Cross				
Commercial insurance				
Self pay				
Other (specify)				
B. Other revenue sources:				
Municipal, State, or local contribution				
Philanthropic income				
C. Uncompensated care:				
Free care (e.g., Hill-Burton obligation)				
Other uncompensated care				

3. A copy of the institution's most recent annual financial report (audited if available). If such a report is unavailable, hospital should submit, at a minimum, an itemized description of the institution's long-term (more than one year) and short-term (less than one year) debt, including current payments, outstanding principal, and remaining term.

4. An analysis, by payor, of accounts receivable, indicating the days required for conversion to cash.

5. A weekly cash flow analysis for the past six months.

6. In addition to supplying Items 1–5, public hospitals should submit: (a) per capital municipal or county taxation for 1970 and the most recent year available and (b) the percent of total hospital expenditures provided by the operating government and cost reports for 1970, 1975, and the most recent year available.

If financial data is not available in sufficient detail to respond to the above requests, the hospital should supply whatever information is available concerning utilization, revenue, contractual allowances, bad debts, and collections *by payor.* Applicants should include any other information they feel will describe more fully and represent more accurately the fiscal situation of a financially distressed hospital.

If a network or consortium of facilities is to be included in a project, it is not necessary that all of the facilities exhibit financial distress as described above, but financial data concerning each of the facilities must be included. At least one of the participating facilities in the network *must* meet the financial distress criteria.

(b) *Need for Services.* There must be a demonstrated public need for continuance in whole or in part of existing hospital services at the current site(s). The need must be demonstrated through existing mechanisms, such as—(1) a Health System Agency (HSA) area plan; (2) a Public Health Service determination that the facility is located in either a Medically Underserved Area

(MUA) or a Health Manpower Shortage Area (HMSA); (3) a State Health Plan; or (4) some other method that the applicant believes may best present the facts of the individual case. Documented support from the Health Systems Agency will strengthen applications.

(c) *Adequacy of Care.* The application must include documentation that the facility will be providing adequate quality health care services if the project is implemented and that the physical plant is adequate or can be rehabilitated. This can be demonstrated by JCAH accreditation, compliance with State and Federal health and safety codes, certification by local planning agencies or other documentation.

(d) The application must include documentation of a long-standing and historical commitment to treating patients in need of health services without regard to ability to pay.

Application Requirements

(1) The project goals and objectives must be clearly stated and be measurable.

(2) The relevance of the findings to HCFA program operations and policy concerns should be discussed.

(3) The tasks and milestones must be clearly described and scheduled and must include a schedule of reports to be submitted to HCFA.

(4) The application must assure that all of the medical facilities agree to collect, maintain and make available to HCFA or HCFA's contractor(s) all data necessary to perform an independent evaluation. The applying Medicaid agency must ensure the confidentiality of any personally identifiable information.

(5) The application must show the qualifications and experience of the project management personnel and demonstrate how their qualifications make them capable of performing the project tasks. The application should also show how the personnel will be organized in the project, to whom they will report and how they will be used to accomplish specific objectives or portions of the project.

(6) The budget must be developed in detail with justifications and explanations for the amounts requested. The estimated costs should be reasonable considering the anticipated results.

(7) Section 1115, 222 and 402 projects must define the services to be provided, list the waivers requested, discuss the implications if those waivers are granted, and state the effect on Federal, State and local laws as well as the effect on beneficiaries and recipients.

In addition, applicants must estimate the amount of program and administrative expenditures that will occur under the waivers and compare these expenditures to current ones. A broad viewpoint may be used so that even though a new service may be added through the waiver, the overall impact on the programs could produce lower per capita costs.

(8) Plans for utilization of the project's results should be discussed.

(9) Documentation of the commitment of all parties, e.g., facilities, governmental bodies, etc., to the proposed methodology.

(10) The application must assure the applicant's willingness to comply with the Department's human subjects regulations (45 CFR Part 46) by including a completed form HEW–596 (Rev. 1975) "Protection of Human Subjects." Applicants should be aware that this requirement may require substantial effort.

General Criteria for Reviewing Applications

We will use the following general criteria to review and evaluate applications:

(1) The adequacy and creativity of the research or demonstration design and hypotheses;

(2) Whether there is a realistic expectation that the project can be carried out within the times specified;

(3) If the project requires the cooperation of multiple parties, documentation of a commitment of the parties necessary to the success of the planned project.

(4) The extent to which the project can be replicated.

(5) The extent of the financial need of the facility.

(6) The extent to which the need for the facility is demonstrated.

(7) The cost of the project.

Review of Applications

HCFA will designate a panel to review applications submitted under this special solicitation.

Number and Size of Awards

Although there is no specific limit on either the number or size of the awards, the cost of the project will be taken into consideration during the selection process. The number of applications which receive awards will depend on the quality of the applications and their relevance to HHS and HCFA priorities, including the number of persons to be served and the scope of services to be provided.

Duration of Funding

Funding for grants is awarded for a period of 1 year. For a multiple-year project, funding may be continued on a noncompeting basis. However, continuation funding is contingent upon the availability of future year funds, the applicant's ability to meet prior year project objectives, and the continued relevance of the project to HCFA programs.

Waivers may be granted for multiple-year periods. Generally we expect these projects to be 3 years in duration. Methodologies that require longer project periods will also be considered if the applicant can justify the need for the longer period. Applicants are advised, however, that even though waivers may be granted for multiple-year periods, they can be withdrawn if the project is terminated or funding not extended.

Section 1115 Projects

Under section 1115(a)(1) of the Social Security Act, compliance with statutory State Medicaid plan requirements may be waived to enable a State Medicaid agency to carry out a significant demonstration project which will further the general objectives of the Medicaid progam.

All requirements of the Social Security Act, the Code of the Federal Regulations and other issuances that pertain to the Title XIX categorical program are applicable to a project approved under section 1115, except as specifically waived.

A State Medicaid agency should give special attention to the preparation of the budget. These budget are substantially more extensive than the budget for other grant application (see HCFA–PG–11A, Instructions for Completion of Federal Assistance Application Form HCFA–PG–11).

Application Procedures

(1) *Application Forms and Kits.* Standard application forms, special application kits, and guidance for both are available from: Health Care Financing Administration, Project Grants Branch, Area E–1, Gwynn Oak Building, 1710 Gwynn Oak Avenue, Baltimore, Maryland 21207, (301) 594–3332.

The applicant must include in the project title block a statement that the State Medicaid agency is responding to the special solicitation for financially troubled hospitals. This designation must also be marked clearly on the outside of the package/envelope.

(2) *Multiple Applications.* The applicant must indicate if the same or a similar application is submitted to

another HHS agency; e.g., the Social Security Administration, the Office of Human Development Services or the Public Health Service.

(3) *Grant Policies.* Grants are made through a competitive process involving applications submitted in response to this notice.

Since these applications will be submitted only by State Medicaid agencies and may receive the majority of funding through Section 1115 waiver authority, States will be required to maintain normal State match.

Other policies, including grantee responsibilities, awarding and payment procedures, special provisions and assurances, are described in the following documents that are included in the application kit: HCFA Grants Policy Handbook, DHEW Publication No. (HCFA) 79-04001 (Rev. 6/79) 45 CFR Part 74, Administration of Grants.

(4) *Closing Date and Time.* The closing date for grant applications under the special solicitation is September 30, 1980. The closing time is 4:30 p.m. Eastern Daylight Savings Time. Applications should be addressed to the Projects Grants Branch at the address shown in (1) above.

Applications received after the closing time will be considered only if they were sent by registered, certified or express mail before September 24, 1980. The postmark on the package will establish the date mailed.

(5) *Awards.* HCFA is aware of the stringency of the application timetable and the impact it may have on potential applicants. Some hospitals may have already developed proposals for their own purposes that would be appropriate to fund under this demonstration program, while others will be starting afresh. Therefore, HCFA may award some grants to State Medicaid agencies, on or about October 31, for fully developed proposals. We will also identify from the initial applications promising candidates whose proposals need further development or clarification. These will be the subject of negotiation between HCFA and the State Medicaid agency with funding possible at a later date.

General Guidance

This section provides project design guidance by examining problems faced by financially troubled hospitals and providing a guide to possible solutions.

I. Problems Facing Financially Troubled Hospitals

The problems faced by financially troubled hospitals can be categorized into three broad areas: (a) problems related to nonpayment by patients; (b) problems related to management of public and nonprofit hospitals; and (c) problems related to the appropriate mix and delivery of services.

A. *Problems Related to Nonpayment by Patients.* Historically, funding for hospitals originated from many sources including insurance, government, patients and philanthropy. During the last two decades, the most significant change in health care funding has been the introduction of increased Federal funding through the Medicare and Medicaid programs. Both programs have become crucial to the viability of hospitals, particularly those in poor neighborhoods.

In the past few years, there has been rapid inflation in health care costs. One result of rising costs has been that the medically indigent, those ineligible for Medicaid but unable to afford private insurance, have been unable to pay for the health services they receive. This is a problem for both the individuals involved and the health facilities servicing the uninsured. The effort of some States to contain rapidly rising expenditures for hospital care has aggravated some hospitals' fiscal problems, particularly those hospitals located in poor communities serving the medically indigent population.

There are a variety of other factors that have contributed to the fiscal concerns of urban and rural hospitals. These include increasingly sophisticated and expensive equipment, changing population patterns, difficulties in staff recruitment, and the decrease in philanthropic support.

Hospitals in poor neighborhoods with high concentrations of medically indigent persons have been most seriously affected by these factors. In general, inner city and rural hospitals face not only communities with significant health needs, but also communities too poor to support extensive services.

Further, some reimbursement methodologies across the nation may be unrealistically stringent and may be subject to State budgetary constraints that result in low levels of reimbursement.

As noted above, not all low-income individuals are eligible for the Medicaid program. The Medicaid eligibility requirements leading to the exclusion of many poor people include—

1. Categorical restrictions;
2. Income limits too low to include all persons in need of medical assistance;
3. Restrictive "spend-down" requirements; and
4. Difficult documentation and verification requirements.

Categorical Restrictions. By law, Medicaid is available only to certain categories of poor people—the aged, the blind, the disabled, and in general, single-parent families. However, States may, at their option, include all poor children (regardless of family structure), and two-parent families when one parent has worked in the recent past but is now unemployed. Single individuals and childless couples aged 21-64 cannot be covered, no matter how poor, unless blind or disabled. Similarly, working two-parent families are not eligible, even if their earnings are small (although the children in those families may be eligible in some States). Clearly, these restrictions exclude some of the poorest residents of these areas—the 25-year-old unemployed youth, the family struggling on one parent's minimum wage job, the 55-year-old whose place of employment closed and who has not found other work.

Income Limits Too Low To Include All Persons in Need. Families that fit the eligible categories may not be poor enough to qualify for Medicaid, even though they cannot afford to purchase health insurance. Few minimum wage jobs include employer-paid health insurance, but a parent, employed full time at such a job, will find that he or she has too much income to qualify for Medicaid in most States. Medicaid income standards are below the Federal poverty level in all but one or two States; in many States the standards are less than 75 percent of the poverty level.

Restrictive "Spend-down" Requirements. At State option, people in the covered categories can be eligible for Medicaid even when their incomes exceed Medicaid standards, if their medical expenses are large enough. Medical expenses incurred by the applicant are subtracted from excess income until the remaining income equals the eligibility standard. Any additional medical expenses are then paid by Medicaid.

(The process is called "spend-down.") This procedure works well for nursing home care and for expensive hospitalizations, but people who cannot afford primary outpatient care still may not qualify for Medicaid because their medical expenses are not high enough to offset excess income.

Documentation and Verification Requirements. In order to reduce eligibility errors and control program costs, many Medicaid agencies have implemented applications procedures that require extensive documentation and verification of the various factors of eligibility. These procedures may exceed minimum Federal requirements and may

require an applicant to produce such items as—

- A birth certificate to verify identity, age and citizenship;
- A rent receipt or letter from a landlord to verify local residence;
- A complete description of how money previously held in a savings account was used, etc.

In addition, applicants who claim to have no income or assets might be asked to explain how they are managing to support themselves. Applicants who cannot produce required documents or acceptable alternatives may be denied Medicaid.

Therefore, many poor people in need of medical care, especially primary care, may not qualify for Medicaid coverage.

B. *Problems Related to Management of Public and other Non-profit Hospitals.* While unemployment, inflation and various demographic changes are placing increasing demands on the services of the non-Federal public and non-profit institutions, inflation, rising health care costs, diminishing tax bases in inner cities and small tax bases of rural communites are reducing the ability of some State and local governments to finance such services. This has placed these intitutions under increasing strain during recent years. As a result, physical plants are often in disrepair; management is focused on day-to-day survival; and quality of care may be compromised.

There are many factors preventing the optimum management of these hospitals. The lack of sufficient revenue from third-party payors, coupled with the hospital's ability in the past to obtain funds through philanthropy and supplemental payments from State or local governments, has often resulted in little incentive for financial accountability in these hospitals. This has led to inefficient management, unnecessary duplication of services, and a failure to aggressively pursue collection from some of those patients who are insured or able to pay.

This solicitation seeks demonstration projects which attempt to reduce barriers to efficient management through management reform, including greater facility autonomy and acountability, and better data and information systems.

C. *Problems Related to the Appropriate Mix and Delivery of Services.* The health programs for the poor in many communities contain biases toward hospitalization when less expensive outpatient care would be appropriate. From the perspective of the practicing physician, Medicaid offers little incentive to serve the poor. Medicaid fee schedules establihsed by States are typically below the customary charges of physicians and the levels established for Medicare and Blue Shield payments. The Medicaid programs frequently reimburse physicians at such low rates that some physicians elect not to participate in the Medicaid program. In addition, due to stringent Medicaid eligibility determinations and categorical restrictions, areas with large numbers of poor persons often have a high percentage of persons ineligible for Medicaid, who will find it difficult to pay for physician services.

For these and other reasons, some communities suffer from severe physician shortages with, at times, only one primary care physician for every 15,000 persons. (The national ratio is 1 to 1,500.) This situation is further exacerbated by some State Medicaid programs which utilize extremely limited definitions in determining recognized clinic use and may not cover costs of services performed by non-physicians, e.g., nurse-practitioners and physician extenders.

On the other hand, payments to hospitals for emergency room and clinic services are at a much higher level than corresponding payments to physicians for the identical type of services. Even though the amount reimbursed to hospitals for outpatient services is typically on a cost basis, the cost may be as high as $60 or $70 per visit compared to an $8 payment limit under Medicaid for an office visit to a physician. Although many States limit the amount paid for hospital outpatient department visits, these limits are always higher than the payments rates for physician office services.

The non-Medicaid poor receive much of their primary and acute medical care at hospitals, most often public or other non-profit hospitals. If that care is outpatient care, there is usually no insurance coverage; however, if that care is delivered to a hospital inpatient, the poor person often is able to qualify for Medicaid or State health care programs, after "spending-down" excess resources.

As a result, inner city residents use the hospital outpatient or inpatient facilities on an episodic basis. Each time the patient returns to the outpatient department, he or she is likely to be seen by a different doctor who may have no background on the patient's medical situation. This results in the ordering of more tests than would be necessary if the doctor were acquainted with the patient and his or her complete medical history. In short, because of the lack of continuity in outpatient care and the lack of a personal relationship between the physician and the patient, resource use per episode of illness is likely to be high. Care normally is not sought until well after a health problem has begun because preventive and educational services are virtually nonexistent.

II. Potential Solutions

HCFA is interested in testing a variety of approaches to improving access to and quality of care through assistance to financially troubled hospitals. This initiative recongizes that there are numerous alternatives to test as we attempt to develop programs that would change provider, patient, and third party payor behavior to enable financially distressed hospitals to continue providing health care to their communities. The alternatives included in this section by no means exhaust the range of possible solutions. We are willing to consider a broad range of ideas and approaches.

One approach is to test the ability of the hospital or network of facilities to assume the role of family physician and case manager. In essence, the hospital or network of facilities would be "responsible" for the health care of the demonstration participants, that is, the patients to be served. Alternative delivery configurations such as clinic networks, single service delivery sites, utilization of private providers, etc., are also encouraged.

Participants can include Medicare and Medicaid beneficiaries, hospitals employees, other third-party insured individuals and currently uninsured individuals living in the surrounding area. Medicaid eligibility could be guaranteed for a specific time period and could be extended, at a minimum, to noncategorically eligible persons who meet the Medicaid income criteria, live in the surrounding area, and elect to participate in the demonstration.

As indicated above, applicants may elect to address a variety of solutions. These may include management improvements, reconfiguration of services or facilities, liberalization of Medicaid eligibility criteria, alternate payment methodologies expanded definition of clinic services, expanded use of nonphysicians, or any combination of these issues. Alternte payment methodologies must be structed to encourage appropriate care, promote efficient management and use of the facility, and cover the reasonable costs of the care provided.

A. *Medicaid Eligibility.* Those applicants addressing a liberalization of Medicaid eligibility criteria should note that we are interested in demonstration proposals which contain material that

focuses on at least the first change, and some or all of the remaining changes, in the criteria detailed below:

- removal of categorical restrictions, i.e., basing Medicaid eligibility solely on financial needs;
- applying earned income exclusions used in the AFDC program to families applying for Medicaid;
- simplifying administraiton of the "spend-down" procedure;
- guaranteeing eligibility for a specified time period;
- relaxing income standards and asset standards.

The specific eligibility liberalizations chosen will depend on the circumstances of each rural or urban area and the rules currently in use in each State. We will consider other suggested changes.

B. *Mix and delivery of services.* In order to encourage the appropriate mix and delivery of services applicants may propose reconfiguration of delivery systems. One possibility includes a case management system.

Case management is a system of health care under which each patient selects a specific primary care practitioner or team (known as case manager) who provides primary care to that patient, and arranges, coordinates and monitors all other medical care for that patient on a continuous basis. Services under the case manager's purview that have not been explicitly approved by the case manager will not be approved for payment.

The case manager must be a hospital outpatient department with an organized primary care program, a medicaid participating community health center affiliated with a hospital, or a medical group practice (either multi-specialty or family practice) affiliated with a participating hospital.

A case management program could include the following minimum components:

(a) An individual practitioner (or team, including at least a physician and a nurse practitioner or physician's assistant) who functions as the primary care provider for the patient.

(b) An initial intake visit with the primary care provider, which includes health assessment, facilities orientation, explanation of the case management concept and establishment of a personal relationship between patient and provider.

(c) A primary care practitioner responsible for delivering primary care services on site, including but not limited to pediatrics, adult medicine, obstetrics and gynecology or those services encompassed by family practice. In delivering primary care, the provider must perform the appropriate screens, examinations and diagnostic tests and treatments to ensure that the patient's health status is assessed and maintained.

(d) A plan that provides that, when the patient requires diagnostic testing, treatment or other care beyond that provded by the primary care provider on site, the primary care provider will refer that patient and monitor the care provided the patient in the referral setting.

To do this, there must be an established referral plan between the case manager and the referral setting that ensures the prompt exchange of relevant medical information and the continued assignment of responsibility for the total care of the patient to the primary care practitioner.

(e) Delivery of health education and medical social services to patients as needed. Health education means preparing patients for their participation in and reaction to specific medical procedures, instructing patients in self-management of medical problems, and presenting techniques to patients for disease prevention. Medical social services means assisting patients in their adjustments to and management of the social problems resulting from medical treatment, specific disease episodes or chronic illness. These services may be provided by the primary care practitioner or team, or by other staff in the case management organization judged to have the necessary qualifications or training.

(f) A complete medical record for each enrolled patient that documents and integrates all types of care delivered. The medical record must include data that forms the basis of the diagnostic impression or statement of the patient's problem sufficient to justify any further diagnostic procedures, treatments and recommendations for return visits and referrals.

(g) A program of internal quality assessment that includes: review of a representative sample of aspects of provider performance, incuding but not limited to quality of patient care and identification of deficient areas of performance; recommendtions for action to be taken to correct the deficiencies identified in the review; and periodic review of the corrective action previously recommended.

(h) A system for coordinating services not delivered on site and approving claims for these services. The case management program must be able to affect care not given on site (length of hospital stay, delivery of ancillary services, etc.) through written agreements with referral sources, which ensure exchange of patient information and acknowledge the primary provider as responsible for ongoing care of the patient.

In order to implement a case management system, it will be necessary for a facility to so organize its staff as to assure that appropriate personnel assume the role of a primary care "family physician". We recognize that, in this case, as in other alternatives, the participating facility or facilities will have to restructure services. Areas which might be explored include reduction of acute care beds and emergency room capacity, consolidation of services, elimination of duplication, and expansion of capacity for delivering primary care. The reconfiguration can range from a single facility providing most of the services to a network of facilities providing quality care in different sites.

In one option, the hospital could locate its clinics in a building separate from its inpatient facilities, but all ambulatory services might be provided at the single clinic site. In another option, multiple facilities could form a network and operate a series of interconnected health centers. The facilities might keep track of the demonstration participants, set up appointments, monitor care, etc., but provide only inpatient services.

A third option could involve formal contracts with a series of health providers—clinics, home health agencies, private tertiary facilities, social service agencies, etc. The participating hospital would maintain all records and would be financially responsible for each enrollee's care.

Each participating institution must determine its appropriate role and configuration, based on existing services and the needs of the population. Unneccessary duplication of services in an area must be avoided and plans of area planning offices adhered to whenever available.

The anticipated structure and the plans for its achievement should be determined before the initiation of the demonstration.

C. *Management.* Applicants may encourage improved hospital management. Many hospitals suffer from management deficiencies such as a lack of incentives for tight fiscal management and an inability to recruit and support effective managers. These hospitals often have antiquated and cumbersome accounting systems that are unable to respond to the needs of effective management and administration. Often the relationship that exists between these hospitals and the municipal governments—including

shared accounting, procurement, and personnel practices—makes management changes in these hospitals difficult.

We expect that any demonstration submitted under this situation will address existing management deficiencies. At a minimum, each hospital will be expected to maintain an independent system of accounts for both expenses and revenues; rigorously pursue Medicaid eligibility determinations; and establish and monitor a method to ensure maximum collections. A complete plan for management changes must be included for each participating facility, depending on its specific needs.

(Sections 1102, 1110, 1115, 1871, and 1875 of the Social Security Act (42 U.S.C. 1302, 1310, 1315, 1395hh, 1395ll); Section 222(a) of the Social Security Amendments of 1972 and Section 402(a) of the Social Security Amendments of 1967 (42 U.S.C. 1395b–1) as amended by Section 222(b) of the Social Security Amendments of 1972; and Sections 1521, 1526 and 1533 of the Public Health Service Act (42 U.S.C. 300m, 300m–5 and 300n)

(Catalog of Federal Domestic Assistance Program No. 13,766 Health Financing Research, Demonstrations and Experiments)

Dated: August 26.1980.

Earl M. Collier, Jr.,

Acting Administrator, Health Care Financing Administration.

[FR Doc. 80-26559 Filed 8-28-80; 8:45 am]

BILLING CODE 4110-35-M

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Federal Register

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Friday, August 29, 1980

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[1] Note: Between 45 FR 55433 and 55465, August 20, 1980, there were several pagination errors. Please refer to the cover of the issue for Thursday, August 21, 1980, for explanation.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 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	HHS/FDA		DOT/SLSDC	HHS/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.

***NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.**

REMINDERS

Rules Going Into Effect Today

AGRICULTURE DEPARTMENT

Energy Office—

50549 7–30–80 / Amendment of regulations certifying essential agricultural uses (metal, shipping barrels, drums, keg and pails (food related only)) under the Natural Gas Policy Act

Rules Going Into Effect Sunday, August 31, 1980

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

41586 6–19–80 / Operations review program

Rules Going Into Effect Monday, September 1, 1980

AGRICULTURE DEPARTMENT

Agriculture Marketing Service—

50701 7–31–80 / Milk marketing orders; Georgia

Food and Nutrition Service—

46036 7–8–80 / 1980 Food Stamp eligibility limits; interim rule

[Corrected at 45 FR 48099, 7–18–80]

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51197 8–1–80 / Cost of living adjustment for compulsory royalty rates paid by non-commercial broadcasting

ENERGY DEPARTMENT

Economic Regulatory Administration—

52112 8–5–80 / Crude oil reseller regulations

Federal Energy Regulatory Commission—

53116 8–11–80 / Bona fide offers; provisions for right of refusal

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

40603 6–16–80 / Delegation of authority to grant or deny Freedom of Information Act requests to the Associate General Counsel, Legal Counsel Division and the Regional Attorney in each District Office

FEDERAL LABOR RELATIONS AUTHORITY

48575 7–21–80 / Negotiability issues, expedited review; issuance of orders and compliance actions

FEDERAL RESERVE SYSTEM

54009 8–14–80 / Extension of credit by Federal Reserve Banks

HEALTH AND HUMAN SERVICES DEPARTMENT

Public Health Service—

48478 7–18–80 / Grants for Community Mental Health Centers

INTERIOR DEPARTMENT

Fish and Wildlife Service—

37847 6–5–80 / Final regulations describing nontoxic shot zones for waterfowl hunting seasons occurring in 1980 or in January and February 1981

Indian Affairs Bureau—

54331 8–15–80 / Colorado River Irrigation Project, Ariz., Revision of rates and procedures

TRANSPORTATION DEPARTMENT

Federal Highway Administration—

70721 12–10–79 / Step, handhold, and deck requirements on commercial motor vehicles; extension of effective date

[Originally published at 44 FR 43730, 7–26–79]

National Highway Traffic Safety Administration—

27541 6–26–78 / Controls and displays, Federal motor vehicle safety standards

55579 9–27–79 / Federal motor vehicle safety standards; controls and displays

52246 11–9–78 / Federal motor vehicle safety standards, vehicle identification number

23229 4–19–79 / Seating positions

40585 6–16–80 / Speedometers and odometers; marking and tampering requirements and maximum speed standard

36448 8–17–78 / Vehicle identification numbers; Extension of applicability for vehicles other than passenger cars

17489 3–22–79 / Vehicle identification number; fixed formats

Research and Special Programs Administration—

13087 2–28–80 / Shipment of hazardous materials by air

List of Public Laws

Last Listing August 14, 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 202-275-3030).

H.R. 7102 / Pub. L. 96-330 Veterans' Administration Health-Care Amendments of 1980. (Passed over veto—Aug. 26, 1980; 94 Stat. 1030.)