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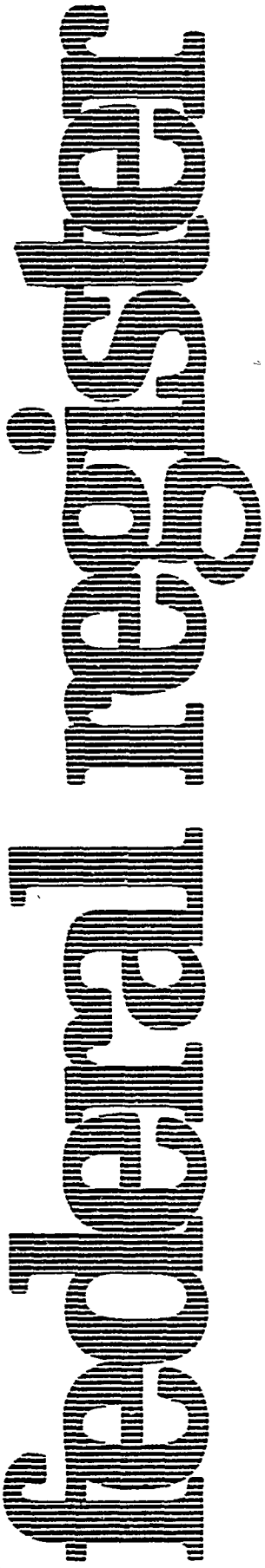

Thursday
November 8, 1979

Highlights

CUMULATIVE LIST OF PUBLIC LAWS—The second cumulative list of public laws for the first session of the 96th Congress will be published in the reader aids section of the issue of Wednesday, November 21, 1979

64781 **Census 1980** Presidential proclamation

64916 **Social Services Programs** HEW/HDS/APS issues notice of fiscal year 1980 Federal allotment limitation for State and local training programs

64809 **Disaster Assistance** FEMA establishes regulations expanding the evaluation and mitigation of natural hazards; effective 12-10-79

65008 **Indian Education** Interior/BIA publishes regulations on education personnel; effective 12-24-79 (Part III of this issue)

65020 **Hazardous Materials** DOT/RSPA proposes improved descriptions of hazardous materials for emergency response; comments by 1-9-80 (Part IV of this issue)

64783 **National Security Information** OMB issues regulations on classification, downgrading, declassification and safeguarding of information; effective 11-8-79

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Highlights

64902 **Privacy Act** FHLMC issues annual publication of systems of records

65002 **Endangered and Threatened Wildlife and Plants** Interior/FWS establishes regulations determining abies guatemalensis (Guatemalan fir, or Pinabete) as a threatened species; effective 12–10–79 (Part II of this issue)

64879 **Flood Disaster Protection** FEMA gives notice of a list of communities containing areas of special flood hazard under the Act

64957 **Importation of Mexican Gas—1979** DOE/ERA establishes ERA Docket and announces requests for intervention

64978 **Sunshine Act Meetings**

Separate Parts of This Issue

65002 **Part II, Interior/FWS**
65008 **Part III, Interior/BIA**
65020 **Part IV, DOT/RSPA**

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Presidential Documents

Title 3—

The President

Proclamation 4701 of November 6, 1979

Census 1980

By the President of the United States of America

A Proclamation

Our Constitution requires that there be a census of the people in the United States once every ten years. The Twentieth Decennial Census will be taken beginning April 1, 1980.

It is vitally important to everyone that this census be a complete and accurate report of the Nation's population and resources. Its results determine the representation of the States in the House of Representatives, the redrawing of congressional boundaries, and State and local redistricting. They also provide the basis for distributing large amounts of funds under various Federal programs among the States and communities.

The census is also important for a broader purpose. Americans are a free and mobile people. Significant and rapid changes take place in our country. To better understand ourselves and make intelligent decisions for the future, we depend greatly on our census.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby declare and make known that under the law it is the duty of every person to participate in the census by answering all questions in the census schedule applying to him or her and the family to which he or she belongs, and to the home being occupied.

Every person in the United States can be sure that there will be no improper use of the information given in the census. Answers cannot be released in any way which will harm the individual. By law individual information collected will not be used for purposes of taxation, investigation, or regulation, or in connection with military or jury service, the compulsion of school attendance, the regulation of immigration, or with the enforcement of any national, State, or local law or ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of November, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

[FR Doc. 79-34742
Filed 11-6-79; 3:14 pm]
Billing code 3195-01-M

Rules and Regulations

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.

OFFICE OF MANAGEMENT AND BUDGET

5 CFR Part 1312

Classification, Downgrading, Declassification and Safeguarding of National Security Information

AGENCY: Office of Management and Budget.

ACTION: Final rule.

SUMMARY: These regulations implement the provisions of Executive Order 12065 (June 28, 1978, 43 FR 28949) and the Information Security Oversight Office Directive (43 FR 46280, October 5, 1978), relating to the classification, downgrading, declassification, and safeguarding of national security information. The Order increases openness in Government by limiting the classification of documents and by accelerating the declassification of other documents, while providing protection against unauthorized disclosure of information which requires protection in the interest of national security.

EFFECTIVE DATE: November 8, 1979.

FOR FURTHER INFORMATION CONTACT: Albert E. Brown, Security Officer, Office of Management and Budget, Washington, DC 20503 (395-3192).

SUPPLEMENTARY INFORMATION: These regulations have been submitted to the Information Security Oversight Office in accordance with section 5-401 of the Order. The Office considers all regulations, or amendments to existing regulations, published in the Federal Register and codified in the Code of Federal Regulations to be significant regulations, unless specifically determined and expressly justified to be otherwise. In this regard, it has been determined that this final rule is not subject to the notice and public participation requirements of Executive Order 12044, March 24, 1978, "Improving Government Regulations," because the regulations are "required to implement a statute, an international agreement, a court decision, or a regulatory action of another agency, bureau, or office, and no substantial element of discretion is afforded the rulemaker," and because the regulations are "essentially procedural." Additionally, as these regulations are "rules of agency organization, procedure or practice," notice and public procedure respecting these regulations are not deemed necessary or appropriate under 5 U.S.C. 553(b)(A).

Accordingly, 5 CFR Chapter III is amended by adding a new Part 1312 to read as follows:

PART 1312—CLASSIFICATION, DOWNGRADING, DECLASSIFICATION AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION

Subpart A—National Security Information—Classification and Declassification

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1312.1 Purpose and authority.
1312.2 Responsibilities.
1312.3 Classification requirements.
1312.4 Classification designations.
1312.5 Authority to classify.
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Subpart B—Control and Accountability of Classified Information

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1312.32 Responsibility.
1312.33 Information in the custody of OMB.
1312.34 Information classified by another agency.
1312.35 Appeal procedure.
1312.36 Fees.

Authority.—E.O. 12065, 43 FR 28949, 3 CFR, 1978 Comp., P. 190 as implemented by Information Security Oversight Office Directive, 43 FR 46280, October 5, 1978.

§ 1312.1 Purpose and authority.

This part prescribes the procedures for the classification and declassification of national security information in the possession of the Office of Management and Budget (OMB). It is issued under authority of Executive Order 12065 (43 FR 28949, June 28, 1978) as implemented by Information Security Oversight Office Directive (43 FR 46280, October 5, 1978) and is applicable to all OMB employees.

§ 1312.2 Responsibilities.

The effectiveness of the classification and declassification program in OMB depends entirely on the amount of attention paid to it by supervisors and their staffs in those offices that possess or produce classified material. Officials who *originate* classified material are responsible for the proper assignment of a classification to that material and for a decision as to its declassification or downgrading. Officials who produce documents containing classified information must determine the *source of the classification* for that information and must insure that proper identity of that source is shown on the document. Custodians of classified material are responsible for its safekeeping and for insuring that such material is adequately marked as to current classification.

(a) *Security Officer.* Under the general direction of the Assistant to the Director for Administration, the Security Officer will supervise the administration of this Section and will develop programs to assist in compliance with the Order. Specifically, he will: (1) Promote the correct understanding of this part by all employees and conduct initial briefings about security procedures and policies for new employees; (2) issue and keep current such classification guides and guidelines for review for declassification as are required by the Order; (3) conduct periodic reviews of classified documents produced and of areas where classified materials are stored, and provide assistance and guidance where necessary, and, (4) maintain a current listing of all officials who have been designated in writing to have Top Secret, Secret and Confidential original classification authority.

(b) *Heads of offices and division.* The head of each division or major organizational unit is responsible for the administration of the part within his or her area. Appropriate internal guidance

should be issued to cover special or unusual conditions within an office.

§ 1312.3 Classification requirements.

U.S. Citizens must be kept informed about the activities of the Government. However, in the interest of our national security, certain official information must be subject to constraints on its dissemination or release. This information is classified in order to provide this protection. Information may not be considered for classification unless it concerns (a) military plans, weapons or operation, (b) foreign government information, (c) intelligence activities, sources, or methods, (d) foreign relations or foreign activities of the United States, (e) scientific, technological, or economic matters relating to the national security, (f) United States Government programs for safeguarding nuclear material or facilities, or, (g) other categories of information which are related to national security and which require protection against unauthorized disclosure as determined by the President, by a person designated by the President, or by an agency head. Even though information is determined to meet one or more of the criteria above, it may not be considered for classification unless an original classification authority determines that its unauthorized disclosure reasonably could be expected to cause at least identifiable damage to the national security.

§ 1312.4 Classification designations.

Except as provided in the Atomic Energy Act of 1954, the Order provides the only basis for classifying information. Information which meets the test for classification may be classified only in one of the following three designations. If there is reasonable doubt which designation is appropriate, or whether the information should be classified at all, the less restrictive designation should be used or the information should not be classified.

(a) TOP SECRET. This classification shall be applied only to information the unauthorized disclosure of which could reasonably be expected to cause exceptionally grave damage to the national security.

(b) SECRET. This classification shall be applied only to information the unauthorized disclosure of which could reasonably be expected to cause serious damage to the national security, and,

(c) CONFIDENTIAL. This classification shall be applied only to information the unauthorized disclosure of which could reasonably be expected to cause identifiable damage to the national security.

§ 1312.5 Authority to classify.

The authority to *originally* classify information or material under these regulations shall be limited to those officials concerned with matters of national security. The officials listed below are granted authority by the Director, OMB, to assign original classifications as indicated to information or material that is originated by OMB staff, and relating to the national security of the United States:

(a) Top Secret and below:
- (1) Deputy Director
- (2) Executive Associate Director for Budget (EAD/B)
- (3) Associate Director for National Security and International Affairs (AD/NSIA)
- (4) Associate Director for Natural Resources, Energy and Science (AD/NRES)
- (5) Deputy Associate Director for National Security (DAD/NS)

(b) Secret and below:
- (1) Executive Associate Director for Reorganization. Management (EAD/RM)
- (2) Deputy Associate Director for International Affairs (DAD/IA)
- (3) Deputy Associate Director for Special Studies, National Security and International Affairs (DAD/SS/NSIA)
- (4) Deputy Associate Director for Energy and Science (DAD/ES)
- (5) Deputy Associate Director for Special Studies, Natural Resources, Energy and Science (DAD/SS/NRES)

(c) Confidential.
- (1) Assistant Deputy Associate Director for National Security
- (2) Assistant Deputy Associate Director for International Affairs.

(d) Classification authority is not delegated to those persons who only reproduce, extract, or summarize classified information, or who only apply classification markings derived from source material or by a classification guide.

§ 1312.6 Duration of classification.

Except for information qualifying for extended classification under OMB classification guides, each OMB original classification authority shall, at the time a document is classified, set a date or event for declassification no more than six years later. This date or event shall be shown on the face of the document. Only officials with original top secret classification authority may classify information for more than six years from the date of original classification. When material is thus extended beyond six years, the reason for the extension, and a date or event for declassification (or review for declassification) shall appear on the face of the document. This date or event shall be as early as national security permits, but shall be not more than 20 years from the date of original classification, except that foreign government information may be protected up to 30 years from date of original classification as provided in section 1-402 of the Order.

§ 1312.7 Derivative classification.

A "derivative classification" means that the information is in substance, the same information that is currently classified, usually by another agency or classification authority. The application of derivative classification markings is the responsibility of the person who incorporates, restates, paraphrases, or generate in new form information that is already classified, or who applies such markings in accordance with instructions from an authorized classifier or classification guide. So far as it is practicable, persons applying derivative classifications will, through checks with originators or other appropriate inquiries, determine whether such incorporation, paraphrasing, or restating, has removed the basis for classification, in which case the document may be assigned a lower classification or may be issued in unclassified form.

§ 1312.8 Standard identification and markings.

At the time classified material is produced, the following markings will be made as indicated:

(a) The office of origin and the date of the document will be placed on the cover or first page.

(b) The overall classification of the document will be stamped, marked, or permanently affixed at the top and bottom of the cover or first page.

(c) The overall classification of individual pages will be marked or stamped at the top and bottom of each page containing classified information.

(d) The classification of individual portions of the document, using the abbreviation, (TS), (S), (C), or (U), will be typed or marked at the end of each paragraph or section of the document.

(e) The identity of the original classifier of the information, unless also the signer of the document, will be shown on the "classified by" line. (See paragraph h, below, for marking derivatively classified information.)

(f) The date or event for declassification or for review for declassification will be indicated on the line intended for that purpose.

(g) Downgrading markings, if applicable, will be placed immediately below the date or event for review for declassification line.

(h) If the document is derivatively classified, enter the identity of the original classifier on the "classified by" line, and continue the original classifier's guidance as to declassification. When the classification is derived from more than one source, the term "multiple sources" may be used, and the most distant date for review or declassification will be shown. These sources will be identified on the last page of the document, if feasible, but will always be listed on the official file copy of the document.

(i) Transmittal documents will be stamped to indicate the highest classification of the information transmitted, and the classification of the transmittal document standing alone.

(j) The classification data for material other than documents will be affixed by tagging, stamping, recording, or other means, to insure that recipients are aware of the requirement for the protection of the information.

(k) Additional markings required:

(1) Restricted Data, or Formerly Restricted Data, will be identified by such markings as may be prescribed by the Department of Energy.

(2) Documents revealing intelligence sources or methods will be identified by the notation, "Warning Notice—Intelligence Sources and Methods Involved."

(3) Limitations on dissemination and/or reproduction, as determined by the originator, will be noted in the text of the document, or on its cover sheet.

§ 1312.9 Downgrading and Declassification.

Classified information originated by OMB offices will be downgraded or declassified as soon as it no longer qualifies for continued protection under the provisions of the Order. Authority to downgrade or declassify OMB-originated information is granted to those authorized to classify, (see Section 1312.5). Additionally, the Assistant to the Director for Administration and the Security Officer are authorized to exercise downgrading and declassification actions up to and including the Top Secret level.

(a) *Transferred material.* Information which was originated by an agency that no longer exists, or that was received by OMB in conjunction with a transfer of functions, is deemed to be OMB-originated material. Information which has been transferred to another agency for storage purposes remains the responsibility of OMB.

(b) *Periodic review of classified material.* Each office possessing classified information will review that material on an annual basis, or in conjunction with the transfer of files to non-current record storage, and take action to downgrade or declassify all material no longer qualifying for continued protection at that level. All material transferred to non-current record storage must be properly marked with correct downgrading or declassification instructions.

§ 1312.10 Systematic Review Guidelines.

The Security Officer will prepare and keep current such guidelines as are required by the Order for the downgrading and declassification of OMB originated material that is 20 years old or older.

§ 1312.11 Challenges to classifications.

OMB employees are encouraged to familiarize themselves with the provisions of the Order and with this part. Employees are also encouraged to question or to challenge those classifications they believe to be improper, unnecessary, or for an inappropriate time. Such questions or challenges will normally be addressed to the originator of the information, unless the challenger desires to remain anonymous, in which case the challenge should be addressed to the Security Program Review Committee.

§ 1312.12 Security Program Review Committee.

The Assistant to the Director for Administration will chair the OMB Security Program Review Committee, which will act on suggestions and complaints about the OMB security program. This committee will also respond to challenges to classifications (see Section 1312.11) when direct negotiations with the originator were not desired, or were unsatisfactory or non-productive. Responses to such appeals will be made within 30 days of receipt.

Subpart B—Control and Accountability of Classified Information

§ 1312.21 Purpose.

This part prescribes procedures for the receipt, accountability, transmission, and access to classified information within the Office of Management and Budget.

§ 1312.22 Responsibilities.

The effective direction by supervisors and the alert performance of duty by employees will do much to assure the adequate security of classified information in the possession of OMB offices. Each employee has a responsibility to protect and account for all classified information that he or she knows of within his or her area of responsibility. Such information will be made available only to those who have official need to know, and who have been granted the appropriate security clearance by competent authority. Particular care must be taken not to discuss classified information over unprotected communications circuits (to include intercom or closed-circuit TV), at non-official functions, or at any time that it might be revealed to unauthorized persons. Classified information will not be entered into any computer system available to OMB offices.

§ 1312.23 Responsibilities.

(a) The Security Officer will supervise the administration of this part, to include:

(1) Promoting a correct understanding of this Section and conducting initial briefings about security procedures for all new employees.

(2) Providing for periodic inspections of office areas and reviews of produced documents to assure full compliance with OMB regulations and procedures.

(3) Taking prompt action to investigate alleged violations of security, and recommending appropriate administrative actions with respect to violators.

(4) Supervising the annual inventories of Top Secret material.

(5) Insuring that containers used to store classified information meet approved security standards and that combinations to security containers are changed as required.

(b) Head of offices or division within OMB are responsible for the administration of this part within their areas, including the maintenance of the prescribed control and accountability records for classified information and the establishment of internal procedures to insure that classified material is properly safeguarded at all times.

§ 1312.24 Access to classified information.

Classified information may be made available to a person only when the possessor of the information establishes that access is essential to the accomplishment of official government duties, and that the proposed recipient possesses a security clearance granted by competent authority.

§ 1312.25 Access by historical researchers and former Presidential appointees.

The procedure of classification requirements may be waived for persons who are engaged in historical research projects, or who previously have occupied policy-making positions to which they were appointed by the President. In these instances, the Security Officer will make a determination as to the trustworthiness of the requestor, and will obtain written agreement from the requestor to

safeguard the information to which access is given. He will also obtain written consent to the review by OMB of notes and manuscripts for the purpose of determining that no classified information is contained therein. Upon the completion of these steps, the material to be researched will be reviewed by the division of primary interest to insure that access is granted only to material over which OMB has classification jurisdiction. Former Presidential appointees will be granted access only to that information that he or she originated, reviewed, signed, or received while serving as a Presidential appointee.

Subpart C—Mandatory Declassification Review

§ 1312.31 General.

Other government agencies and individual members of the public frequently request that classified information in OMB files be reviewed for possible declassification and release. This part prescribes the procedures for such review and subsequent release or denial.

§ 1312.32 Responsibility.

All requests for the mandatory review of classified information in OMB files should be addressed to the Assistant to the Director for Administration, Office of Management and Budget, Washington, DC 20503, who will acknowledge receipt of the request. When the request does not reasonably describe the information sought, the requestor will be notified that unless additional information is provided, or the scope of the request is narrowed, no further action will be taken.

§ 1312.33 Information in the custody of OMB.

Information contained in OMB files and under the exclusive declassification jurisdiction of OMB will be reviewed by the Assistant to the Director for Administration and/or the office of primary interest in the information, to determine whether, under the declassification provisions of Section 3–3 of the Order, the requested information may be declassified. If so, the information will be made available to the requestor unless withholding is otherwise warranted under applicable law. If the information may not be released in whole or in part, the requestor shall be given a brief statement as to the reasons for denial, a notice of the right to appeal the determination to the Director, Office of Management and Budget, and a notice that such an appeal must be filed within 60 days in order to be considered.

§ 1312.34 Information classified by another agency.

When a request is received for information that was classified by another agency, the Assistant to the Director for Administration will forward the request, along with any other related materials, to the appropriate agency for review and determination as to release. Recommendations as to release or denial may be made, if appropriate. The requestor will be notified of the referral, unless the receiving agency objects on the grounds that its association with the information requires protection.

§ 1312.35 Appeal procedure.

Appeals received as a result of a denial will be routed to the Deputy Director, who will take action as necessary to determine whether any part of the information may be declassified and if so, notify the requestor of his determination and make available that information that is declassified and otherwide releasable. If continued classification in whole is required, the requestor shall be notified by the Director of the reasons therefor.

§ 1312.36 Fees.

There will normally be no fees charged for the mandatory review of classified material for declassification under this part.

David R. Leuthold,

Budget and Management Officer.

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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Parts 401, 431

Soybean Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule.

SUMMARY: This rule prescribes procedures for insuring soybean crops effective with the 1980 crop year. The rule combines provisions from previous regulations for insuring soybeans in a shorter, clearer, and more simplified document which will make the program more effective administratively. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: November 8, 1979.

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

SUPPLEMENTARY INFORMATION: The Federal Crop Insurance Corporation (FCIC) published a notice of proposed rulemaking in the Federal Register on August 8, 1979 (44 FR 46468), outlining prescribed procedures for insuring soybean crops effective with the 1980 crop year. In the notice, FCIC, under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), proposed that a new Part 431 of Chapter IV in Title 7 of the Code of Federal Regulations be established to prescribe procedures for insuring soybean crops effective with the 1980 crop year to be known as 7 CFR Part 431 Soybean Crop Insurance.

All previous regulations applicable to insuring soybean crops, as found in 7 CFR 401.101–401.111, and 401.134, are not applicable to 1980 and succeeding soybean crops but remain in effect for FCIC soybean insurance policies issued for the crop years prior to 1980.

It has been determined that combining all previous regulations for insuring soybean crops into one shortened, simplified, and clearer regulation would be more effective administratively.

In addition, 7 CFR Part 431 provides (1) for a Premium Adjustment Table which replaces the current premium discount provisions and includes a maximum 50 percent premium reduction for good insurance experience, as well as premium increases for unfavorable experience, on an individual contract basis, (2) that any premium not paid by the termination date will be increased by a 9 percent service fee with a 9 percent simple interest charge applying to any unpaid balances at the end of each subsequent 12-month period thereafter, (3) that the time period for submitting a notice of loss be extended from 15 days to 30 days, (4) that the 60-day time period for filing a claim be eliminated, (5) that three coverage level options be offered in each county, (6) that when appraisals for unharvested acreage are made (except appraisals for abandoned acreage, other use without consent, uninsured causes, poor farming practices, and substitute crops) only the appraisals in excess of the lesser of 3 bushels or 20 percent of the guarantee will be included in the production to count, and (7) for an increase in the limitation from $5,000 to $20,000 in those cases involving good faith reliance on misrepresentation, as found in 7 CFR Part 431.5 of these regulations, wherein the Manager of the Corporation is authorized to take action to grant relief.

The Soybean Crop Insurance regulations provide a December 31

cancellation date for all soybean producing counties. These regulations, and any amendments thereto, must be placed on file in the Corporation's office for the county in which the insurance is available not later than 15 days prior to the cancellation date, in order to afford farmers an opportunity to examine them before the cancellation date of December 31.

Under the provisions of Executive Order No. 12044, and the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)), the public was given an opportunity to submit written comments, data, and views on the proposed regulations, but none were received.

Therefore, with the exception of minor and nonsubstantive corrections to language, the regulations as contained in the proposed rule are hereby issued as a final rule to be in effect starting with the 1980 crop year.

In addition, there is hereby added to the final rule an Appendix "B", which lists the counties where soybean crop insurance is available in accordance with the provisions of 7 CFR 431.1 outlined below which state in part that before insurance is offered in any county there shall be published by appendix to this part the names of the counties in which such insurance shall be offered.

Inasmuch as the publication of the list of counties and crops insured by the Federal Crop Insurance Corporation as contained in Appendix "B" merely provides guidance for the general public and has no effect on the provisions of the insurance plan, the Corporation has determined that compliance with the procedure for notice and public participation in the proposed rulemaking process would be impracticable, unnecessary, and contrary to the public interest. Therefore, Appendix "B" is issued without compliance with such procedure.

Final Rule

§ 401.134 [Reserved]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby deletes and reserves 7 CFR 401.134, with such regulations as are contained therein remaining in effect for FCIC insurance policies issued for crop years prior to 1980, and issues a new Part 431 in Chapter IV of Title 7 of the Code of Federal Regulations (7 CFR Part 431) to be known as the Soybean Crop Insurance Regulations, which shall remain in effect, until amended or superseded, for the 1980 and succeeding crop years, to read as follows:

PART 431—SOYBEAN CROP INSURANCE

Subpart—Regulations for the 1980 and Succeeding Crop Years

Sec.

431.1 Availability of soybean insurance.
431.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
431.3 Public notice of indemnities paid.
431.4 Creditors.
431.5 Good faith reliance on misrepresentation.
431.6 The contract.
431.7 The application and policy.

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

§ 431.1 Availability of soybean insurance.

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

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

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

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

§ 431.3 Public notice of indemnities paid.

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

§ 431.4 Creditors.

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

§ 431.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the soybean insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresenttion or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 431.6 The contract.

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

§ 431.7 The application and policy.

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

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its

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

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1969 and succeeding crop years, a contract in the form provided for under this subpart will come into effect as a continuation of a soybean contract issued under such prior regulations, without the filing of a new application.

(d) The provisions of the application and Soybean Insurance Policy for the 1980 and succeeding crop years, and the Appendix to the Soybean Insurance Policy are as follows:

U.S. Department of Agriculture, Federal Crop Insurance Corporation

Application for 19— and Succeeding Crop Years; Soybean Crop Insurance Contract

(Name and address) (Zip code)

(Contract Number)

(Identification Number)

(County) (State)

Type of entity ———

Applicant is over 18 Yes — No —

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

LEVEL ELECTION ———

PRICE ELECTION ———

Example: For the 19— crop year only (100% share):

Location/ Farm No.	Guarantee per acre*	Premium per acre**	Practice

*Your guarantee will be on a unit basis (acres x per acre guarantee x share).

**Your premium is subject to adjustment in accordance with section 5(c) of the policy.

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

(Code No./Witness to signature)

(Signature of applicant)

———, 19— (date)

Address of office for county:

Phone ———

Location of farm headquarters:

Phone ———

Soybean Crop Insurance Policy

Terms and Conditions

Subject to the provisions in the attached appendix:

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

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

2. *Crop and acreage insured.* (a) The crop insured shall be soybeans which are planted for harvest as beans and which are grown on insured acreage and for which the actuarial table shows a guarantee and premium rate per acre.

(b) The acreage insured for each crop year shall be that acreage planted to soybeans on insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided,* That insurance shall not attach or be considered to have attached, as determined by the Corporation, to any acreage (1) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (2) not reported for insurance as provided in section 3 if such acreage is irrigated and an irrigated practice is not provided for such acreage on the actuarial table (not applicable in Arkansas, Louisiana and Mississippi), (3) which is destroyed and after such destruction it was practical to replant to soybeans and such acreage was not replanted, (4) initially planted after the date on file in the office for the county which has been established by the Corporation as being too late to initially plant and expect a normal crop to be produced, (5) of volunteer soybeans, (6) planted to a type or variety of soybeans not established as adapted to the area or shown as noninsurable on the actuarial table, or (7) planted with another crop.

(c) Insurance may attach only by written agreement with the Corporation on acreage which is planted for the development or production of hybrid seed or for experimental purposes.

(d) Unless otherwise provided on the actuarial table, insurance shall attach only on acreage initially planted in rows far enough apart to permit cultivation, as determined by the Corporation, but, if such insured acreage is destroyed and replanted, whether in the same manner or by broadcasting, drilling or in rows too close to permit cultivation, it shall be regarded as insured acreage and not as acreage put to another use.

3. *Responsibility of insured to report acreage and share.* The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing (a) all acreage of soybeans planted in the county (including a designation of any acreage to which the insurance does not attach) in which the insured has a share and (b) the insured's share therein at the time of planting. Such report shall be submitted each year not later than the acreage reporting date on file in the office for the county.

4. *Production guarantees, coverage levels, and prices for computing indemnities.* (a) For each crop year of the contract, the production guarantees, coverage levels, and prices at which indemnities shall be computed shall be those shown on the actuarial table.

(b) The production guarantee per acre shall be reduced by the lesser of 3 bushels or 20 percent for any unharvested acreage.

5. *Annual premium.* (a) The annual premium is earned and payable at the time of planting and the amont thereof shall be determined by mulitplying the insured acreage times the applicable premium per acre, times the insured's share at the time of planting, times the applicable premium adjustment percentage in subsection (c) of this section.

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

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

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

% ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE																
	Number of Loss Years Through Previous Year 2/															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
1.10 – 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 – 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 – 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 – 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 – 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 – 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 – 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 – 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 – 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 – Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

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

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

BILLING CODE 3410-08-C

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

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

6. *Insurance period.* Insurance on insured acreage shall attach at the time the soybeans are planted and shall cease upon the earliest of (a) final adjustment of a loss, (b) combining, threshing, or removal of the soybeans from the field, (c) total destruction of the insured soybean crop, or (d) the date shown below of the calendar year in which soybeans are normally harvested:

Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Caroline, South Caroline and Virginia	Dec. 20.
North Dakota	Oct. 31.
All other States	Dec. 10.

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

(b) Notice shall be given promptly if, during the period before harvest, the soybeans on any unit are damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it, or if the insured wants the consent of the Corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has made an appraisal of the potential production of such acrage and consents in writing to such other use. Such consent shall not be given until it is too late or impractical to replant to soybeans. Notice shall also be given when such acreage has been put to another use.

(c) In addition to the notices required in subsection (b) of this section, if an indemnity is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not later than *30 Days* after the earliest of (1) the date harvest is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire soybean crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

(d) Any insured acreage which is not to be harvested and upon which an indemnity is to be claimed shall be left intact until inspected by the Corporation.

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

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

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

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

(1) Mature production which grades No. 4 or better shall be reduced .12 percent for each .1 percentage point of moisture in excess of 14 percent; and if, due to insurable causes, any soybeans do not grade No. 4 or better in accordance with the Official U.S. Grain Standards, the production shall be adjusted by (i) dividing the value per bushel of the damaged soybeans (as determined by the Corporation) by the price per bushel of U.S. No. 2 soybeans; and (ii) multiplying the result by the number of bushels of such soybeans. The applicable price for No. 2 soybeans shall be the local market price on the earlier of: the day the loss is adjusted or the day the damaged soybeans were sold.

(2) Appraised production to be counted shall include: (i) the greater of the appraised production or 50 percent of the applicable guarantee for any acreage which, with the consent of the Corporation, is planted before soybean harvest becomes general in the current crop year to any other crop insurable on such acreage (excluding any crop(s) maturing for harvest in the following calendar year), (ii) any appraisals by the Corporation for potential production on harvested acreage and for uninsured causes and poor farming practices, (iii) not less than the applicable guarantee for any acreage which is abandoned or put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause, and (iv) only the appraisal in excess of the lesser of 3 bushels or 20 percent of the production guarantee for all other unharvested acreage.

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

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

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

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

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

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

(c) Following are the cancellation and termination dates:

State	Cancellation date	Termination date for indebtedness
All States	Dec. 31	Mar. 31.

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

Appendix

(Additional Terms and Conditions)

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

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, insurable and uninsurable acreage, and related information regarding soybean insurance in the county.

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

(c) "Crop year" means the period within which the soybean crop is normally grown and shall be designated by the calendar year in which the soybean crop is normally harvested.

(d) "Harvest" means the severance of mature soybeans from the land for combining or threshing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. *However,* in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

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

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

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

7. *Termination of the Contract.* (a) The contract shall terminate if no premium is earned for five consecutive years.

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

8. *Coverage Level and Price Election.* (a) If the insured has not elected on the application a coverage level and price at which indemnities shall be computed from among those shown on the actuarial table, the coverage level and price election which shall

be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

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

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

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

Note.—This appendix will not appear in the Code of Federal Regulations.

Appendix "B"

Counties Designated for Soybean Crop Insurance—7 CFR 431

In accordance with the provisions of 7 CFR 431.1, the following counties are designated for soybean crop insurance:

Alabama

Baldwin
Colbert
Dallas
De Kalb
Escambia
Hale
Jackson
Lauderdale
Lawrence
Limestone
Madison
Marshall
Morgan
Shelby

Arkansas

Arkansas
Ashley
Chicot
Clay
Craighead
Crittenden
Cross
Desha
Greene
Jackson
Jefferson
Lawrence
Lee
Lincoln
Lonoke
Mississippi
Monroe
Phillips
Poinsett
Prairie
Randolph
St. Francis
White
Woodruff

Delaware

Kent
New Castle
Sussex

Georgia

Bulloch
Colquitt
Houston
Mitchell

Illinois

Adams
Bond
Boone
Brown
Bureau
Carroll
Cass
Champaign
Christian
Clark
Clay
Clinton
Coles
Crawford
Cumberland
De Kalb
De Witt
Douglas
Edgar
Effingham
Fayette
Ford
Fulton
Greene
Grundy
Hamilton
Hancock
Henderson
Henry
Iroquois
Jasper
Jefferson
Jersey
Jo Daviess
Kane
Kankakee
Kendall
Knox
La Salle
Lawrence
Lee
Livingston
Logan
McDonough
McHenry
McLean
Macon
Macoupin
Madison
Marion
Marshall
Mason
Menard
Mercer
Monroe
Montgomery
Morgan
Moultrie
Ogle
Peoria
Perry
Piatt
Pike
Putnam
Randolph
Richland
Rock Island
St. Clair
Sangamon
Schuyler
Scott
Shelby
Stark
Stephenson
Tazewell
Vermilion
Warren
Washington
Wayne
White
Whiteside
Will
Winnebago
Woodford

Indiana

Adams
Allen
Bartholomew
Benton
Blackford
Boone
Carroll
Cass
Clay
Clinton
Daviess
Decatur
De Kalb
Delaware
Elkhart
Fayette
Fountain
Franklin
Fulton
Gibson
Grant
Greene
Hamilton
Hancock
Hendricks
Henry
Howard
Huntington
Jackson
Jasper
Jay
Johnson
Knox
Kosciusko
Lagrange
Laporte
Madison
Marion
Marshall
Miami
Montgomery
Morgan
Newton
Noble
Parke
Posey
Pulaski
Putnam
Randolph
Ripley
Rush
Shelby
Sullivan
Tippecanoe
Tipton
Union
Vermillion
Vigo
Wabash
Warren
Wayne
Wells
White
Whitley

Iowa

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

Kansas

Allen
Anderson
Atchison
Bourbon
Brown
Cherokee
Coffey
Crawford
Doniphan
Douglas
Franklin
Greenwood
Jackson
Jefferson
Johnson
Labette
Leavenworth
Linn
Lyon
Marshall
Miami
Montgomery
Nemaha
Neosho
Osage
Pottawatomie
Shawnee
Wilson
Woodson

Kentucky

Calloway
Daviess
Fulton
Graves
Henderson
Hopkins
McLean
Ohio
Union

Louisiana

Acadia
Avoyelles
Bossier
Caddo
Calcasieu
Caldwell
Catahoula
Concordia
Evangeline
Franklin
Jefferson Davis
Lafayette
Madison
Morehouse
Natchitoches
Pointe Coupee
Rapides
Richland
St. Landry
Tensas
West Carroll

Maryland

Caroline
Kent
Queen Annes
Talbot

Michigan

Branch
Cass
Clinton
Genesee

Michigan—Continued

Gratiot
Hillsdale
Lenawee
Monroe
Saginaw
St. Joseph
Shiawassee
Washtenaw

Minnesota

Anoka
Becker
Benton
Big Stone
Blue Earth
Brown
Carver
Chippewa
Chisago
Clay
Cottonwood
Dakota
Dodge
Douglas
Faribault
Fillmore
Freeborn
Goodhue
Grant
Houston
Isanti
Jackson
Kandiyohi
Lac qui Parle
Le Sueur
Lincoln
Lyon
McLeod
Martin
Meeker
Mille Lacs
Morrison
Mower
Murray
Nicollet
Nobles
Norman
Olmsted
Otter Tail
Pipestone
Pope
Redwood
Renville
Rice
Rock
Scott
Sibley
Stearns
Steele
Stevens
Swift
Todd
Traverse
Wabasha
Waseca
Washington
Watonwan
Wilkin
Winona
Wright
Yellow Medicine

Mississippi

Benton
Bolivar
Calhoun
Carroll
Chickasaw
Coahoma
De Soto
Hinds
Holmes
Humphreys
Issaquena
Lee
Leflore
Madison
Monroe
Panola
Pontotoc
Prentiss
Quitman
Sharkey
Sunflower
Tallahatchie
Tippah
Tunica
Union
Washington
Yazoo

Missouri

Adair
Andrew
Atchison
Audrain
Barton
Bates
Boone
Buchanan
Butler
Caldwell
Callaway
Cape Girardeau
Carroll
Cass
Chariton
Clark
Clay
Clinton
Cooper
Daviess
De Kalb
Dunklin
Gentry
Grundy
Harrison
Henry
Holt
Howard
Jackson
Jasper
Johnson
Knox
Lafayette
Lewis
Lincoln
Linn
Livingston
Macon
Marion
Mercer
Mississippi
Monroe
Montgomery
New Madrid
Nodaway
Pemiscot
Perry
Pettis
Pike
Platte
Putnam
Ralls
Randolph
Ray
St. Charles
Saline

Missouri—Continued

Schuyler
Scotland
Scott
Shelby
Stoddard
Sullivan
Vernon
Worth

Nebraska

Burt
Butler
Cass
Cedar
Colfax
Cuming
Dakota
Dixon
Dodge
Douglas
Lancaster
Madison
Nemaha
Otoe
Pierce
Platte
Richardson
Sarpy
Saunders
Stanton
Thurston
Washington
Wayne

North Carolina

Anson
Beaufort
Brunswick
Columbus
Craven
Hyde
Johnston
Jones
Pamlico
Pitt
Robeson
Union
Washington

Ohio

Allen
Ashland
Auglaize
Butler
Champaign
Clark
Clinton
Crawford
Darke
Defiance
Delaware
Erie
Fairfield
Fayette
Franklin
Fulton
Greene
Hancock
Hardin
Henry
Highland
Huron
Knox
Licking
Logan
Lucas
Madison
Marion
Medina
Mercer
Miami
Montgomery
Morrow
Ottawa
Paulding
Pickaway
Preble
Putnam
Richland
Sandusky
Seneca
Shelby
Union
Van Wert
Wayne
Williams
Wood
Wyandot

Oklahoma

Craig
Ottawa

South Carolina

Aiken
Allendale
Bamberg
Barnwell
Calhoun
Clarendon
Darlington
Dillon
Dorchester
Florence
Hampton
Horry
Kershaw
Lee
Lexington
Marion
Marlboro
Orangeburg
Sumter
Williamsburg

South Dakota

Bon Homme
Brookings
Charles Mix
Clay
Deuel
Grant
Hamlin
Hutchinson
Kingsbury
Lake
Lincoln
McCook
Minnehaha
Moody
Roberts
Turner
Union
Yankton

Tennessee

Carroll
Chester
Crockett
Dyer

Tennessee—Continued

Fayette
Gibson
Hardeman
Haywood
Lake
Lauderdale
Madison
Obion
Shelby
Tipton
Weakley

Virginia

Nansemond
Southampton

Wisconsin

Buffalo
Dane
Dunn
Jackson
Jefferson
Kenosha
Pepin
Pierce
Polk
Racine
Rock
St. Croix
Trempealeau
Walworth

These regulations have been reviewed under the USDA criteria established to implement Executive Order No. 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from Peter F. Cole, Secretary, Federal Crop Insurance Corporation, Room 4088, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Note.—The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942, and OMB Circular No. A-40.

Approved by the Board of Directors on July 24, 1979.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

W. Otto Johnson,

Acting Manager.

Dated: November 2, 1979.

[FR Doc. 79-34604 Filed 11-7-79; 8:45 am]

BILLING CODE 3410-08-M

Farmers Home Administration

7 CFR Part 1962

Personal Property; Servicing and Liquidation of Chattel Security

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) is amending its regulations pertaining to the servicing of FmHA loans secured by chattel liens. The effect of these amendments is to strengthen FmHA chattel loan programs by imposing additional servicing duties on FmHA personnel, by clarifying some requirements, and by updating its regulations where necessary to conform to Agricultural Stabilization and

Conservation Service (ASCS) regulations and recent legislation. These changes are needed to incorporate the Secretary of Agriculture's recommendations on servicing FmHA chattel security and to update FmHA regulations on handling assignments from ASCS. Revisions have also been made to comply with the Bankruptcy Reform Act of 1978, Pub. L. 95-598.

EFFECTIVE DATE: November 8, 1979.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, D.C. 20250. All written comments made pursuant to the notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn L. Pickinpaugh, United States Department of Agriculture, Farmers Home Administration, Production Loan Division, 14th and Independence Avenue, Washington, D.C. 20250, 202-447-5044.

SUPPLEMENTARY INFORMATION: FmHA is amending various sections of Subpart A of Part 1962, Chapter XVIII, Title 7, Code of Federal Regulations as follows:

1. Section 1962.6 (c), (c)(1)(iv), and (c)(2)(ii) are being amended, subparagraph (c)(3) is being deleted, and (c)(4) is being renumbered to (c)(3) without change. These amendments update regulations on assignments of payments from ASCS and will include assignments of upland cotton and rice. They also change Form FmHA 462-8 to Form FmHA 1962-8.

2. Section 1962.12 is being amended to require the County Supervisor to mark borrowers' ASCS peanut and tobacco crop marketing cards only when FmHA advances funds or subordinates its crop lien for the purpose of financing the production of the crops. It will be optional under other circumstances.

3. Section 1962.17(a) is being amended to authorize the release of FmHA's security interest in basic security when the remaining security value is more than sufficient to fully secure the indebtedness.

4. Section 1962.18(a) is being amended to specifically require annual inspections of livestock security.

5. Section 1962.18 (c)(2) and (d) are being amended to clarify requirements for approval of disposition of security and reporting improper disposition(s) of security to the State Office.

6. Section 1962.26 is being amended to refer to Part 8 of Form FmHA 462-12 rather than Part 7.

7. Sections 1962.47, 1962.47(b)(1), the last sentence of § 1962.47(b)(3), 1962.47(b)(3)(iii), and 1962.48 are amended to comply with the Bankruptcy Reform Act of 1978.

8. Section 1962.49 (c) and (c)(2)(ii) are being amended to require the State Director to forward third party conversion claims to the Office of the General Council (OGC) within one year of the first annual inspection date following the conversion.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for Proposed Rulemaking. It is unnecessary to publish these changes as proposed rules because some of the changes are being made to make FmHA regulations conform to the provisions of Pub. L. 95-598, some changes are editorial in nature, and others impose duties only on Departmental personnel. The official responsible for making this determination is James E. Lee, (202) 447-6257.

Accordingly, Subpart A of Part 1962 is amended as follows:

1. Section 1962.6 (c), (c)(1)(iv), and (c)(2)(ii) are amended to read as follows:

§ 1962.6 Liens and assignments on chattel property.

* * * * *

(c) *Assignments of upland cotton, rice, wheat, and feed grain payments.* Borrowers may assign Agricultural Stabilization and Conservation Service (ASCS) payments under ASCS upland cotton, rice, wheat and feed grain programs.

(1) *Obtaining assignments.* * * *

(iv) For the full amount of the applicable upland cotton, rice, wheat, and feed grain programs, including the advance and/or final payment.

(2) Selecting counties. * * *

(ii) Obtain assignments from selected borrowers on Form FmHA 1962-68, "Upland Cotton, Rice, Wheat and Feed Grain Programs—Assignments."

* * * * *

2. § 1962.6(c)(3) is deleted and (c)(4) is renumbered to (c)(3) without change.

3. § 1962.12 is amended to read as follows:

§ 1962.12 Marking ASCS peanut and tobacco marketing cards.

The County Supervisor will mark borrowers' ASCS peanut and tobacco crop marketing cards when FmHA advances loan funds or subordinates its crop lien for the purpose of financing the production of the crops. The marking of cards is optional in cases other than the above when FmHA has a crop lien.

4. § 1962.17 (a) is amended to read as follows:

§ 1962.17 Releasing chattel security.

(a) *Basic security.* Basic security is all equipment (including fixtures in UCC States) and foundation herds and flocks securing FmHA loans which serve as a basis for the farming or other operation outlined in Form FmHA 431-2, "Farm and Home Plan," Form FmHA 431-3, "Family Budget," or Form FmHA 431-4, "Business Analysis Nonagricultural Enterprise," and replacement of such property. It also includes animals sold as a result of the normal culling process, unless the borrower has replacements that will keep numbers and production up to planned levels and animals or birds sold when a borrower plans to significantly reduce the basic livestock herd or flocks. County Supervisors may release basic security when the property has been sold or exchanged for its present market value and when the value of the borrower's remaining FmHA security, as determined by an appraisal, is substantially greater than the amount of the debt *or* when the property has been sold or exchanged and the proceeds are used for one or more of the following purposes:

* * * * *

5. § 1962.18 (a), (c) (2), and (d) are amended to read as follows:

§ 1962.18 Accounting for security.

(a) *Accounting by County Supervisor.* The County Supervisor is responsible for maintaining a current record of each borrower's security. When the borrower acquires additional items of chattel property which will be described on subsequent security instruments, descriptions of these items will be recorded on the work copy of the security agreement or the file copy of the chattel mortgage as appropriate. The original of the security agreement should not be altered. Livestock security will be inspected annually. Other chattel security should also be inspected annually. More frequent inspections should be made for borrowers who are delinquent or who have been indebted for less than 1 full crop year. The County Supervisor will make inspections to:

* * * * *

(c) *Recording disposition of security.* * * *

(2) Employees having release authority will approve or disapprove the disposition of security on Form FmHA 462-1.

* * * * *

(d) *Reporting improper disposition of security.* When the borrower fails to account properly for security, the

County Supervisor will report the facts and make appropriate recommendations in writing promptly to the State Office in accordance with § 1962.49(c)(1) of this Subpart.

6. § 1962.26 is amended to read as follows:

§ 1962.26 Correcting errors in security instruments.

The County Supervisor may use Part 8 of Form FmHA 462–12 to correct minor errors in a financing statement when the errors are not serious (i.e., a slightly misspelled name). OGC will be asked to determine whether or not such errors are in fact minor. The County Supervisor may also use Part 8 of Form FmHA 462–12 to add chattel property to the financing statement (i.e., a new type or item of chattel or crops on land not previously described).

* * * * *

7. §§ 1962.47, 1962.47(b)(1), the last sentence of 1962.47(b)(3) and 1962.47(b)(3)(ii)(B) are amended to read as follows:

§ 1962.47 Bankruptcy and insolvency.

If a borrower becomes a debtor in proceedings under any State or Federal bankruptcy or State insolvency law, the County Supervisor will promptly report the facts and forward the borrower's case file and other pertinent information and documents to the State Director for appropriate handling. The County Supervisor will keep the State Director informed of further developments, but will take no other action unless directed by the State Director or OGC. Under the Federal Bankruptcy Code, after payment of fees and costs, unsecured FmHA claims and the amount of any claim in excess of any security with interest to the date of filing the petition in bankruptcy, are entitled to payment on a pro rata basis with all other unsecured claims of the same class. On receipt of the file and related material; the State Director will determine whether the case is a "no asset" or "asset" case or, if uncertain, obtain OGC's advice. A "no asset" case is one in which FmHA has no security for the debt and the debtor has no other assets from which FmHA could make a substantial collection, considering its priority rights. An "asset case" is one in which FmHA has security or the debtor has other assets, or both, from which FmHA could make a substantial collection, considering its priority rights.

* * * * *

(b) *Asset cases.* (1) *Liquidation without filing proof of claim.*

(i) If the value of FmHA's security is not more than the amount of its secured debt and the borrower has no other assets from which FmHA can substantially collect considering its priority rights, the security may be liquidated by foreclosure sale in the usual manner without preparing proof of claim if:

(A) the borrower voluntarily releases the borrower's interest in the security to FmHA by executing a petition for abandonment; and

(B) the bankruptcy judge grants relief from the automatic stay applicable to such actions once a bankruptcy petition is filed.

* * * * *

(3) *Security released to FmHA.* * * *

When the bankruptcy judge orders security released to FmHA, it will be liquidated unless the State Director approves continuation with the borrower.

(ii) *Continuation with borrower.* * * *

(B) Any security or other instruments required by OGC. The new promise and other required instruments will be executed promptly after release of the security to FmHA and before the borrower's discharge in bankruptcy unless, under State law, the new promise to be effective must be made after discharge in bankruptcy. The new promise is enforceable if:

(*1*) The bankruptcy court advises the debtor, at the discharge hearing, as to the legal effect of the agreement, the consequences of a default thereunder, and that entry into the agreement is not compelled by law; and

(*2*) The agreement is not rescinded by the debtor within thirty days after becoming enforceable.

* * * * *

8. § 1962.48 is amended to read as follows:

§ 1962.48 Setoffs.

Generally, FmHA will request setoffs only when all security has been liquidated, when ordinary collection efforts, including assignments, have not been effective and, if the borrower has cooperated with FmHA in the servicing of the loan, the setoff would not cause undue hardship on the borrower and the borrower's family. The filing of a setoff request will not decrease other collection efforts. Debts of nominal amounts and debts discharged in bankruptcy, will not be collected by setoff under this Subpart. Cases will not be referred for civil action until after any possible setoff actions are taken. However, there may be situations in which funds become available against which setoffs might be possible after referring the case for court action. Setoffs will not be requested in cases referred to the U.S. Attorney for collection or in cases where a judgement has been obtained, without prior approval of the U.S. Attorney. Any efforts at setoff by FmHA against a bankrupt borrower are subject to an automatic stay once a bankruptcy petition is filed. Relief from the stay may be granted only after notice and hearing in the bankruptcy court.

* * * * *

9. § 1962.49 (c) and (c)(2)(ii) are amended to read as follows:

§ 1962.49 Civil and criminal cases.

* * * * *

(c) *Handling civil and criminal cases.* All cases in which court actions to effect collection or to enforce the rights of FmHA are recommended, and actions relating to apparant violations of Federal criminal statutes, will be forwarded to OGC by the State Director in accordance with paragraph (c)(2)(ii) of this section.

* * * * *

(2) *State Office action.*

* * * * * *

(ii) After all of the pertinent information available has been obtained, the State Director will refer the case to OGC if referral is required under the policy expressed in this section. If such referral is not required, the State Director will set forth in Item 19 of Form FmHA 455–1 the basis for the determination not to refer the case and instructions for followup servicing action. The State Director will not recommend a third party conversion claim to the OGC if more than one year has run from the date of the annual accounting following the disposition of security, unless the Administrator or delegate determines a longer period of time should be applied either because of compelling circumstances such as evidence of intent to defraud or misrepresentation, or because the case has been investigated by the OI. Demands on third-party purchasers will be made in accordance with subparagraph (a) (4) of this section. In cases referred to OGC, the State Director will make comments and recommendations regarding the civil and criminal aspects of the case on Form FmHA 455–1. With respect to the criminal aspects of the case, the State Director, in making a recommendation, will consider the nature and gravity of the offense, the restitution made or undertaken, and all other extenuating circumstances.

* * * * * *

This document has been reviewed in accordance with FmHA instruction 1901–G, "Environmental Impact Statements." It is the determination of

FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from the office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, D.C. 20250.

(7 U.S.C. 1989; 5 U.S.C. 301, Sec., 10 PL. 93–357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of Authority by the Asst Sec. for Rural Development. 7 CFR 2.70)

Dated: October 18, 1979.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 79-34546 Filed 11-7-79; 8:45 am]

BILLING CODE 3410-07-M

7 CFR Part 1980

General; Business and Industrial Loan Program; Amendments

Correction

In FR Doc. 79–33617, appearing at page 62476 in the issue of Wednesday, October 31, 1979, the first full paragraph in column two should be designated as "7." rather than "6."

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Office of Conservation and Solar Energy

10 CFR Parts 450 and 455

Grant Programs for Schools and Hospitals, and Buildings Owned by Units of Local Government and Public Care Institutions

Correction

In FR Doc. 79–32811, appearing on page 61317 in the issue of Wednesday, October 24, 1979, the following changes should be made.

1. The second line of § 455.82(f) in column two should read, "technical assistance program or one or".

2. The fifth line of § 455.82(f) in column three should read, "building may be wholly or partially".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-EA-59; Amdt. 39-3606]

Airworthiness Directives; Bendix

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends Airworthiness Directive (AD) 79–18–06, applicable to Bendix type magnetos, which requires an inspection of the magnetos. It has been determined that the 10-hour inspection period is too restrictive, and this rule will permit an extension of that time.

EFFECTIVE DATE: November 8, 1979.

ADDRESSES: Bendix Service Bulletins may be acquired from the manufacturer at Sidney, New York 13838.

FOR FURTHER INFORMATION CONTACT:

A. Farrar, Propulsion Section, AEA–214, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212–995–2894.

In view of the relaxation of the rule, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by amending AD 79–18–06, as follows:

Add the following to the last paragraph: Upon request, with substantiating data submitted through an FAA Maintenance Inspector, the compliance time specified in this AD may be adjusted by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

EFFECTIVE DATE: This amendment is effective November 8, 1979.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, and 1423; Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); and 14 CFR 11.89.)

Issued in Jamaica, New York, on October 26, 1979.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 79-34193 Filed 11-7-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-WE-21-AD; Amdt. 39-3604]

Airworthiness Directives; McDonnell Douglas DC–10 Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to McDonnell Douglas DC–10 airplanes which requires inspection of the bolts that attach the aft support assembly of the Number 1, 2, and 3 engines to the pylon. This amendment is necessary to relieve the present mandatory inspection interval at engine change which the FAA has determined is not required for safety.

DATES: Effective November 1, 1979. Compliance schedule: As prescribed in the body of the AD.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536–6351.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39–3575 (44 FR 54989), AD 79–20–01 which currently requires inspection of the bolts that attach the aft support assembly of the Number 1, 2, and 3 engines to the pylon at intervals of 3,600 hours' time in service or engine change/removal.

Since issuing Amendment 39–3575 the FAA has determined that the mandatory inspection at time of engine removal/change serves no essential safety function and may impose a burden upon operators whose aircraft undergo engine change at remote bases where the necessary equipment for inspection of the engine bolts may not be available. Therefore, the FAA is amending Amendment 39–3575 to delete requirements for inspection at engine removal/change. In addition, the list of suitable replacement bolts has been augmented.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the

amendment effective in less than thirty days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by amending Amendment 39-3575, AD 79-20-01 to read in pertinent part as follows:

* * * * *

(c) Within 600 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 3,600 hours' time in service, inspect the four main aft mount to pylon bulkhead bolts, in accordance with the nondestructive test procedures in McDonnell Douglas DC-10 Service Bulletin 54-72 dated 27 August 1979.

* * * * *

(e) These special inspections may be discontinued and normal maintenance inspections resumed after installation of inconel bolts (77711-10-34 and 77711-8-21, Series 10) or (77711-12-34, Series 40).

* * * * *

This amendment becomes effective November 1, 1979.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Issued in Los Angeles, California on October 24, 1979.

William R. Krieger,

Acting Director, FAA Western Region.

[FR Doc. 79-34192 Filed 11-7-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 75-CE-26-AD; Amendment 39-3609]

Airworthiness Directive; Cessna T310, 320, 340, 401 and 411 Series Airplanes and Cessna Models 402, 402A, 402B, 414, 421, 421A and 421B Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule (revision).

SUMMARY: This amendment revises Airworthiness Directive 75-23-08, applicable to Cessna T310, 320, 340, 401 and 411 series airplanes, and Cessna Models 402, 402A, 402B, 414, 421, 421A and 421B airplanes by either deleting the inspection requirements or extending the inspection intervals on additional new improved exhaust system components. This action provides relief to owners/operators without compromising safety.

EFFECTIVE DATE: November 13, 1979.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: Cessna Multi-Engine Service Letters Number ME77-1 (Supplement #2), dated June 26, 1978, and ME79-32, dated August 17, 1979, referenced in this AD, may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201; Telephone (316) 685-9111. Copies of the Service Letters cited above are contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and at Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Donald L. Page, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-3446.

SUPPLEMENTARY INFORMATION: This amendment again revises AD 75-23-08, applicable to Cessna T310, 320, 340, 401 and 411 series airplanes, and Cessna Models 402, 402A, 402B, 414, 421, 421A and 421B airplanes. Subsequent to the issuance of the original AD, the manufacturer developed and made available exhaust system components having increased reliability. The FAA, by Amendment 39-3298, revised AD 75-23-08 by deleting the inspection requirements or extending the inspection intervals on these improved components. The manufacturer has now made available additional, improved components which do not require inspection per AD 75-23-08 or may be inspected at extended intervals, without compromising the existing level of safety. Deleting the inspection requirements or increasing the inspection intervals on these components has the effect of reducing the cost of maintaining airworthiness on these airplanes having these components installed. Accordingly, the FAA is again revising the AD to make it consistent with these actions and Cessna Multi-Engine Service Information Letter ME79-32, dated August 17, 1979, which covers the subject matter of this revision.

Since this amendment is relieving in nature and imposes no additional burden on any person, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after the date of publication in the Federal Register.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by revising AD 75-23-08, Amendment 39-2419 (40 FR 52717-52720) as corrected on December 1, 1975 (40 FR 55637) and as revised by Amendments 39-2687 (41 FR 33245, 33246), 39-2830 (42 FR 9013) and 39-3298 (43 FR 41376-41381), as follows:

(1) Revise Table I in accordance with the following:

(a) Add two asterisks (**) in the Torque column in the P/N NH 1000897-30 Coupling line and the following sentence below the table.

(**) The 24096-300-N gasket is not required at the exhaust wastegate inlet of 421, 421A, and 421B aircraft when the NH 1000897-30 Single-piece coupling is installed.

(b) Change the existing number 2 in the quantity per aircraft column to "4" in the P/N NH 1000897-20 Coupling line.

(c) In the 340, 340A column in the P/N 4256AB200 Clamp line add an "X".

(d) In the location column in the P/N 4256AB200 Clamp line, revise the existing entry to read: "Wastegate Inlet (340A)(414) and Wastegate exit (421)."

(2) Delete Existing Table II with Notes and add a new Table II with Notes which read:

BILLING CODE 4910-13-M

TABLE II

100 HOUR INSPECTION EXHAUST SYSTEM COMPONENTS

Description & Part Number	Qty Per Eng	T310 P, Q, R	320 D, E, F	340	340A	401/402 A, B	414	421 A, B	Notes
Exhaust Stack Assy									
9910379-1 L.H. Eng (Inconel 601)	1 (LH)							X	7
9910379-2 R.H. Eng (Inconel 601)	1 (RH)							X	7
Aft Slip Joints									
9910314-1 (Inconel 601)	1							X	
Aft Elbows									
9910299-3 (LH) (5654551-5)	1			X	X		X		1&4
9910299-4 (RH) (5654551-6)	1			X	X		X		1&4
9910301-1 (0850712-39)	1 (LH)	X	X			X			1
9910301-3 (0850712-41)	1 (RH)	X	X			X			1
9910301-5 (0850712-40)	1 (LH)	X	X			X			1
9910379-19 (Inconel 601)	1 (LH)							X	
9910379-20 (Inconel 601)	1 (RH)							X	
Wye Collector Assy									
9910299-8 (Inconel 601)	1				X		X		1,3 & 4
9910301-4 (0850732-3)	1 (LH)	X	X			X			1&2
9910301-6 (0850732-18)	1 (RH)	X	X			X			1&2
9910341-1 (Inconel 601)	1			X					1,3,&4
Wastegate Inlet Elbow									
9910299-5 (5654551-4)	1				X		X		
Couplings (One Piece)									
Wastegate Inlet NH1000897-30	1							X	6
Wye Collector Inlet NH1000897-20	2			X	X		X		5

BILLING CODE 4910-13-C

Notes for Table II

General Notes: 0850XXX and 5654XXX dash numbers shown in parentheses are earlier part numbers for the corresponding 9910XXX dash numbers. Ball joint attaching parts (springs, bolts, nuts, washers and cotter pins) are subject to the 100-hour inspection instead of the 50-hour, only if installed in combination with the components listed in Table II.

1. Components incorporate formed sheet metal coupling flanges.

2. Components incorporate external safety ring.

3. Components incorporate internal safety sleeve.

4. Components require seals at coupling flange.

5. Alternate for MVT68892–250 and 4301BT250 couplings.

6. NH10000897–30 supersedes 4356AA300. Gasket P/N 24096–300–N is not required with the NH1000897–30 Clamp.

7. Exhaust stack assemblies are sealed type, and the part numbers shown include risers for both cylinder banks and the crossover pipes.

BILLING CODE 4910–13–M

Delete existing Table III with Notes and add a new Table III which reads:

TABLE III

EXEMPT EXHAUST SYSTEM COMPONENTS

Description & Part Number	Qty Per Eng	T310 P,Q,R	320 D,E,F	340	340A	401/402 A,B	414	421 A,B	Notes
Exhaust Stack Assy									
9910295-13 LH (Inconel 601) or 9910295-9 LH (5155166-1)	1	X	X	X	X	X	X		1
9910295-14 RH (Inconel 601) or 9910295-10 RH (5155166-2)	1	X	X	X	X	X	X		1
Aft Slip Joints									
9910296-2 (Inconel 601) or 9910296-1 (5355108-4) (Stainless Steel)	2	X	X	X	X	X	X		
Aft Elbows									
(Inconel 601 mat'l, seal-less style machined coupling flanges & internal safety sleeves)									
9910299-15 (LH)	1			X	X		X		2
9910299-16 (RH)	1			X	X		X		2
9910301-14	1 (LH)	X	X			X			2
9910301-16	1 (LH)	X	X			X			2
9910301-17	1 (RH)	X	X			X			2
Wye Collector Assy									
(Inconel 601 mat'l & seal-less style machined coupling flanges)									
99102099-9	1				X		X		2
9910301-15	1 (LH)	X	X			X			2
9910301-18	1 (RH)	X	X			X			2
9910341-2	1			X					2

TABLE III (CONTINUED)

EXEMPT EXHAUST SYSTEM COMPONENTS

Description & Part Number	Qty Per Eng	T310 P,Q,R	320 D,E,F	340	340A	401/402 A,B	414	421 A,B	Notes
Overboard Exhaust Stack Assembly									
0850711-33 & -31	1 (LH)	X	X			X			
0850711-34, -40&-42	1 (RH)	X	X			X			
9910299-1 (5654551-7)	1 (LH)			X	X		X		
9910299-2 (5654551-8)	1 (RH)			X	X		X		
5155156-3	1 (LH)							X	
5155156-4	1 (RH)							X	
Wastegate Inlet Elbow									
9910299-10	1				X		X		
Wastegate Overboard Pipe									
0850713-1	1	X	X			X			
5555100-64	1			X					
9910299-6 (5654551-3)	1				X		X		
Wastegate Outlet Elbow									
5155156-5	1							X	3
Turbo Shield									
0850902-1	1	X	X			X			
5155154-3	1							X	
5554005-1	1			X	X		X		
Couplings (One Piece)									
Five Collector Inlet NH1000897-60	2/LH (All) 2/RH (340,414) 1/RH (T310, 320 & 401/402)	X	X	X	X	X	X		2
Wastegate Inlet NH1000897-70	1				X		X		2
Turbine Outlet NH1000897-40	1	X	X			X			
Turbine Outlet NH1000897-50	1			X	X		X	X	

BILLING CODE 4910-13-C

Notes for Table III

General Notes: 5155XXX, 5355XXX, and 5654XXX dash numbers shown in parentheses are earlier part numbers for the corresponding 9910XXX dash numbers. Ball joint attaching parts (springs, bolts, nuts, washers and cotter pins) are exempt from mandatory inspections only if installed in combination with the components listed in Table III.

1. Exhaust stack assemblies are seal-less type, and part numbers shown are complete bank assemblies.

2. On aircraft prior to 1979 Models, the initial replacement must include the aft elbow, wye collector assemblies and clamps since they are not interchangeable with earlier components.

3. Attach 5155156-5 Elbow to overboard stack using one each 5155157-1 Flex Joint and two each U84C200 SH Clamps.

(4) Revise the sentence immediately following Paragraph VI to read: "Cessna Service Letter ME75-17 dated July 14, 1975, Cessna Service Letter ME77-1 dated January 24, 1977, and Supplement 2 thereto dated June 26, 1978, and Cessna Multiengine Service Information Letter ME79-32 dated August 17, 1979, pertain to this subject.

This amendment becomes effective November 13, 1979.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Administration (14 CFR Sec. 11.89).)

Note.— The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri on October 30, 1979.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 79-34406 Filed 11-7-79; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 9064]

American Medical Association; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: This order, among other things, requires a Chicago, Ill. medical association to cease engaging in any action that would restrict its members' solicitation of patients by advertising, submission of bids, or otherwise; interfere with the amount or form of compensation exchanged for member's professional services; characterized as unethical the use of close panel or other health care delivery plans that limit patient's choice of a physician; or characterize as unethical the participation by non-physicians in the ownership or management of health care organizations that provide physician services. The American Medical Association ("AMA") is further required to mail to each of its members a letter setting forth the terms of the order; amend its *Principles of Medical Ethics* and the Judicial Council's *Opinions and Reports* to conform with those terms; and publish the revised documents in specified medical journals. Additionally, AMA is required to terminate, for one year, all ties with a medical society that engages in prohibited conduct.

DATES: Complaint issued Dec. 19, 1975. Final order issued Oct. 12, 1979.[1]

FOR FURTHER INFORMATION CONTACT: FTC/CS-8, L. Barry Costilo, Washington, D.C. 20580. (202) 724-1213.

SUPPLEMENTARY INFORMATION: In the Matter of The American Medical Association, a corporation, The Connecticut State Medical Society, a corporation, and The New Haven County Medical Association, Inc. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart-Coercing and Intimidating: § 13.367 Members. Subpart-Corrective Actions and/or Requirements: § 13.533-20 Disclosures; 13.533-40 Furnishing information to media; 13.533-45 Maintain records; 13.533-50 Maintain means of communication; 13.533-60 Release of general, specific, or contractual constrictions, requirements, or restraints.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

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

United States of America Before the Federal Trade Commission

Commissioners: Michael Pertschuk, Chairman, Paul Rand Dixon, David A. Clanton, Robert Pitofsky.

In the matter of: The American Medical Association, a corporation, The Connecticut State Medical Society, a corporation, The New Haven County Medical Association, Inc. (Docket No. 9064); Final Order

This matter having been heard by the Commission upon the appeals of respondents from the Initial Decision, and upon briefs and oral argument in support thereof and opposition thereto, and the Commission for the reasons stated in the accompanying Opinion having determined to deny the appeal of respondent American Medical Association and to grant the appeal in part of respondents Connecticut State Medical Society and New Haven County Medical Association, Inc.

It is ordered that the Initial Decision of the administrative law judge be adopted as the Findings of Fact and Conclusions of Law of the Commission, except to the extent inconsistent with the accompanying Opinion.

Other Findings of Fact and Conclusions of Law of the Commission are contained in the accompanying Opinion.

It is further ordered that the following Order to Cease and Desist be, and it hereby is entered.

I.

It is ordered that respondent American Medical Association, and its delegates, trustees, councils, committees, officers, representatives, agents, employees, successors and assigns, directly or indirectly, or through any corporate or other device, in or in connection with respondent's activities as a professional association in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Restricting, regulating, impeding, declaring unethical, interfering with, or advising against the advertising or publishing by any person of the prices, terms or conditions of sale of physicians' services, or of information about physicians' services, facilities or equipment which are offered for sale or made available by physicians or by any organization with which physicians are affiliated;

B. Restricting, regulating, impeding, declaring unethical, interfering with, or advising against the solicitation, through advertising or by any other means, including but not limited to bidding practices, of patients, patronage, or contracts to supply physicians' services, by any physician or by any organization with which physicians are affiliated; and

C. Inducing, urging, encouraging, or assisting any physician, or any medical association, group of physicians, hospital, insurance carrier or any other non-governmental organization to take any of the actions prohibited by this Part.

Nothing contained in this Part shall prohibit respondent from formulating, adopting, disseminating to its constituent and component medical organizations and to its members, and enforcing reasonable ethical guidelines governing the conduct of its members with respect to representations, including unsubstantiated representations, that would be false or deceptive within the meaning of Section 5 of the Federal Trade Commission Act, or with respect to unvited, in-person solicitation of actual or potential patients, who, because of their particular

[1] Copies of the Complaint, Memorandum of Chairman Pertschuk In Response To Motions For His Recusal In This Proceeding, Initial Decision, Opinion of the Commission and Final Order filed with the original document.

circumstances, are vulnerable to undue influence.

II.

It is further ordered that respondent American Medical Association, and its delegates, trustees, councils, committees, officers, representatives, agents, employees, successors and assigns, directly or indirectly, or through any corporate or other device, in or in connection with respondent's activities as a professional association in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Restricting, regulating, impeding, advising on the ethical propriety of, or interfering with the consideration offered or provided to any physician in return for the sale, purchase or distribution of his or her professional services;

B. Restricting, interfering with, or impeding the growth, development or operations of any entity that offers physicians' services to the public, by means of any statement or other representations concerning the ethical propriety of medical service arrangements that limit the patient's choice of a physician;

C. Restricting, interfering with, or impeding the growth, development or operations of any entity that offers physicians' services to the public, by means of any statement or other representation concerning the ethical propriety of participation by non-physicians in the ownership or management of said organization; and

D. Inducing, urging, encouraging, or assisting any physician, or any medical association, group of physicians, hospital, insurance carrier or any other non-governmental organization to take any of the actions prohibited by this Part.

III.

It is further ordered that respondent American Medical Association cease and desist from taking any formal action against a person alleged to have violated any ethical standard promulgated in conformity with this Order without first providing such person with:

A. Reasonable written notice of the allegations against him or her;

B. A hearing wherein such person or a person retained by him or her may seek to rebut such allegations; and

C. The written findings or conclusions of respondent with respect to such allegations.

IV.

It is further ordered that respondent American Medical Association:

A. Send by first class mail a copy of a letter in the form shown in Appendix A to this Order to each of its present members and to each constituent and component organization of respondent, within sixty (60) days after this Order becomes final.

B. For a period of ten years, provide each new member of respondent and each constituent and component organization of respondent with a copy of this Order at the time the member is accepted into membership.

C. Within ninety (90) days after this Order becomes final, remove from respondent American Medical Association's *Principles of Medical Ethics* and the Judicial Council's *Opinions and Reports*, and from the constitution and bylaws and any other existing policy statement or guideline of respondent, any provision, interpretation or policy statement which is inconsistent with the provisions of Parts I and II of this Order and, within one hundred and twenty (120) days after this Order becomes final, publish in the *Journal of the American Medical Association* and in *American Medical News* the revised versions of such documents, statements, or guidelines.

D. Require as a condition of affiliation with respondent that any constituent or component organization agree by action taken by the constituent or component organization's governing body to adhere to the provisions of Parts I, II, and III of this Order.

E. Terminate for a period of one year their affiliation with any constituent or component organization within one hundred and twenty (120) days after learning or having reason to believe that said constituent or component organization has engaged, after the date this Order becomes final, in any act or practice that if committed by respondent would be prohibited by Part I, II or III of this Order.

V.

It is further ordered that respondent American Medical Association:

A. Within sixty (60) days after the Order becomes final publish a copy of this Order with such prominence as feature articles are regularly published in the *Journal of the American Medical Association* and in *American Medical News* or in any successor publication.

B. Within one hundred and twenty (120) days after this order becomes final, file a written report with the Federal Trade Commission setting forth in detail the manner and form in which it has complied with this Order.

C. For a period of five (5) years after this Order becomes final, maintain and make available to the Commission staff for inspection and copying upon reasonable notice, records adequate to describe in detail any action taken in connection with the activities covered by Parts I and II of this Order, including but not limited to any advice or interpretations rendered with respect to advertising, solicitation, or contract practice involving any of its members.

D. Within one year after this Order becomes final, and annually thereafter, for a period of five (5) years, file a written report with the Federal Trade Commission setting forth in detail any action taken in connection with the activities covered by Parts I and II of this Order, including but not limited to any advice or interpretations rendered with respect to advertising, solicitation or contract practice involving any of its members.

VI.

It is further ordered that respondent American Medical Association shall notify the Commission at least thirty (30) days prior to any proposed change in the respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation or association, or any other change in the corporation or association which may affect compliance obligations arising out of this Order.

Appendix A

Dear Doctor:

As you know, the Federal Trade Commission issued a complaint against the AMA on December 19, 1975, challenging the AMA's ethical restrictions on the advertising, solicitation, and contractual practices of its members. The complaint also named the Connecticut State Medical Society and the New Haven County Medical Association, Inc. as respondents.

In an opinion issued on [insert issue date], the FTC held that the AMA, the two Connecticut medical societies, and other state and local medical associations have unlawfully restricted the advertising, solicitation, and contractual practices of their members in violation of Section 5 of the Federal Trade Commission Act.

In conjunction with that opinion, the Commission issued an order which has now become final. This order is printed in the [insert issue date] issue of the *Journal of the American Medical Association*, the [insert issue date] issue of *American Medical News* and may be obtained from the AMA headquarters or from your state or local medical society.

Among other things, the order forbids any action by AMA that would:

Restrict its members' solicitation of patients by advertising, submission of bids, or other means.

Interfere with either the amount or the form of compensation provided a member in exchange for his or her professional services.

Characterize as unethical the use of closed panel or other health care delivery plans that limit the patient's choice of a physician.

Characterize as unethical the participation of non-physicians in the ownership or management of health care organizations that provide physician services to the public.

However, the order does not prohibit the AMA from formulating and enforcing reasonable ethical guidelines governing deceptive advertising and solicitation (including unsubstantiated representations). The AMA may also issue guidelines concerning uninvited, in-person solicitation of patients who, because of their particular circumstances, are vulnerable to undue influence.

Finally, the order requires the AMA to amend the *Principles of Medical Ethics* and the Judicial Council's *Opinions and Reports* and to sever all ties for one year with any state or local medical society that engages in conduct of the type prohibited under the order.

Thank you for your cooperation.

Sincerely,

President

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 79-34474 Filed 11-7-79; 8:45 am]

BILLING CODE 6750-01-M.

GENERAL SERVICES ADMINISTRATION

41 CFR Part 105-62

[ADM 7900.]

Document Security and Declassification

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This revision to the General Services Administration Property Management Regulations modifies regulations covering classification, declassification, downgrading, and access to national defense classified materials as required by Executive Order 12065. This change will tighten restrictions on the generation of classified material while establishing procedures to facilitate public access to materials no longer in need of the continued protection of classification.

EFFECTIVE DATE: November 8, 1979.

FOR FURTHER INFORMATION CONTACT: Robert Neri, Chief, Personnel Security Branch (202-566-1421).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

Accordingly, 41 CFR Part 105-62, is revised as follows:

PART 105-62—DOCUMENT SECURITY AND DECLASSIFICATION

Sec.

105-62.000 Scope of part.

Subpart 105.62.1—Classified Materials

105-62.101 Security classification categories.
105-62.102 Authority to classify.
105-62.103 Access to GSA-originated materials.

Subpart 105-62.2—Declassification and Downgrading

105-62.201 Declassification and downgrading.
105-62.202 Review of classified materials for declassification purposes.

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); and Executive Order 12065 dated June 28, 1978.

§ 105-62.000 Scope of part.

This part prescribes procedures for safeguarding national security information and material within GSA. They explain how to identify, classify, downgrade, declassify, disseminate, and protect such information in the interests of national security. They also supplement and conform with Executive Order 12065 dated June 28, 1978, subject: National Security Information, and the Implementing Directive dated September 29, 1978, issued through the Information Security Oversight Office.

Subpart 105-62.1—Classified Materials

§ 105-62.101 Security classification categories.

As set forth in Executive Order 12065, official information or material which requires protection against unauthorized disclosure in the interests of the national defense or foreign relations of the United States (hereinafter collectively termed "national security") shall be classified in one of three categories: Namely, Top Secret, Secret, or Confidential, depending on its degree of significance to the national security. No other categories shall be used to identify official information or material as requiring protection in the interests of national security except as otherwise expressly provided by statute. The three classification categories are defined as follows:

(a) *Top Secret.* Top Secret refers to that national security information which requires the highest degree of protection, and shall be applied only to such information as the unauthorized disclosure of which could reasonably be expected to cause exceptionally grave damage to the national security. Examples of exceptionally grave damage include armed hostilities against the United States or its allies, disruption of foreign relations vitally affecting the national security, intelligence sources and methods, and the compromise of vital national defense plans or complex cryptologic and communications systems. This classification shall be used with the utmost restraint.

(b) *Secret.* Secret refers to that national security information or material which requires a substantial degree of protection, and shall be applied only to such information as the unauthorized disclosure of which could reasonably be expected to cause serious damage to the national security. Examples of serious damage include disruption of foreign relations significantly affecting the national security, significant impairment of a program or policy directly related to the national security, and revelation of significant military plans or intelligence operations. This classification shall be used sparingly.

(c) *Confidential.* Confidential refers to other national security information which requires protection, and shall be applied only to such information as the unauthorized disclosure of which could reasonably be expected to cause identifiable damage to the national security.

§ 105-62.102 Authority to classify.

The authority to classify information or material originating in GSA is as follows:

(a) *Top Secret.* Authority to classify information or material as Top Secret may be exercised only by the Administrator and is delegable only to the Director of the Information Security Oversight Office.

(b) *Secret.* Authority to classify information or material as Secret may be exercised by officials who have Top Secret classification authority and by the Assistant Administrator for Human Resources and Organization, the Inspector General, and the Commissioners of the Automated Data and Telecommunication Service and the Federal Supply Service.

(c) *Confidential.* Authority to classify information or material as Confidential may be exercised by officials who have Top Secret and Secret classification authority.

(d) *Limitations on delegation of classification authority.* Delegations of original classification authority are limited to the minimum number absolutely required for efficient administration. Delegated original classification authority may not be redelegated.

§ 105-62.103 Access to GSA-originated materials.

Classified information shall not be disseminated outside the executive branch of the Government without the express permission of the GSA Security Officer except as otherwise provided in this § 105-62.103.

(a) *Access by historical researchers.* Persons outside the executive branch who are engaged in historical research projects, may be authorized access to classified information or material, provided that:

(1) A written determination is made by the Administrator of General Services that such access is clearly consistent with the interests of national security.

(2) Access is limited to that information over which GSA has classification jurisdiction.

(3) The material requested is reasonably accessible and can be located with a reasonable amount of effort.

(4) The person agrees to safeguard the information and to authorize a review of his or her notes and manuscript for determination that no classified information is contained therein by

signing a statement entitled "Conditions Governing Access to Official Records for Historical Research Purposes."

(5) An authorization for access shall be valid for a period of 2 years from the date of issuance and may be renewed under the provisions of this § 105–62.103(a).

(b) *Access by former Presidential appointees.* Persons who previously occupied policymaking positions to which they were appointed by the President may not remove classified information or material upon departure from office as all such material must remain under the security control of the U.S. Government. Such persons may be authorized access to classified information or material which they originated, received, reviewed, signed, or which was addressed to them while in public office, provided that the GSA element having classification jurisdiction for such information or material makes a written determination that access is consistent with the interests of national security, approval is granted by the GSA Security Officer, and the individual seeking access agrees:

(1) To safeguard the information,

(2) To authorize a review of his or her notes for determination that no classified information is contained therein, and

(3) To ensure that no classified information will be further disseminated or published.

(c) *Access during judicial proceedings.* Classified information will not normally be released in the course of any civilian judicial proceeding. In special circumstances however, and upon the receipt of an order or subpoena issued by a Federal court, the Administrator may authorize the limited release of classified information if he or she determines that the interests of justice cannot otherwise be served. Appropriate safeguards will be established to protect such classified material released for use in judicial proceedings.

(d) *Access to material in NARS custody.* The Archivist of the United States prepares procedures governing access to materials transferred to NARS custody. These procedures are issued by the Administrator of General Services in 41 CFR Part 105–61.

(e) *Access by the General Accounting Office and congressional committees.* Classified information may be released to the General Accounting Office (GAO) and congressional committees when specifically authorized by the GSA Security Officer except as otherwise provided by law.

Subpart 105–62.2—Declassification and Downgrading

§ 105–62.201 Declassification and downgrading.

(a) *Authority to downgrade and declassify.* The authority to downgrade and declassify national security information or material shall be exercised as follows:

(1) Information or material may be downgraded or declassified by the GSA official authorizing the original classification, by a successor in capacity, by a supervisory official of either, or by the Information Security Oversight Committee on appeal.

(2) Downgrading and declassification authority may also be exercised by an official specifically authorized by the Administrator.

(3) In the case of classified information or material officially transferred to GSA by or under statute or Executive order in conjunction with a transfer of functions and not merely for storage purposes, GSA shall be deemed the originating agency for all purposes under these procedures including downgrading and declassification.

(4) In the case of classified information or material held in GSA not officially transferred under paragraph (a)(3) of this section but originated in an agency which has since ceased to exist, GSA is deemed the originating agency. Such information or material may be downgraded and declassified 30 calendar days after consulting with any other agencies having an interest in the subject matter.

(5) Classified information or material under the final declassification jurisdiction of GSA which has been transferred to NARS for accession into the Archives of the United States may be downgraded and declassified by the Archivist of the United States in accordance with Executive Order 12065, directives of the Information Security Oversight Office, and the systematic review guidelines issued by the Administrator of General Services.

(6) It is presumed that information which continues to meet classification requirements requires continued protection. In some cases, however, the need to protect such information may be outweighed by the public interest in disclosure of the information, and in these cases the information should be declassified. When such questions arise they shall be referred to the Administrator, the Director of the Information Security Oversight Office, or in accordance with the procedures for mandatory review described in § 105–62.202(b).

(b) *Declassification.* Declassification of information shall be given emphasis comparable to that acccorded classification. Information classified under Executive Order 12065 and prior orders shall be declassified as early as national security considerations permit. Decisions concerning declassification shall be based on the loss of sensitivity of the information with the passage of time or on the occurrence of an event which permits declassification. When information is reviewed for declassification it shall be declassified unless the declassification authority established in § 105–62.202 determines that the information continues to meet the classification requirements prescribed despite the passage of time.

(c) *Downgrading.* Classified information that is marked for automatic downgrading is downgraded accordingly without notification to holders. Classified information that is not marked for automatic downgrading may be assigned a lower classification designation by the originator or by an official authorized to declassify the same information. Notice of downgrading shall be provided to known holders of the information.

§ 105–62.202 Review of classified materials for declassification purposes.

(a) *Systematic review for declassification.* Except for foreign government information, classified information constituting permanently valuable records of GSA as defined by 44 U.S.C. 2103, and information in the possession and under control of NARS, under 44 U.S.C. 2107 or 2107 note, shall be reviewed for declassification as it becomes 20 years old. Transition to systematic review at 20 years shall be implemented as rapidly as practicable and shall be completed by December 1, 1988. Foreign government information shall be reviewed for declassification as it becomes 30 years old.

(b) *Mandatory review for declassification.* All classified information upon request by a member of the public or a Government employee or agency to declassify and release such information under the provisions of Executive Order 12065 shall be reviewed by the responsible GSA element for possible declassification in accordance with the procedures set forth in paragraphs (c) through (g) of this section.

(c) *Submission of requests for review.* Requests for mandatory review of classified information shall be submitted in accordance with the following:

(1) Requests originating within GSA shall in all cases be submitted directly

to the service or staff office that originated the information.

(2) For expeditious action, requests from other governmental agencies or from members of the public should be submitted directly to the service or staff office that originated the material, or, if the originating element is not known, or no longer exists, the requester shall submit the request to the GSA Security Officer who shall cause such request to be reviewed.

(d) *Requirements for processing.* Requests for declassification review and release of information shall be processed in accordance with the provisions set forth in paragraphs (e) through (h) of this section subject to the following conditions:

(1) The request is in writing and reasonably describes the information sought with sufficient particularity to enable the element to identify it.

(2) The requester shall be asked to correct a request that does not comply with paragraph (d)(1) of this section, to provide additional information.

(3) If within 30 days the requester does not correct the request, describe the information sought with sufficient particularity or narrow the scope of the request, the element that received the request shall notify the requester and state the reason why no action will be taken on the request.

(e) *Processing of requests.* Requests that meet the foregoing requirements for processing will be acted upon as follows:

(1) GSA action upon the initial request shall be completed within 60 days.

(2) Receipt of the request shall be acknowledged within 7 days.

(3) The designated service or staff office shall determine if the requested information may be declassified and shall make such information available to the requester, unless withholding it is otherwise warranted under applicable law. If the information may not be released in whole or in part, the requester shall be given a brief statement as to the reasons for denial, a notice of the right to appeal the determination to the Deputy Administrator (the notice shall include the Deputy Administrator's name, title, and address), and a notice that such an appeal must be filed with the Deputy Administrator within 60 days in order to be considered.

(f) *Foreign government information.* Except as provided hereinafter, requests for mandatory review for the declassification of classified documents that contain foreign government information shall be processed and acted upon in accordance with the provisions of paragraph (c) through (e) of this section. If the request involves information that was initially received or classified by GSA, then the corresponding service or staff office shall be designated by the GSA Security Officer to determine whether the foreign government information in the document may be declassified and released in accordance with GSA policy or guidelines, after consulting with other agencies that have subject matter interest as necessary. If GSA is not the agency that received or classified the foreign government information, it shall refer the request to the appropriate agency. In those cases where agency policy or guidelines do not apply, consultation with the foreign originator, through the GSA Security Officer, may be made prior to final action on the request.

(g) *Information classified outside the service or staff office.* When a service or staff office receives a request for declassification of information in a document which is in the custody of the service or staff office but was classified by another service or staff office or by another Government agency, the service or staff office shall refer the request to the classifying service or staff office or Government agency, together with a copy of the document containing the information requested when practicable, and shall notify the requester of the referral, unless the agency that classified the information objects on the grounds that its association with the information requires protection. When a GSA service or staff office receives such a referral, it shall process the request in accordance with the requirements of this paragraph and, if so requested, shall notify the referring service, staff office, or agency of the determination made on the request.

(h) *Action on appeal.* The following procedures shall be followed when denials of requests for declassification are appealed:

(1) The Deputy Administrator shall, within 15 days of the date of the appeal, convene a meeting of the GSA Information Security Oversight Committee (ISOC) that shall include the GSA Security Officer, or his or her representative, and the GSA official who denied the original request (and, at the option of that official, any subordinates or personnel from other agencies that participated in the decision for denial).

(2) The ISOC shall learn from the official the reasons for denying the request, concentrating in particular upon which requirement continued classification is based and the identifiable damage that would result if the information were declassified. The ISOC shall also learn from the official the part or parts of the information that is classified and if by deleting minor segments of the information it might not then be declassified.

(3) The ISOC's decision to uphold or deny the appeal, in whole or in part, shall be based upon the unanimous opinion of its membership. In the event that unanimity cannot be attained, the matter shall be referred to the Administrator, whose decision shall be final.

(4) Based upon the outcome of the appeal, a reply shall be made to the person making the appeal that either encloses the requested information or part of the information, or explains why the continued classification of the information is required. A copy of the reply shall be sent to the GSA official who originally denied the request for declassification, to the GSA Security Officer, and to any other agency expressing an interest in the decision.

(5) Final action on appeals shall be completed within 30 days of the date of the appeal.

(i) *Prohibition.* No service of staff office in possession of a classified document may refuse to confirm the existence of the document in response to a request for the document under the provisions for mandatory review, unless the fact of its existence would itself be classifiable.

(j) *Presidential papers.* Information less than 10 years old which was originated by the President, by the White House staff, or by committees or commissions appointed by the President, or by others acting on behalf of the President, is exempted from mandatory review for declassification. Such information 10 years old or older is subject to mandatory review for declassification in accordance with procedures developed by the Archivist of the United States which provide for consultation with GSA on matters of primary subject interest to this agency.

Dated: November 2, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79-34533 Filed 11-7-79; 8:45 am]

BILLING CODE 6820-34-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 5727]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

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

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
Mississippi	Copiah	Georgetown, town of	280045-A	Oct. 16, 1979, emergency.	Aug. 2, 1974.
North Carolina	Mitchell	Bakersville, town of	370162	do	May 27, 1977.
Tennessee	Washington	Unincorporated areas	470265	do	Mar. 25, 1977.
Alabama	Elmore	Millbrook, city of	010370	Oct. 18, 1979, emergency.	Sept. 15, 1978.
Illinois	Bond	Unincorporated areas	170396	do	Feb. 16, 1979.
Mississippi	Pearl River	do	280129	Oct. 16, 1979, emergency.	Nov. 25, 1977.
Pennsylvania	Columbia	Main, township of	421554	Oct. 18, 1979, emergency.	Feb. 28, 1975.
Maine	Sagadahoc	Arrowsic, town of	230208	Oct. 19, 1979, emergency.	Jan. 17, 1975.
New York	Steuben	Howard, town of	361434	do	Dec. 27, 1974
Do	Lewis	Lyonsdale, town of	360371A	do	Aug. 16, 1974 and July 16, 1976.
North Dakota	Grand Forks	Thompson, city of	380208A	do	Feb. 14, 1975 and Oct. 31, 1978.
Pennsylvania	Warren	Triumph, township of	422550	do	Jan. 17, 1975.
California	Yolo	Woodland, city of	060426A	Oct. 16, 1979, suspension withdrawn.	Oct. 16, 1979.
Connecticut	Middlesex	East Hampton, town of	090064B	do	May 10, 1974 and July 19, 1977.
Do	New Haven	Middlebury, town of	090080B	do	Sept. 6, 1974 and Apr. 15, 1977.
Do	Hartford	Newington, town of	090033B	do	July 26, 1974 and Feb. 11, 1977.
Illinois	Logan	Lincoln, city of	170428B	do	Mar. 8, 1974 and July 25, 1975.
New Jersey	Union	Hillside, township of	340465B	do	Jan. 9, 1974.
Pennsylvania	Allegheny	Clairton, city of	420024B	do	Jan. 16, 1974 and Jan. 16, 1976.

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

Issued: October 22, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-34359 Filed 11-7-79; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 205

[Docket No. FEMA-DR-205]

Disaster Assistance; Hazard Mitigation (Subpart M)

AGENCY: Federal Emergency Management Agency Disaster Response and Recovery.

ACTION: Final rule.

SUMMARY: This rule adds a new subpart to the Disaster Response and Recovery Regulations in order to expand those portions which deal with the evaluation and mitigation of natural hazards. Field implementation of Section 406, Pub. L. 93–288, as amended, is amplified as a means of supplementing FEMA's current efforts to stimulate and encourage comprehensive hazard identification, evaluation and mitigation at all levels of government, and to enforce the current requirement for mitigation of natural hazards as a condition for Federal disaster assistance.

EFFECTIVE DATE: December 10, 1979.

FOR FURTHER INFORMATION CONTACT: Gene Morath, Office of Public Assistance, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472, telephone: (202) 634–7835.

SUPPLEMENTARY INFORMATION: On April 9, 1979, the Associate Director for Disaster Response and Recovery (then the Administrator, Federal Disaster Assistance Administration) published a proposed Subpart M—Hazard Mitigation—in the Federal Register (44 FR 21216). Comments were invited to June 8, 1979. In addition, special letters soliciting comments were sent to over 400 interested parties. Fifty-nine comments were received from 28 States, 11 local governments, 6 non-governmental organizations, and 5 Federal agencies. Each comment was considered in development of this final rule.

Almost all respondents supported the concept of evaluating and mitigating material hazards in conjunction with disaster assistance grants to States and local governments. A number of States expressed specific concerns with the Hazard Mitigation Clause added to the Federal-State-Agreement (Section 205.403(e)). Our discussions with some of the respondents have resulted in revision of this clause for clarity and to extend up to 180 days after the declaration the target date for submission of required hazard mitigation plans. Two States expressed concerns about the legality of the Governor's agreeing to the clause as originally proposed. As in other paragraphs of a Federal/State Agreement, the Governor and the Regional Director have some flexibility as to its provisions. FEMA staff can provide technical advice and assistance if necessary to overcome such legal problems. Based on our review, we concluded that this clause as clarified should be retained in the final rule. Several respondents felt that the regulations would result in unnecessary bureaucratic red tape, and some indicated a need for supplemental funding and for additional personnel. Follow up on these comments has revealed concerns about reports, meetings, plans, critiques, and requirements for proof of compliance. We have revised the proposed rule to eliminate some of these features and have left others to the discretion of the Regional Director for decision, working in consultation with the Governor's Authorized Representative, the applicants, and FEMA National Office Program Directors. Other respondents offered a variety of comments directed towards clarifying, refining and simplifying the regulation. We have responded to these comments by personal contacts and making minor editing changes. Comments from the Water Resources Council and others have resulted in our revising the final rule to clarify the hazard mitigation survey to permit more flexibility in its scope, use of FEMA support teams, and to avoid interference with disaster assistance activities, particularly of State or local governments. The Federal Insurance Administration submitted comments on hazard mitigation plans which have resulted in our spelling out specific planning requirements and responsibilities as distinguished from the hazard mitigation survey. Depending on the nature, severity and magnitude of the major disaster, the Regional Director and the Governor's Authorized Representative can exercise discretion under this Final rule to provide staff and other resources as necessary to achieve the desired results.

A Finding of Inapplicability of section 102(2)(c) of the National Environmental Policy Act of 1969 has been made in accordance with "Procedures for Protection and Enhancement of Environmental Quality." Interested parties may obtain and inspect copies of this Finding of Inapplicability at the Office of the Rules Docket Clerk of the Federal Emergency Management Agency in Washington, D.C. 20472. FEMA has published a Notice of Transfer and Redesignation, effective September 28, 1979, that transferred the Federal Disaster Assistance Regulations from 24 Parts CFR 2200–2205 to 44 CFR Part 200 *et seq.*

Accordingly, Federal regulations, Title 44 CFR, Part 205 is amended by adding a new Subpart M to read as follows:

Subpart M-Hazard Mitigation

Sec.

205.400 General.
205.401 Definitions.
205.402 Implementing actions.
205.403 Responsibilities.
205.404 Surveys.
205.405 Hazard mitigation plans.
205.406 Hazard mitigation measures.
205.407 Land use regulations.
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205.409 Consultations.
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§ 205.400 General.

(a) *Purpose.* The purpose of this subpart is to prescribe the actions and procedures for implementing Section 406, Pub. L. 93–288, as amended. Any conflicting provisions elsewhere in 44 CFR 205 are superseded by this subpart. It is also the purpose of this subpart to clarify the responsibilities for hazard mitigation of the various Federal agencies and State and local governments as the result of a major disaster or emergency declared by the President.

(b) This subpart covers actions, procedures, standards, and criteria for accomplishing optimum results in reduction, avoidance and mitigation of all types of future disasters. These regulations are intended for the use of Federal, State and local governments, as well as organizations and individuals administering or receiving Federal grant or loan assistance as the result of a major disaster or emergency. They are also intended to complement and reinforce implementation in other subparts of these regulations of: (1) the President's Executive Order 11988 on Floodplain Management and Executive Order 11990 on Protection of Wetlands;

and (2) the National Environmental Policy Act, of 1969 Pub. L. 91–190. When a major disaster or emergency occurs, the hazard mitigation actions to cope with those hazards identified as the result of the major disaster or emergency shall receive priority.

§ 205.401 Definitions.

In this subpart reference is frequently made to such words as hazard reduction, avoidance, and mitigation; land use and construction regulations; and disaster proofing. As used in this subpart:

(a) "Avoidance" means to eliminate a hazard through measures such as relocation or prohibition of construction within an area susceptible to risk or danger, or by other means.

(b) "Construction practices" means codes, standards, and specifications applicable to repairs, or to alterations or new construction of a facility or structure.

(c) "Disaster proofing" means those minimum alterations or modifications to damaged facilities that could be expected to prevent or substantially reduce future damages to the repaired or reconstructed facility, or to make it disaster resistant.

(d) "Hazard" means any natural source of danger or element of risk identified following a major disaster or emergency.

(e) "Land use regulations" include zoning for purposes compatible with prudent floodplain management and both preventive and corrective restrictions on construction, repairs, or alterations of facilities within specified areas. Preventive restrictions provide regulation of new land use, i.e., nonstructural disaster control measures such as use of high hazard areas for parks, farms, and recreational areas. Corrective restrictions include:

(1) Floodproofing;

(2) Acquisition;

(3) Insurance;

(4) Removal of non-conforming uses.

(f) "Mitigation" means to alleviate by softening and making less severe the effects of a major disaster or emergency and of future disasters in the affected areas, including reduction or avoidance.

(g) "Reduction" means to diminish in strength and intensity or to restrict or lessen the size, amount and extent of damage resulting from the major disaster or emergency or to be expected as the result of future disasters.

§ 205.402 Implementing actions.

(a) The FEMA role under Section 406 of the Act is one of providing leadership, not through mandates, but through governments and assistance to them in their initiatives to develop and maintain effective mitigation standards. FEMA must provide realistic and attainable mitigation options for their consideration and adoption. Ultimately, improved programs can only be developed when each party understands the benefits to be gained through hazard mitigation and is willing to work in a shared environment of cooperation and commitment.

(b) While the need to respond quickly to disasters and life-threatening conditions must remain paramount, FEMA shall assure that the ultimate benefits to be gained through effective hazard mitigation programs are not diminished and remain a primary objective.

(c) FEMA shall provide technical advice and assistance for hazard mitigation to local or State governments and to certain private nonprofit organizations eligible for grant assistance under Section 402(b) of the Act. Such technical advice and assistance shall be supplementary to that available from any other State or Federal agencies under their existing programs. Technical advice may also be provided for water conservation measures in affected areas short of water as the result of the major disaster or emergency.

(d) FEMA shall encourage local or State governments to adopt safe land-use regulations and construction practices or standards. When such action is taken, after the declaration of a major disaster or emergency, the Associate Director for Disaster Response and Recovery may approve such regulations, practices or standards as applicable deviations as a condition for any Federal grants under Section 402 of the Act. When such action is not taken, the Associate Director may still prescribe appropriate standards as applicable to federally-assisted projects resulting from the major disaster or emergency being restored under Section 402 of the Act. The Associate Director may also prescribe such standards for prospective applicability to all similar repairs or new construction of facilities within the applicant's jurisdiction. In such instances, the applicant shall be notified in writing by the Regional Director through the State of these prescribed standards and that any future damages or destruction of facilities due to failure to comply with such prescribed standards would not be eligible for FEMA grant assistance under Section 402, except under unusual circumstances when approved in the public interest by the Associate Director.

(e) Local governments usually have the decision-making responsibility within their jurisdictions for hazard mitigation measures, including sound land-use regulations and safe construction practices. The State has the central role in resource management and in hazard mitigation throughout the State. Federal technical advice and assistance is supplementary in nature.

(f) FEMA recognizes the heavy administrative workloads of local and State governments in coping with major disasters or emergencies and, in initiating any hazard mitigation programs, it will be sensitive to these existing workloads. In developing any proposed implemenation plan and procedures, FEMA's emphasis is to focus the efforts of all participants on achieving positive results in hazard mitigation. It encourages initiative by State and local governments within the context of their laws, regulations, and customs.

(g) For all major disasters and emergencies involving actions or affecting in floodplains or wetlands appropriate hazard mitigation measures shall be taken as required by FEMA's Floodplain Management regulations (44 CFR Part 9).

(h) Nonstructural disaster protection methods or measures shall be fully considered and emphasized where consistent with primary program purposes of the Act.

(i) As a condition for any grant for federally-assisted projects under Section 402 of the Act, the Associate Director has prescribed as a standard, floodproofing measures which the Regional Director determines are appropriate and practicable as disaster-proofing under E.O. 11988 for facilities within the 100-year floodplain or for critical facilities within the 500-year floodplain.

(j) During hazard mitigation actions involving water resources under this subpart, the State shall be the focal point for water resource management.

(k) As a condition for any grant or loan under the Act for municipal water supply or waste water treatment facilities or systems, appropriate water conservation requirements shall be included and any disincentives to water conservation shall be removed.

§ 2205.403 Responsibilities.

(a) *General.* After a declaration of a major disaster or emergency coordinated effort of all participants is required to identify the significant hazards and appropriate mitigation measures to cope with those hazards.

(b) *FEMA.* The Regional Director shall include appropriate provisions for

hazard mitigation under this subpart in the Federal/State Agreement. He/she shall coordinate with the Governor's Authorized Representative to provide for a joint Federal/State team to survey the disaster affected area soon after a major disaster or emergency declaration for these purposes:

(1) Identify significant hazards in the affected area, giving priority to disaster-related hazards;

(2) Evaluate the impacts of these hazards and measures which will mitigate these impacts; and

(3) Recommend appropriate hazard mitigation measures.

The Regional Director shall designate a FEMA staff member to serve as Hazard Mitigation Coordinator (HMC) on the FEMA/State survey team and to confer with local, State and Federal officials concerning these hazards and hazard mitigation measures. Based on these consultations by the FEMA HMC and the Regional Director, and on decisions by local or State agencies which may establish new or modified land use regulations or standards, the Regional Director may recommend that the Associate Director for Disaster Response and Recovery approve or prescribe appropriate standards. The Regional Director shall also designate a FEMA planner to serve on the FEMA/State planning team. Concurrently with the FEMA/State survey team activities, the FEMA planner shall coordinate with the State planner designated by the Governor's Authorized Representative in working with participating Federal, State, and local agencies, organizations or individuals in accomplishing hazard mitigation planning as required by the Regional Director in accordance with 44 CFR 205.403(e), 44 CFR 205.405, 44 CFR 205.410(b), and 44 CFR 205.411(c). The Regional Director may provide technical advice and assistance to local or State agencies for the purpose of accomplishing hazard mitigation activities under this subpart. He/she shall review State evidence of compliance with approved hazard mitigation activities and shall provide to the Associate Director an after-action report when all such hazard mitigation activities are completed or terminated. Because the Regional Director requires that each applicant take appropriate hazard mitigation measures as a condition for approval of a FEMA grant or loan, he/she shall follow up with the State to recover Federal funding whenever an applicant fails to satisfy any conditions upon which the approval of the grant was based. The Regional Director may arrange for other Federal agencies to participate in hazard mitigation activities under this subpart.

(c) *State.* The Governor's Authorized Representative is responsible for State performance of hazard mitigation activities under the Federal/State Agreement and this subpart. He/she shall designate a State Hazard Mitigation Coordinator (HMC) to serve on the FEMA/State survey team and a State planner to serve on the FEMA/State hazard mitigation planning team. The Governor's Authorized Representative shall arrange for State and local participation in FEMA/State surveys and FEMA/State planning in the affected areas of the State for the purposes stated above. The State HMC shall arrange for consultations on the findings and recommendations from the joint survey and shall follow up to assure that timely and adequate local and State hazard mitigation actions are taken. Whenever appropriate, he/she shall arrange for State funding or technical assistance to eligible applicants for the purposes of accomplishing State-approved hazard mitigation actions. He/she shall arrange for State inspection or audit to verify compliance with approved hazard mitigation measures. When these activities are completed in accordance with the Federal/State Agreement, he/she shall submit a final report of compliance with hazard mitigation requirements by State and local governments to the Regional Director for review and acceptance. Similarly, the State planner shall work with the FEMA planner in accomplishing the tasks referenced in 44 CFR 205.403(b) above.

(d) *Local.* The applicant is responsible for local performance of hazard mitigation measures under the Federal/State Agreement and this subpart. Each applicant shall designate a local Hazard Mitigation Coordinator (HMC) to work with the FEMA/State survey team as required by the State HMC. Working with the FEMA/State survey team, the local HMC will assess the damage within the local jurisdiction. The local HMC shall arrange for local participation in consultations with FEMA/State survey teams about hazard mitigation actions under this subpart. The local HMC is responsible for informing local officials and interested citizens about significant survey team activities. He/she shall also collect any local comments on these matters and report them to the State HMC.

With any project application, each applicant shall submit adequate assurances that any required hazard mitigation measures have been taken or will be completed. The applicant, to the extent of its legal authority, is responsible for implementing and enforcing land use regulations and safe construction practices which are conditions agreed upon for FEMA grants or loans. The applicant shall provide evidence of compliance with conditions for any approved FEMA grants or loans as required by the Governor's Authorized Representative. The applicant's local Authorized Representative shall also arrange for the applicant's planner to work with the FEMA/State planning team in reviewing and updating existing hazard mitigation plans, or in developing new hazard mitigation plans as may be scheduled by the Governor's Authorized Representative and requested by the Regional Director.

(e) *Federal/State agreement.* When necessary to clarify responsibilities under this subpart for a major disaster and emergency, clarification shall be provided by amendment to the Federal/State Agreement. The following is a typical paragraph:

Hazard Mitigation Clause Added to Federal-State Agreement

The State agrees that, as a condition for any Federal loan or grant, the State or the applicant shall evaluate the natural hazards in the areas in which the proceeds of the grants or loans are to be used and shall make appropriate recommendations to mitigate such hazards for federally-assisted projects. The State further agrees: (1) to follow up with applicants, within State capabilities, to assure that, as a condition for any grant or loan under the Act, appropriate hazard mitigation actions are taken; (2) to prepare and submit not later than 180 days after the declaration to the Regional Director for concurrence, hazard mitigation plan or plans for the designated areas, and (3) to review and update as necessary disaster-mitigation portions of the emergency plans.

The Regional Director agrees to make Federal technical advice and assistance available to support the planning efforts and actions.

§ 205.404 Surveys.

(a) *Damage assessments.* Prior to a declaration of a major disaster or emergency, local, State and Federal preliminary assessments of damage may identify major hazards and opportunities for hazard mitigation actions. This information will be transmitted to the FEMA/State survey team as indicated below. During the period immediately following a major disaster or emergency, each applicant is expected to use its resources and capabilities as necessary to perform emergency work, such as debris removal or emergency measures to save lives, or to protect public health and safety or to protect property. The identification of hazards by the damage assessment team and the performance of the emergency

work may result in significant hazard mitigation. Damage Survey Reports (DSR) (see 44 CFR 205.114(d)) completed by Federal inspectors will also include identification of hazards and recommendations of mitigation measures to be incorporated in the repair work.

(b) *Survey activities.* After a declaration of a major disaster or emergency, the Governor's Authorized Representative shall schedule a briefing for State staff members about their participation in FEMA/State survey team activities.

The survey team shall be made up of the FEMA HMC and the State HMC, plus other Federal or State staff members or consultants. This FEMA/State survey team shall work with the appropriate local HMC. Utilizing the information from the preliminary damage assessments, the DSR's referred to above, and all other pertinent information readily available, the survey team shall visit the sites of significant damage to evaluate the hazards. This evaluation may include investigation of selected individual damaged facilities plus review of applicable land use regulations, construction standards, and other appropriate hazard mitigation measures. The Federal/State survey team shall work with the local HMC and other local officials as necessary during this evaluation. The FEMA HMC shall supply model regulations, suggested standards, and other pertinent references for use by the survey team. For each identified significant hazard the survey team shall include appropriate recommendations of hazard mitigation measures in its final report (see 44 CFR 205.411(c)).

§ 205.405 Hazard mitigation plans.

(a) *Plans.* For each hazard-prone area, the FEMA/State planning team shall review and evaluate existing local or State emergency plans for hazard mitigation. Particular attention shall be given to the adequacy of plans for warning and evacuation. In those cases where no such plans exist, this planning team shall report its findings and recommendations concerning specific needs to develop and maintain such plans. The Regional Director shall require the State to update existing State or local plans or to develop such new hazard mitigation plans as he/she deems necessary in consultation with the Governor's Authorized Representative. in determining whether to impose such a requirement on a local government, consideration shall be given to the opportunities presented for effective hazard mitigation, the size and composition of the local government, the local government's authority to regulate land use and to require safe construction practices, and the local government's exercise of such authority. The Governor's Authorized Representative, or Regional Director, may provide technical advice and assistance to State agencies or local governments in developing new plans or updating existing plans to mitigate hazards identified as the result of the major disaster or emergency within the affected areas.

(b) *Objectives.* The identification of hazards following a major disaster or emergency and accomplishment of appropriate hazard mitigation measures are the short-term planning objectives to be required by the Federal/State Agreement. The Regional Director and the Governor's Authorized Representative shall focus with highest priority on these objectives in verifying compliance with the Agreement as a condition for Federal loans or grants.

(c) *Mapping.* The FEMA/State planning team shall verify the impact of the major disaster on disaster frequencies computed prior to the major disaster through contacts with agencies maintaining such records. This planning team shall also consider the advisability of redefining boundaries of high-hazard areas as the result of their findings and shall make recommendations to the Regional Director on any needs for new mapping or remapping of high hazard areas.

(d) *Schedules.* In its recommendations of appropriate hazard mitigation measures, the planning team shall suggest target dates and schedules for accomplishment of each recommended measure.

(e) Measures which relate only to specific construction projects shall be specified as conditions for approval of applicable FEMA grants or loans. Those hazard mitigation measures which require other actions by applicants for FEMA grants of loans shall be reported by the FEMA/State survey team to the Governor's Authorized Representative, for referral to the FEMA/State plannig team or other appropriate action.

§ 205.406 Hazard mitigation measures.

(a) *General.* Certain types of actions may be taken to achieve hazard mitigation including:

(1) avoidance,

(2) reduction, and

(3) adoption and enforcement of land use regulations and of safe construction practices.

(b) *Avoidance.* For siting new construction of facilities or structures, location outside of high hazard areas is the preferred solution. For each hazard identified following a major disaster or emergency, the survey team shall assess the feasibility of avoidance of high hazard areas in cases where new construction, alteration, or major repairs are involved in restoration of damaged or destroyed facilities. The survey team shall also make specific recommendations concerning land use regulations and rezoning to achieve the objectives of avoidance whenever appropriate.

(c) *Reduction.* Reduction of the effects of hazards on facilities and people may be achieved by reducing the area or level of the hazard itself or by reducing the impact of the hazard on individual facilities. Examples of the first are flood control projects such as dams, levees, floodwalls or channel improvements. In some situations, these may be the only practicable measures to protect facilities or structures already located in the floodplain. Reducing the impact on a facility may be accomplished by such measures as installing shearwalls or bracing in buildings or installing check valves in utility lines in earthquake-prone areas. In flood-prone areas, tie downs may be used for mobile homes, lower levels of building may be waterproofed, water damage resistant materials may be used in reconstruction, or such lower levels may be restricted to nonhazardous uses.

§ 205.407 Land use regulations.

(a) *Local zoning.* Regulation of land use within its jurisdiction is normally a function of local government. In some cases, the local government may have already adopted land use regulations or zoning prior to a major disaster or emergency. Modification or updating based on current maps and model regulations may be necessary. Some remapping may frequently be required. In certain cases, the existing land use regulation may be adequate to cope with the identified hazards, if properly enforced. State, Federal, or private interests may propose model zoning regulations, but adoption and enforcement of such regulations remain with the responsible State or local government. Certain State or Federal restrictions may be locally adopted and enforced by mutual agreement, or as a condition for certain types of financial assistance. The survey team shall make its recommendations based on field observations and evaluation of hazards within the affected areas. Consultations with the applicant, the State HMC, and the FEMA HMC may then be necessary to identify the applicant's options for decision-making. The State or FEMA HMC shall provide encouragement, technical advice, and assistance to the

applicant to adopt and enforce appropriate land use regulations. The FEMA/State planning team shall follow up on contacts with the State or local government if appropriate.

(b) *State land use regulations.* For State-owned properties outside of local jurisdictions, the responsible State agency adopts and enforces land use regulations. In some cases, these State regulations may serve as model regulations for local governments. The planning team may make recommendations on new State land use regulations for State lands and provide technical advice and assistance to the State for developing such regulations. The State may require local adoption of Statewide land use regulations as a condition for State aid, such as grants, loans, or technical assistance.

(c) *Federal land use regulations.* For federally-owned lands outside of local or State jurisdictions, the responsible Federal agency adopts and enforces land use regulations which may serve as models for local or State regulations in like circumstances. The FEMA/State planning team may encourage the Federal agency to adopt land-use regulations currently used locally as being applicable to the Federal property. A Federal agency may require local or State governments to adopt and enforce certain hazard mitigation regulations as a condition for Federal assistance or participation in federally-assisted programs. For example, the National Flood Insurance Program requires certain minimum floodplain management regulations for participation by State or local government. Executive Order 11988 also imposes additional constraints on Federal grants or loan assistance within the floodplains. After reviewing a project application in accordance with FEMA's Floodplain Management regulations (44 CFR Part 9), the Regional Director may determine that no practicable alternative to locating in the floodplain exists. The Regional Director then shall require appropriate measures to minimize harm to the facility, to other property and to the floodplain and to preserve and restore the natural and beneficial values of the floodplain. Non-structural uses of floodplains and wetlands, such as open space and parks, shall be encouraged whenever practicable. Coastal zone management plans impose similar requirements for local, State, and Federal floodplain management regulation. As model hazard mitigation regulations become available to cope with other types of major disasters or emergencies including earthquakes, windstorms, and fires, the survey team may recommend them as requirements for federally-assisted projects, or for adoption and enforcement by applicants for Federal grant or loan assistance. Survey or planning teams shall make findings and recommendations as appropriate for development or updating of model hazard-mitigation regulations by various Federal agencies for mitigation of hazards identified following a major disaster or emergency. The FEMA planner may arrange for Federal technical advice and assistance to local or State governments in modifying model land use regulations to satisfy local requirements.

(d) *FEMA land use standards.* As the result of a major disaster or emergency, the Regional Director may determine that there is no practicable alternative to permitting approval of a grant or loan for an action within a high hazard area. For example, refer to 44 CFR Part 9 covering the eight-step decision-making process for floodplain management. In those cases where a practicable alternative exists outside the base floodplain, the Regional Director shall decline to approve a FEMA grant or loan unless the facility or structure is relocated. The Regional Director may take similar action for other types of disasters, such as tornadoes or earthquakes, where a practicable alternative exists outside the high hazard area. Under the Act, the Associate Director for Disaster Response and Recovery may prescribe appropriate standards as applicable for FEMA assisted projects as the result of a major disaster or emergency, as discussed in 44 CFR 205.402[d]. When the Regional Director determines that restoration of a damaged or destroyed facility in a hazard area is not a practicable alternative, he/she may decline to authorize FEMA disaster assistance to restore facilities at the original site, or within the hazard area where such facilities are subject to repetitive heavy damages or destruction. When an applicant decides to relocate facilities being restored under Section 402 of the Act outside of a high hazard area, purchase and development of the site is the applicant's responsibility. The Regional Director may approve Federal grant assistance for permanent restoration of eligible facilities erected on the new site: Provided, that the Regional Director determines that the Federal grant assistance for such project is practicable and in the public interest.

§ 205.408 Construction practices.

(a) *General.* In certain cases, permanent repairs, alterations, or new construction to predisaster design may not provide usable facilities or structures safe from identified hazards. Alternate actions available are relocation; restorative work to conform to updated safe construction practices; or no approval for Federal funding of the proposed work. For FEMA-assisted projects under the Act, the applicant's decision on standards for restorative work shall be subject to review and approval by the Governor's Authorized Representative and the Regional Director. In identifying hazards and in its damage evaluation, the survey team shall inventory existing construction practices or standards related to damaged or destroyed facilities and may recommend adoption and enforcement by each applicant of additional safe construction practices.

(b) *Local standards.* When a major disaster or emergency occurs, the FEMA/State survey team shall inventory and evaluate the standards already adopted by the applicants for the types of repairs, reconstruction, or restorative work for which Federal grant or loan assistance is being requested. During the field surveys this team, or the FEMA/State planning team may also have model State or Federal standards available for consideration by the applicants. Such standards for new construction may be different from those for repairs or alterations to existing facilities or structures. Federal or State agencies may provide technical advice and assistance to local governments, particularly in the form of model standards to be modified for local use. In discussions of hazard mitigation measures, the survey team or the planning team may develop appropriate recommendations to the applicant for updating existing standards, or for adopting new ones. As the result of the major disaster or emergency, each applicant has the responsibility for adopting or updating appropriate standards and for enforcing them. Such local action for non-federally funded projects shall be encouraged by the survey team and the planning team working together for a common purpose. An applicant may request State or FEMA technical advice and assistance in taking these actions. A new standard which the applicant submits for approval by the Associate Director shall include the scope of application of the standard; that is, whether the standard covers all public facilities or certain federally funded projects only. The standard shall also be accompanied by a description of local or State enforcement procedures.

(c) *State standards.* For State-owned buildings, structures, or facilities outside

local jurisdictions, the responsible State agency adopts and enforces applicable standards. In some cases these may serve as a model for similar action by local governments. As a condition for State approval of grant or loan assistance as the result of a major disaster or emergency, the Governor's Authorized Representative may recommend to the Regional Director that the Associate Director prescribe certain standards for the FEMA-assisted project for hazard mitigation purposes. The State HMC may also provide technical advice and assistance on hazard mitigation measures to applicants, private organizations, and individuals.

(d) *Federal standards.* (1) For federally-owned buildings, structures, or facilities outside local or State jurisdictions, the responsible Federal agency adopts and enforces applicable Federal standards. These may serve as models for local or State adoption and enforcement in similar circumstances.

(2) The National Flood Insurance Program (NFIP) prescribes certain Federal standards for repairs, alterations, and new construction within floodplains as a condition for acceptance of a flood-prone community within that program. The Associate Director for Disaster Response and Recovery has prescribed as a standard, floodproofing measures which are appropriate as disaster proofing and practicable under E.O. 11988 for facilities within the 100-year floodplain or for critical facilities within the 500-year floodplain. For other types of disasters, similar standards for hazard mitigation may be available and appropriate for local, State and Federal use.

(3) The FEMA/State survey team, and the planning team, shall be aware of existing standards and shall recommend appropriate examples to applicants for consideration as hazard mitigation related to the major disaster or emergency.

(e) *FEMA standards.* Working with the State and applicants, through the survey team and the planning team, the Regional Directors shall encourage local adoption and enforcement on all projects, including non-federally-assisted projects, of appropriate standards for hazard mitigation. When a local or State government takes such action, the Regional Director may recommend that the Associate Director for Disaster Response and Recovery approve such standards as applicable for FEMA-assisted projects, after appropriate consultations within FEMA, with local and State officials, and with appropriate elected officials of general purpose local governments. Based on these consultations and all available information, the Associate Director may approve such standards as deviations applicable to FEMA assisted projects. When the local or State government declines to adopt and to enforce them for non-FEMA-assisted projects, the Associate Director, after appropriate FEMA, State and local consultations, may prescribe appropriate standards which are applicable only to FEMA assisted projects. Refer also to 44 CFR 205.402(d). The Regional Director may then approve FEMA grant or loan assistance to enable the applicant to comply with them on FEMA assisted projects. The Regional Director may suspend or refuse to approve any project application until he/she is satisfied that the approved work will result in a facility or structure safe and usable for the predisaster function, or for alternate functions proposed as flexible funding by the applicant in accordance with these regulations. (See 44 CFR 205 Subpart H for an explanation of funding options.)

§ 205.409 Consultations.

(a) *General.* It is the intent of these regulations to provide opportunity for State and local officials and interested individuals to participate in the hazard mitigation process. At various points in the process, consultations and meetings with the FEMA/State survey team or planning team will provide input from these sources as detailed in the following paragraphs.

(b) *Survey team.* Members of the survey team shall make frequent contacts and have consultations with various applicants until the field surveys are completed and appropriate hazard mitigation measures are recommended. The State HMC is responsible under the Federal/State Agreement to arrange for appropriate consultations and notices to inform the public on those decision-making processes involved in the work of the survey team. An applicant or the FEMA HMC may request such arrangements when desired.

(c) *Planning team.* Similarly, members of the FEMA/State planning team, in coordination with the survey team, shall make contacts and have consultations with various applicants or their planners as the planning team may require to accomplish its assigned tasks.

(d) *Meetings.* After the declaration of a major disaster or emergency, the Governor's Authorized Representative, in coordination with the Regional Director, schedules one or more meetings with local and State officials representing potential applicants for Federal assistance. These are generally known as "Applicant's Briefings". At these meetings FEMA and State staff members brief these local and State officials on FEMA policies and procedures for Federal grant or loan assistance under the Act. The Governor's Authorized Representative may arrange for the survey team and the planning team to participate in these briefings when desirable. The FEMA/State survey team and the planning team will normally schedule followup meetings later to discuss hazard mitigation measures with State and local officials. When necessary under FEMA's regulations pertaining to floodplain management and environmental review (44 CFR Parts 9 & 10) early public notice may be given of pending Federal actions. Based on the responses to such public notice, or when otherwise appropriate, the Regional Director may request the Governor's Authorized Representative to schedule public hearings for purposes of consultation with interested parties on hazard mitigation measures or problems.

(e) *Project Management.* Normal FEMA procedures for damage survey reports, project applications, final inspections, audits, and final payments require local, State, and Federal contacts and coordination. Appeal procedures provide for further reviews and consultations of all interested parties including the Associate Director and his/her staff. These procedures provide documentation to support the hazard mitigation measures taken under Section 406 of the Act.

§ 205.410 Compliance.

(a) *Federal/State Agreement.* Requirements for evidence of compliance may vary for each major disaster or emergency depending on its nature, severity, and magnitude as well as on variations in the resources, capabilities, organization, and staffing of the local and State governments. Any specific requirement for State evidence of compliance with hazard mitigation measures may be spelled out in the Federal/State Agreement.

(b) *Plans.* Review and acceptance of hazard mitigation plans submitted by the applicant or by the State in accordance with the Federal/State Agreement provides the Governor's Authorized Representative in coordination with the Regional Director opportunities to schedule spot inspections, audits, and follow-up consultations. Through these activities, compliance with hazard mitigation objectives, schedules, and commitments may be verified.

(c) *Project Administration.* As a condition for approval of a project application, and subsequently for

approval of a voucher for final payment, the Governor's Authorized Representative and the Regional Director shall require documentation of required hazard mitigation measures, including compliance with applicable land use regulations or construction standards. In making Final Inspection Reports, Federal and State inspectors shall be specifically asked to verify compliance by the applicant with approved hazard mitigation standards. Similarly, auditors shall be required to verify such compliance in their audit reports.

(d) *Reporting.* The Regional Director may specify in the Federal/State Agreement that the State provide reports of compliance with approved hazard mitigation plans or actions. The Governor's Authorized Representative may also require such progress reports from each applicant or he/she may submit one comprehensive report when scheduled. Prior to termination of the Federal/State Agreement, the Governor's Authorized Representative shall submit a final report of compliance with hazard mitigation requirements by State and local governments to the Regional Director for review and acceptance.

§ 205.411 Evaluation.

(a) *Critiques.* If requested by the Regional Director, the Governor's Authorized Representative shall arrange for a special critique of hazard mitigation plans and actions as the result of the major disaster or emergency. Each applicant shall be notified of the critique and may be invited to participate. As an alternative, a critique of hazard mitigation plans and actions may be scheduled to be covered at the FEMA/State critique covering all disaster assistance activities as the result of the major disaster or emergency.

(b) *Final survey team report.* Prior to terminating the survey team activities, the FEMA HMC and State HMC shall prepare a joint report of their activities and recommendations to the Governor's Authorized Representative and to the Regional Director.

(c) *Final planning team report.* Upon completion of its assigned mission, as discussed in 44 GFR 205.405, the FEMA/State planning team shall make a final report of its activities, findings and recommendations to the Regional Director through the Governor's Authorized Representative. This final report shall specifically identify any remaining planning requirements for hazard mitigation as the result of the major disaster or emergency requiring State or FEMA followup.

(d) *Follow-up actions.* The Regional Director shall review the reports from the survey team and the planning team plus the report of compliance from the Governor's Authorized Representative. The Regional Director's report to the Associate Director shall focus on the positive results achieved through hazard mitigation plans and actions as the result of the major disaster or emergency. He/She also shall provide in the report specific findings and recommendations for Federal follow-up action which should be taken after termination of the Federal/State Agreement to provide mitigation of such hazards as the result of future disasters. The Associate Director may then arrange for appropriate Federal action as the result of each such recommendation.

(Sections 406 and 601, Pub. L. 93-288, 88 Stat. 143 (42 U.S.C. 5176 and 5201); Executive Order 12148; and Delegation of Authority 44 FR 44972).)

Issued at Washington, D.C., October 31, 1979.

William H. Wilcox,

Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 79-34494 Filed 11-7-79; 8:45 am]

BILLING CODE 6718-01-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1067

[CSA Instruction 6000-2d]

Funding of CSA Grantees; Index and Applicability of CSA Regulations (Instructions)

AGENCY: Community Services Administration.

ACTION: Publication of Index of CSA Rules.

SUMMARY: The Community Services Administration is publishing an Index to its current regulations. This Index indicates which directives are in effect for grants made under specific authorities in the Economic Opportunity Act of 1964, as amended, and describes the procedures by which the list will be kept current.

EFFECTIVE DATE: November 8, 1979.

FOR FURTHER INFORMATION CONTACT: Ms. Maryann J. Fair, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506, Telephone Number (202) 254-5047, Telephone Number (202) 254-6218.

Authority: The provisions of this subpart are issued under Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

Graciela (Grace) Olivarez,

Director.

45 CFR is amended by revising subpart—Index and Applicability of CSA Regulations (Instructions) to read as follows:

Subpart—Index and Applicability of CSA Regulations (Instructions)

Sec.

1067.50-1 Applicability.
1067.50-2 Policy.
11067.50-3 Background.
1067.50-4 Determining Applicability.
1067.50-5 Procedures.
1067.50-6 Distribution to Delegate Agencies.
Appendix A to subpart 1067.50, Index and Applicability of CSA Regulations (Instructions) Appendix B to Subpart 1067.50, Index and Applicability of CSA Regulations (Instructions)

Subpart—Index and Applicability of CSA Regulations (Instructions)

§ 1067.50-1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, IV and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1067.50-2 Policy.

The General Conditions of all CSA-administered grants made under the authorities of Titles II, IV and VII of the Economic Opportunity Act provide that program funds expended under the grant are subject to CSA directives. This subpart shows which directives are in effect for grants made under specific authorities in the EOA and describes the procedures by which the list will be kept current.

§ 1067.50-3 Background.

(a) CSA's present issuance system is made up of the following types of issuances which set forth the policies and procedures to be followed by a grantee or offer advice as to how a grantee may better accomplish its objectives: Instructions, Notices, Handbooks and Guidances. (These regulations may be referred to as "OEO" or "CSA" Instructions or Notices; in either case these regulations are deemed to be the policy statements of the Community Services Administration).

(b) *Current Issuance System.* (1) *Instructions:* These issuances set forth policies and procedures and are binding on the grantees to which they are applicable as shown in Appendix B to this subpart.

(2) *Notices.* These issuances announce matters of temporary concern or one

time occurrence. They also announce interim policy on which immediate action is required, in which case they will be later replaced by more detailed subparts. These Notices are binding on the grantees to which they apply as shown in Appendix B.

(3) *Guidances.* These issuances are not binding on the grantee but are designed to offer suggestions as to how particular functions may be performed better. Since these issuances are not directives they are not included in the Appendix to this subpart but are issued periodically on a separate listing.

(4) *Handbooks.* These issuances include publications sometimes titled "pamphlets or manuals" and collect information relating to one subject. The information compiled in a handbook is drawn from Instructions, Notices and Guidances and arranged for programmatic convenience in one document.

(c) *Daily publication.* On September 28, 1978 CSA began publishing all proposed rules in the Federal Register exclusively (Monday and Thursday of each week). CSA is requiring that grantees have access to daily publications of this document for the duration of their grants which are funded by CSA. If grantees do not have access to the Federal Register either through a direct subscription or a circulating copy, they must take immediate steps to purchase a subscription.

(d) *Codification.* As of October 1979, CSA will have codified all of its existing rules and published them in the Federal Register with the exception of one i.e., CSA Instruction 6710-1, Applying for a CAP Grant. (See Index for cross references to the subparts in Title 45, Chapter X of the Code of Federal Regulations.) CSA now is moving towards use of the Federal Register as the sole source of issuance of its rules. Upon publication of the 1979 issue of the Code of Federal Regulations, Title 45, in the Spring of 1980, CSA will discontinue printing CSA Instructions and will require grantees to purchase copies of the CFR (Title 45, Part 500 to End only).

§ 1067.50-4 Determining applicability.

(a) Appendix B to this subpart is a chart which lists all CSA directives which are still in effect as of the publication of this document. The chart also shows to which grant-making authorities each directive applies. The eight columns correspond to sections of the EOA under which grants are authorized. An "X" in any column of the chart indicates that the directive applies to that grant category. When a policy applies only to Community Action Agencies (CAAs), and not to Limited Purpose Agencies (LPAs) funded under sections 221 and 222(a), this is indicated by "CAA" in lieu of "X" in the "221" and "222(a)" columns. (Any directive not included in Appendix B has been superseded and is no longer binding on the grantee.)

(b) Instructions and Notices contain an applicability section which indicates which types of grants are covered by the issuance. Normally, this applicability is expressed in terms of specific statutory authority under which the grant is made. However, the applicability of CSA regulations shown in Appendix B supersedes applicability language stated explicitly on the face of each directive or, by implication, in the body of the directive's text which follows. (For example, by its term OEO Instruction 6710-1, "Applying for a CAP Grant" applies only to CAAs. Since its applicability has been expanded to apply to grantees other than CAAs, the term "CAA" wherever referred to as a grantee or a prospective grantee should be understood to include grantees other than CAAs unless the contrary is required by context.)

(c) Although a particular issuance may not be applicable to a general category of grants, such as to grants funded under Section 232, the special conditions of an individual grant in that category may make such an issuance applicable.

§ 1067.50-5 Procedures.

(a) Appendix A to this subpart lists additions, and deletions of regulations since issuance of the last Index (January 23, 1979).

(b) Appendix B to this subpart is a listing of all current policy statements applicable to grantees funded by CSA.

(c) Check all sets of issuances which you may have to determine whether they are accurate. Missing items in these sets may be ordered from:

CSA Publications and Distribution Center, 49 L Street, SE., Washington, D.C. 20003.

(d) Grantees should cross-check all issuances in their possession and take the following actions:

(1) Remove all issuances which are not listed on the chart, *or which are not applicable to them.*

(2) On those issuances listed on the chart, make pen-and-ink changes in the applicability sections, as necessary, to conform to the applicability status shown on the chart (e.g., adding and/or deleting sections or titles which do not/do appear on the original issuance.)

§ 1067.50-6 Distribution to delegate agencies.

Each grantee should assure that at least one copy of all Instructions has been forwarded to the Director of each of its delegate agencies. In addition, the grantee should establish a distribution system which will assure all those maintaining copies will be furnished new issuances.

Appendix A to Subpart 1067.50—Index of Applicability of CSA Regulations (Instructions)

1. Changes to Index since January 23, 1979

a. *Additions:*

(1) I—6000-2d, Index and Applicability of CSA Regulations (Instructions) (Effective November 8, 1979)
(2) I—6004-1L, CSA Income Poverty Guidelines (Revised) (Effective May 7, 1979)
(3) I—6004-5, Due Process Rights for Applicants Denied Benefits Under CSA Funded Programs (Effective June 23, 1979)
(4) I—6132-2b, Community Food and Nutrition Program (Effective June 20, 1979)
(5) I—6143-4, Emergency Energy Conservation Program; Energy Crisis Assistance Program (Effective October 4, 1979)
(6) I—6143-4, Ch. 1, Emergency Energy Conservation Program; Energy Crisis Assistance Program (Effective October 11, 1979)
(7) I—6158-2a, Economic Development Programs; Non-Equity Business Programs Funded by CDCs (Effective October 24, 1979)
(8) I—6168-2c, Summer Youth Recreation Program (Effective June 28, 1979)
(9) I—6400-01a, Boards and Committees of Title II Programs (Effective June 13, 1979)
(10) I—6802-3a, CH-1, Grantee Financial Management Requirements for Title II, Sections 221, 222(a) and 231 Programs (Effective September 17, 1979)
(11) I—6910-1b, CH-1, Travel Regulations for CSA Grantees and Delegate Agencies (Effective August 30, 1979)
(12) I—6910-2e, Per Diem Rates for CSA Grantees and Delegate Agencies (Effective July 2, 1979)

b. Deletions: We would like to call your attention to the following deletions of regulations since January 23, 1979 and reasons for such:

Deletions	Superseded by and/or reason for deletion
(1) I—6000-2c, Index and Applicability of CSA Regulations (Instructions).	CSA Instruction 6000-2d.
(2) I—6004-1K, CSA Income Poverty Guidelines (Revised).	CSA Instruction 6004-1L.
(3) I—6005-2, Citizen Participation Grant Program-Fiscal Year 1978.	Expired December 31, 1978.
(4) I—6132-2a, Community Food and Nutrition Program.	CSA Instruction 6132-2b.
(5) N—6143-5, Reprogramming Unobligated Special Crisis Intervention Program Funds.	Dropped because this one-time action was taken by all grantees.
(6) I—6158-2, Small Business Programs Funded by CDCs.	CSA Instruction 6168-2a.
(7) I—6168-1a, Youth Development Program Policies.	Dropped because all information relevant to grantees will be issued as Guidance by CSA.

Deletions	Superseded by and/or reason for deletion
(8) I—6168-2b, Summer Youth Recreation Programs.	CSA Instruction 6168-2c.
(9) I—6170-1, Guidelines for Planning and Programming for the Elderly Poor.	Dropped because all information relevant to grantees will be issued as Guidance by CSA.
(10) I—6400-01, The Organization of Community Action Agency Boards and Committees Under the 1967 Amendments to the Economic Opportunity Act (Section 211).	CSA Instruction 6400-01a.
(11) I—6402-01, Service by OEO Employees and Other Federal Employees with Grantee and Delegate Agencies.	CSA Instruction 6400-01a.
(12) I—6402-02, Standards of Eligibility for Members of Governing Bodies and Policy Advisory Committees of Community Action and Single-Purpose Agencies; Policies and Procedures.	CSA Instruction 6400-01a.
(13) I—6402-1, Limitation on Terms of Board Service (Except Indian Grantees).	CSA Instruction 6400-01a.
(14) I—6710-02, Instructions for Defining Cost Categories.	Dropped because information contains guidance only. Policy on financial management is found in CSA Instruction 6800-7 (§ 1050 Subpart G) and OEO Instruction 6801-1 (§ 1068.42) and changes thereto.
(15) I—6802-01, Contributions to the Non-Federal Share of a Community Action Program by Local Housing Authorities.	This Instruction is deleted since the general provision of policy is stated in Subpart 1050.53 paragraph (5).
(16) I—6802-02, College Work Study Program.	The policy statement in this Instruction is incorporated into Subpart 1050.57 paragraph (d).
(17) I—6802-5a, Non-Federal Share Contribution; Eligibility for Waiver of Increase.	Dropped since CSA is no longer making grants with FY '78 funds.
(18) I—6802-5a, CH-1, Non-Federal Share Contribution; Eligibility for Waiver of Increase for FY '78 Grants.	Waiver criteria was applicable only to grants funded during FY '78.
(19) I—6910-2d, Per Diem Rates for CSA Grantees and Delegate Agencies.	CSA Instruction 6910-2e.

BILLING CODE 6315-01-M

Index and Applicability of CSA Regulations (Instructions) By Funding Source

UNIFORM FEDERAL STANDARD	CODE OF FEDERAL REGULATIONS	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE VII	TITLE II						TITLE IV
						221	222(a)	230	231	232	234	
		N	6000-4*	Notice and Information on Certain 1978 Amendments to the EOA		X	X	X	X	X	X	X
	1067.50	I	6000-2d*	Index and Applicability of CSA Regulations (Instructions)	X	X	X	X	X	X	X	X
	1063.131	I (CG)	6001-01 (B.9)	Means of Carrying Out a Community Action Program	X	X	X	X	X	X	X	X
	1063.132	I (CG)	6001-03 (C.2)	Characteristics of Eligible Activities		X	X					
	1063.133	I	6001-1	Eligible Activities		CAA						
	Part 1010	I	6004-01a	Title 45, Code of Federal Regulations, Part 1010, Nondiscrimination in Federally Assisted Programs of the Office of Economic Opportunity Effectuation of Title IV of Civil Rights Act of 1964	X	X	X	X	X	X	X	X

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					TITLE VII	221	222(a)	230	231	232	234	TITLE IV
	Part 1010	I	6004-01a CH-1	Title 45, Code of Federal Regulations, Part 1010, Nondiscrimination in Federally-Assisted Programs of the Office of Economic Opportunity Effectuation of Title VI of Civil Rights Act of 1964	X	X	X	X	X	X	X	X
	1060.2	I	6004-1L*	CSA Income Poverty Guidelines (Revised)	X	X	X	X	X	X	X	X
	1060.3	I	6004-2	Limitation on Benefits of Those Voluntarily Poor	X	X	X	X	X	X	X	X
		N	6004-2	Requirement for Affirmative Civil Rights Program	X	X	X	X	X	X	X	X
	1060.4	I	6004-4	Resolving Complaints of Discrimination in Employment, Program Participation, and Benefits by OEO Grantees	X	X	X	X	X	X	X	X

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						221	222(a)	230	231	232	234	312
	1067.7	I	6004-5*	Due Process Rights for Applicants Denied Benefits Under CSA Funded Programs	X	X	X	X	X	X	X	X
	1060.1	I	6005-1	Participation of the Poor in the Planning, Conduct, and Evaluation of Community Action Programs		X	X	X	X	X	X	X
	1067.41	I	6100-1b	Program Account Structure	X	X	X	X	X	X	X	X
	1067.41	I	6100-1b, CH-1	Program Account Structure	X	X	X	X	X	X	X	X
	1061.4	I (M)	6130-01 (37-A)	New Statement of OEO Policy on Family Planning Activities (Note: This directive had been amended by Section 244(4) of the EOA and by more recent directives containing the CSA Poverty Income Guidelines)		X	X	X	X	X		X
	1061.4	I	6130-1	Family Planning Activities		X	X	X	X	X		X

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						221	222(a)	230	231	232	234	
	1061.12	I	6132-1	Use of EFMS Funds for Food Stamp Activities			X					
	1061.50	I	6132-2b*	Community Food and Nutrition Program			X					
	1067.51	I (M)	6140-01 (79)	Independent Funding of "Versatile CAP" Programs		X	X			X		
	1061.30	I	6143-1a	Emergency Energy Conservation Program			X					
	1061.31	I	6143-2	Emergency Energy Conservation Program: Energy Data Form			X					
	1061.70	I	6143-4*	Emergency Energy Conservation Program; Energy Crisis Assistance Program			X					

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	1061.52	I	6143-8	Emergency Energy Conservation: FY'79 Crisis Intervention Program (only published in the Federal Register)			X					
	1076.5	I	6158-1	Special Impact Program Policies and Priorities	X							
	1076.20	I	6158-2a*	Small Business Programs Funded by CDCs	X							
	1076.30	I	6158-3	Training, Public Service Employment and Social Service Programs Funded by CDCs	X							
	1076.40	I	6158-4	Location of CDC Ventures	X							
	1061.20	I	6168-2c*	Summer Youth Recreation Program			X					
	1062.1 Subpart A-I	I	6302-2	CAAs: Eligibility and Establishment		CAA						

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UNIFORM FEDERAL STANDARD	CODE OF FEDERAL REGULATIONS	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE VII	TITLE II 221	TITLE II 222(a)	TITLE II 230	TITLE II 231	TITLE II 232	TITLE II 234	TITLE IV
	1062.1 Subpart A-I	I	6302-2, CH-1	CAAs: Eligibility and Establishment		CAA						
	1063.130	I	6320-1	The Mission of the Community Action Agency		CAA						
	1063.129	I	6335-1	CAA Relationship to Pilot Programs		CAA				X		
	1062 Subpart J	I	6400-01a *	Boards and Committees of Title II Programs (Part 1, Section B. (5) of OEO Instruction 6005-1 superseded)		X	X	X	X	X	X	
	1076.10	I	6402-2	Composition and Selection of CDC Boards of Directors	X							
	1067.9	I (CG)	6441-01 (Exh.IX Vol.1)	Special Conditions When A Community Action Component is Delegated to a Church Related Organization	X	X	X	X	X	X	X	X
	1064.1	I	6441-1	Appeal to OEO By An Organization That Would Like to Serve As a Delegate Agency		X	X	X	X	X	X	X

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						221	222(a)	230	231	232	234	
		N	6441-1	Authority of Regional Directors to Hear Appeals Under OEO Instruction 6441-1 (Extended Indefinitely)		X	X	X	X	X	X	
		I	6710-1	Applying for a CAP Grant		X						
	1067.30	I	6710-1, CH-10	Preparation of CSA Form 314, Statement of CSA Grant	X	X	X	X	X	X	X	X
	1067.40	I	6710-1, CH-11	Applying for a Grant Under Title II, Sections 221, 222(a) and 231 of the EOA		X	X		X			
	1067.10	I	6710-3a	CSA Procedures for the Federal Project Notification and Review System (PNRS)	X	X	X		X		X	

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	1067.10	I	6710-3a, CH-2	CSA Procedures for the Federal Project Notification and Review System (PNRS)	X	X	X		A		X	
	1067.80	I	6710-4	Administration of Grants, Contracts, or Other Arrangements with Educational Institutions (*Research Projects with educational institutions only)	X*					X*		
	1067.15	I	6710-6	Applying for a Grant Under Title VII of the Community Services Act	X							
	1067.16	I	6710-7	Amending a Grant Under Title VII of the Community Services Act	X							
	1067.17	I	6710-8	Preparing a Budget for a Title VII Grant Under the Community Services Act	X							

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					TITLE VII	221	222(a)	230	231	232	234	TITLE IV
	1067.2	I	6730-1a	Denial of Refunding		X	X					X
X	1050 Subpart A	I	6800-1	Implementation of Uniform Federal Standards by the Community Services Administration	X	X	X	X	X	X	X	X
X	1050 Subpart B	I	6800-2	Cash Depositories	X	X	X	X	X	X	X	X
X	1050 Subpart C	I	6800-3	Bonding and Insurance	X	X	X	X	X	X	X	X
X	1050 Subpart D	I	6800-4	Retention and Custodial Requirements for Records	X	X	X	X	X	X	X	X
X	1050 Subpart E	I	6800-5	Program Income		X	X	X	X	X	X	X
X	1050 Subpart F	I	6800-6	Cost Sharing and Matching	X	X	X	X	X	X	X	X

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					TITLE VII	221	222(a)(7)	230	231	232	234	TITLE IV
X	1050 Subpart G	I	6800-7	Standards for Financial Management Systems	X	X	X	X	X	X	X	X
X	1050 Subpart H	I	6800-8	Financial Reporting Requirements	X	X	X	X	X	X	X	X
X	1050 Subpart I	I	6800-9	Monitoring and Reporting Program Performance		X	X	X	X	X	X	X
X	1050 Subpart J	I	6800-10	Payment Requirements	X	X	X	X	X	X	X	X
X	1050 Subpart J	I	6800-10, CH-1	Payment Requirements	X	X	X	X	X	X	X	X
X	1050 Subpart L	I	6800-12	Grant Closeout Procedures	X	X	X	X	X	X	X	X
X	1050 Subpart M	I	6800-13	Suspension and Termination Procedures	X	X	X	X	X	X	X	X
X	1050 Subpart N	I	6800-14	Standard Form for Applying for Federal Assistance (SF 424)	X	X	X	X	X	X	X	X

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UNIFORM FEDERAL STANDARD	CODE OF FEDERAL REGULATIONS	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE		TITLE II						
					TITLE VII	221	222(a)	230	231	232	234	TITLE IV
	1068.42	I	6801-1	Grantee Fiscal Responsibility and Auditing (Page 10, Item 6 superseded)	X	X	X	X	X	X	X	X
	1068.42	I	6801-1, CH-1	Grantee Fiscal Responsibility and Auditing	X	X	X	X	X	X	X	X
	1068.43	I	6801-1, CH-2	Grantee Fiscal Responsibility and Auditing	X	X	X	X	X	X	X	X
	1068.20	I	6802-3a*	Non-Federal Share Requirements for Title II, Sections 221, 222(a) and 231 Programs		X	X		X			
	1068.20	I	6802-3a, CH-1*	Non-Federal Share Requirements for Title II, Sections 221, 222(a) and 231 Programs					X			
	1068.5	I	6803-1b*	Allowances and Reimbursements for Members of Policy Making Bodies	X	X	X	X	X	X	X	X
	1068.4	I	6803-2	Allowability of Costs Incurred to Borrow Funds	X	X	X	X	X	X	X	X

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UNIFORM FEDERAL STANDARD	CODE OF FEDERAL REGULATIONS	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE VII	TITLE II						TITLE IV
						221	222(a)	230	231	232	234	
	1068.8	I	6803-5	Use of Federal Funds for Union Activities	X	X	X	X	X	X	X	X
	1068.30	I	6803-6	Membership Dues and Related Expenses Paid to Professional Organizations	X	X	X	X	X	X	X	X
	1067.42	I (CG)	6806-01 (I.1)	Establishing and Maintaining Program Accounts	X	X	X	X	X	X	X	X
	1067.43	I (CG)	6806-04 (I.8)	Accounting for Delegated or Contracted Activities	X	X	X	X	X	X	X	X
	1068.3	I	6807-1 (12-20-71)	Limitation on CAA Administrative Costs		CAA						
	1068.6	I	6810-1	Grantee Compliance with IRS Requirements for Withheld Federal Income and Social Security Taxes	X	X	X	X	X	X	X	X
	1069.20	I (M)	6900-01 (23-A)	Personnel Policies and Procedures [Under Title II, Sections 221, 222(a) and Titles IV and VII]	X	X	X	X				X

I - Instruction
N - Notice
CG - CAP Guide: Volumes I and II
M - Community Action Memo

UNIFORM FEDERAL STANDARD	CODE OF FEDERAL REGULATIONS	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE		TITLE II						
					TITLE VII	221	222(a)	230	231	232	234	TITLE IV
	1069.22	I (M)	6900-02 (23-B)	Personnel Policies and Procedures [Under Title II, Sections 221, 222(a) and Titles IV and VII]	X	X	X	X		X		X
	1069.21	I (TAM)	6900-03 (26)	Personnel Policies and Procedures [Under Title II, Section 231]					X			
	1069.30	I (TAM)	6900-04 (26-A)	Personnel Policies and Procedures [Applies to State Economic Opportunity Offices Under Title II, Section 231]					X			
	1069.24	I	6901-1	Employment of Persons with Criminal Records	X	X	X	X	X	X	X	X
	1069.25	I	6901-2	Assistance to Vietnam-Era Veterans	X	X	X	X	X	X	X	X
	1069.9	I	6903-1a*	Policies and Procedures on $18,000 Per Year Salary Limitation		X	X					

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* - REGULATIONS ISSUED SINCE OCTOBER 1, 1978 TO PRESENT ARE AVAILABLE AT THE DISTRIBUTION CENTER

UNIFORM FEDERAL STANDARD	CODE OF FEDERAL REGULATIONS	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE VII	TITLE II 221	222(a)	230	231	232	234	TITLE IV
	1069.20	I	6903-3	Payment for Overtime and Authorization for Compensatory Time	X	X	X	X				X
	1069.26	I (M)	6906-01 (45)	Social Security Coverage for Employees Under CAP Grants	X	X	X	X	X	X	X	X
	1069.6	I (M)	6907-01 (66)	Policy Guidance on Lobbying Activities	X	X	X	X	X	X	X	X
	1069.8	I	6907-1a	Restrictions on Political Activities	X	X	X	X	X	X	X	X
	1069.2	I	6907-2	Limitation With Respect to Unlawful Demonstrations, Rioting, and Civil Disturbances	X	X	X	X	X	X	X	X
	1069.1	I	6907-3	Employee Participation in Direct Action	X	X	X	X	X	X	X	X

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UNIFORM FEDERAL STANDARD	CODE OF FEDERAL REGULATIONS	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE II							
					TITLE VII	221	222(a)	230	231	232	234	TITLE IV
	1069.27	I	6907-4	Outside Employment of Grantee and Delegate Agency Personnel	X	X	X	X	X	X	X	X
	1069.29	I (M)	6909-01 (75)	Conflicts of Interest in Community Action Program Contracts	X	X	X	X	X	X	X	X
	1069.28	I	6909-1	Prohibition Against Acceptance of Gifts and Gratuities	X	X	X	X	X	X	X	X
	1069.3	I	6910-1b	Travel Regulations for CSA Grantees and Delegate Agencies	X	X	X	X	X	X	X	X
	1069.3	I	6910-1b, CH-1*	Travel Regulations for CSA Grantees and Delegate Agencies	X	X	X	X	X	X	X	X
	1069.4	I	6910-2e*	Per Diem Rates for CSA Grantees and Delegate Agencies	X	X	X	X	X	X	X	X
	1068.40	I	7000-01 (H.5)	Funding of Third Party Contractors		X	X	X	X	X	X	X

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UNIFORM FEDERAL STANDARD	CODE OF FEDERAL REGULATIONS	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE		TITLE II						
					TITLE VII	221	222(a)	230	231	232	234	TITLE IV
	1067.6	I	7000-1	Federal Register; Access to Daily Publications	X	X	X	X	X	X	X	X
	Part 1071	I	7001-01a	Grantee Property Administration	X	X	X	X	X	X	X	X
	1070.1	I	7041-1	Public Access to Grantee Information	X	X	X	X	X	X	X	X
	1070.2	I	7042-1	Grantee Public Meetings and Hearings	X	X	X	X	X	X	X	X
	1070.4	I	7044-1a	Grantee Involvement in the News Media	X	X	X	X	X	X	X	
	1067.5	I	7050-1	General Conditions Governing CSA Grants Funded Under Titles II, III-B and VII of the EOA of 1964 as amended (Including Amendments Made by the Community Services Act of 1974)	X	X	X	X	X	X	X	X

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UNIFORM FEDERAL STANDARD	CODE OF FEDERAL REGULATIONS	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE II							
					TITLE VII	221	222(a)	230	231	232	234	TITLE IV
	1068.41	I (CG)	7410-01 (Exhibit VI, Vol.1)	Standard Form for Professional or Technical Services to a Community Action Program	X	X	X	X	X	X	X	X
	1075.1	I	7501-1	Role of State Economic Opportunity Offices					X			
	1067.80	I	7570-1 (01-07-72)	Applying for a New Research or Demonstration Grant Under the EOA (pages 17 and 18, Item 3 Superseded)			X			X	X	
	1067.80	I	7570-2	Applying for a Continuation of a Research or Demonstration Grant Under the EOA			X			X	X	

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UNIFORM FEDERAL STANDARD	CODE OF FEDERAL REGULATIONS	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE VII	TITLE II						TITLE IV
						221	222(a)	230	231	232	234	
	1067.80	I	7570-3	Amendment Procedures for a Research or Demonstration Grant Under the EOA			X X			X	X	
	1067.80	I	7570-4	Preparing a Budget for a Research or Demonstration Grant Under the EOA			X			X	X	
	1076.41	I	7641-1	Waiver of Non-Federal Share of Program Costs for Certain Title I-D Programs	X							
	1069.7	I	7648-1	Training Requirements for Special Impact Program Grantees	X							
	1067.4	I	7850-1a	Standards for Evaluating the Effectiveness of CSA Administered Programs and Projects	X	X	X	X	X	X	X	X

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[FR Doc. 79-34020 Filed 11-7-79; 8:45 am]
BILLING CODE 6315-01-C

45 CFR Part 1069

[CSA Instruction 6910-2e, Ch.1]

Grantee Personnel Management; Per Diem Rates for CSA Grantees and Delegate Agencies

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration is revising its per diem rates for CSA grantees and delegate agencies. On June 29, 1979, the General Services Administration filed changes in the Federal Register designating additional high rate geographical areas (HRGA) and redefining existing high rate geographical areas and/or boundaries to be effective on or after July 1, 1979.

Since CSA grantees are required to comply with the Federal Travel Regulations, this rule will inform them of the changes thereto.

EFFECTIVE DATE: This rule is effective November 8, 1979.

FOR FURTHER INFORMATION CONTACT: Ms. Maryann J. Fair, Community Services Administration, 1200 19th Street, NW., Washington, DC 20506, Telephone (202) 254–5047, Teletypewriter (202) 254–6218.

SUPPLEMENTARY INFORMATION: This rule informs grantees of the changes to the Federal Travel Regulations and permit grantees to implement the changes retroactively to July 1, 1979, the effective date of the amended Federal Travel Regulations.

This revision is not significant since the only changes being made reflect the changes in the Federal Travel Regulations.

(Sec. 602, 78 STAT, 530; 42 U.S.C. 2942.)

Graciela (Grace) Olivarez,

Director.

§ 1069.4-4(b) [Amended]

* * * * *

(b) *Travel to High Rate Geographical Areas.* Also allowed is the payment of actual subsistence expenses whenever temporary duty travel is performed to or in a location designated by the General Services Administration as a high rate geographical area, except when the high rate area is only an intermediate stopover point at which no official duty is performed.

Designated high rate geographical areas [1] [2]	Prescribed maximum daily rate
Akron, OH [3]	$42.00
Albany, NY [4] (all locations within Albany County).	47.00
Albuquerque, NM [4] (all locations within Bernalillo County)	43.00
Amarillo, TX	40.00
Asheville, NC	42.00
Atlanta, GA	47.00
Austin, TX	46.00
Baltimore, MD	50.00
Baton Rouge, LA	42.00
Birmingham, AL	42.00
Boise, ID	41.00
Boston, MA (all locations within the counties of Middlesex, Norfolk and Suffolk)	50.00
Bridgeport, CT (all locations within Fairfield County)	48.00
Buffalo, NY (all locations within the corporate limits of Buffalo and Niagara Falls, NY)	49.00
Burlington, VT	45.00
Casper, WY [3]	44.00
Charleston, SC [4] (all locations within Charleston and Berkeley Counties)	41.00
Charleston, WV	47.00
Cheyenne, WY	44.00
Chicago, IL (All locations within Lake and Cook Counties)	50.00
Cincinnati, OH	46.00
Cleveland, OH	50.00
Columbus, OH	45.00
Dallas/Ft. Worth, TX [4] (All locations within Dallas and Tarrant Counties)	50.00
Dayton, OH [4] (All locations within the corporate limits of Dayton including Wright-Patterson AFB)	44.00
Denver, CO [4] (All locations within Denver, Adams, Arapahoe and Jefferson Counties)	48.00
Des Moines, IA	40.00
Detroit, MI	50.00
Dover, NJ (All locations within the corporate limits of Dover including Picatinny Arsenal, NJ)	45.00
Eatontown, NJ (All locations within the corporate limits of Eatontown including Fort Monmouth, NJ)	48.00
El Paso, TX	43.00
Ft. Wayne, IN	50.00
Fresno, CA	43.00
Great Falls, MT [3]	41.00
Harrisburg, PA	45.00
Hartford, CT [4] (All locations within Hartford County)	50.00
Houston, TX (All locations within the corporate limits of Houston including the L.B. Johnson Space Center and Ellington AFB)	50.00
Indianapolis, IN (All locations within the corporate limits of Indianapolis including Fort Benjamin Harrison, IN)	47.00
Jacksonville, FL	42.00
Kalamazoo, MI	42.00
Kansas City, MO/Kansas City, KS [4]	48.00
Lake Placid, NY [3]	50.00
Las Vegas, NV	50.00
Lexington, KY	44.00
Little Rock, AR [3]	42.00
Los Alamos, NM [3]	50.00
Los Angeles, CA [4] (All locations within Los Angeles, Orange, and Ventura Counties)	50.00
Louisville, KY	45.00
Madison, WI [4]	47.00
Manchester, NH [4]	47.00
Memphis, TN	45.00
Miami, FL [4] (All locations within Dade, Broward, Palm Beach and Monroe Counties)	50.00
Milwaukee, WI [4]	50.00
Minneapolis/St. Paul, MN [4] (All locations within Anoka, Hennepin and Ramsey Counties including the Fort Snelling Military Reservation)	50.00
Monterey, CA (All locations within Monterey County)	43.00
Nashville, TN [3]	45.00
Newark, NJ (All locations within Bergen, Essex, Hudson, Passaic and Union Counties)	50.00
New Haven, CT	45.00
New Orleans, LA (All locations within Jefferson, Orleans, Plaquemines, and St Bernard Parishes)	50.00
New York, NY (All locations within the boroughs of the Bronx, Brooklyn, Manhattan, Queens, and Staten Island and the counties of Nassau and Suffolk)	50.00
Norfolk, VA [4] (All locations within the cities of Norfolk, Virginia Beach, Hampton, Newport News, Portsmouth, and Chesapeake, Va)	47.00
Oklahoma City, OK [3]	43.00
Omaha, NB [4]	45.00
Orlando, FL [4]	47.00
Philadelphia, PA (All locations within Philadelphia and Bala Cynwyd, PA	50.00
Phoenix, AZ [4] (All locations within the corporate limits of Phoenix and Scottsdale, AZ)	46.00
Pittsburgh, PA	50.00
Pittsfield, MA [4]	50.00
Portland, ME [4]	47.00
Portland, OR [3]	50.00
Portsmouth, NH [4] (All locations within the corporate limits of Portsmouth and Newington (Pease AFB), NH, and Kittery, ME (Portsmouth Naval Shipyard)	48.00
Providence, RI	50.00
Raleigh, NC [3]	42.00
Richmond, VA [4]	44.00
Roanoke, VA [4]	43.00
Rochester, NY	45.00
Rockford, IL [3]	40.00
St. Louis, MO	46.00
Sacramento, CA [4] (All locations within the corporate limits including McClellan AFB and Mather AFB)	45.00
Salt Lake City, UT [4]	49.00
San Antonio, TX	41.00
San Diego, CA [4] (All locations within San Diego County	50.00
San Jose, CA (All locations within Santa Clara County)	44.00
San Francisco/Oakland, CA (All locations within San Francisco and Alameda Counties)	50.00
San Mateo, CA (All locations within San Mateo, County)	43.00
Santa Barbara, CA (All locations within Santa Barbara County)	50.00
Seattle, WA (All locations within King County)	49.00
Spokane, WA	42.00
Springfield, IL	39.00
Springfield, MA	41.00
Syracuse, NY	43.00
Tampa/St Petersburg, FL [4] (All locations within Hillsboro and pinellas Counties)	42.00
Toledo, OH	43.00
Tucson, AZ	48.00
Tulsa, OK	40.00
Valley Forge, PA (All locations within the corporate limits of Valley Forge and King of Prussia, PA	50.00
Washington, D.C. (All locations within the corporate limits of Washington, D.C.; the cities of Alexandria, Falls Church, and Fairfax and the counties of Arlington, Loudoun and Fairfax in Virginia; and the counties of Montgomery and Prince Georges in Maryland)	50.00
Wichita, KS	44.00
Wilmington, DE	47.00
Worcester, MA	44.00
York, PA	41.00

[1] The HRGA boundary is defined as "all locations within the corporate limits or entirely surrounded by the boundaries thereof" unless otherwise specified.

[2] HRGA's with county definitions shall include "all locations entirely surrounded by the boundaries thereof."

[3] Newly designated HRGA.

[4] Increased maximum rate or redefined boundary for previously designated HRGA.

[FR Doc. 79-34603 Filed 11-7-79; 8:45 am]

BILLING CODE 6315-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 401 and 402

[CGD 78-144b]

Great Lakes Pilotage Regulations

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the Great Lakes Pilotage Regulations by changing training and experience requirements for the registration of pilots, increasing the length of time that pilots may hold their certificates, and adding clarifying definitions for certain terms used in the regulations. These amendments are necessary in order to increase the availability of pilots with the requisite experience for safe operations on the Great Lakes.

EFFECTIVE DATE: December 10, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. John J. Hartke (G-MVP-4/TP13), Room 1314, Department of Transportation, Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593. (202) 755-8683.

SUPPLEMENTARY INFORMATION: On April 2, 1979, the Coast Guard published a proposed rule (44 FR 19364) concerning this amendment. Interested persons were given until May 2, 1979, to submit comments. No comments were received. On September 6, 1979, the Coast Guard published a supplemental notice of proposed rulemaking regarding these same regulations. The supplemental notice was a result of a Coast Guard review which concluded that the original proposal was inadequate with respect to the experience requirements for registration. The supplemental notice added a proposed requirement that those applicants qualifying with "comparable experience" must have served a minimum of twelve months as a licensed deck officer. No comments were received regarding the supplemental notice of proposed rulemaking.

Drafting Information

The principle persons involved in drafting this proposal are: John J. Hartke, Project Manager, Office of Merchant Marine Safety, and LT Jack Orchard, Project Attorney, Office of the Chief Counsel.

This Final Rule has been evaluated under the Department of Transportation Regulatory Policies and Procedures published on February 26, 1979 (44 FR 11034). No significant adverse environmental or economic consequences are anticipated. It is estimated that only 25 persons will be directly affected by the changes contained in this rule. A final evaluation has been prepared and is contained in the public docket.

In consideration of the foregoing, Part 401 and Part 402 of Title 46 of the Code of Federal Regulations are amended as follows:

1. In § 401.110, paragraphs (a)(12), (13), (14), and (15) are revised to read as follows:

§ 401.110 Definitions.

(a) * * *

(12) "Applicant Pilot" means a person who holds a license as a master, mate, or pilot issued under the authority of the provisions of Title 52 of the Revised Statutes, and has acquired at least twenty-four months licensed service or comparable experience on vessels or integrated tugs and tows, of 4,000 gross tons or over, operating on the Great Lakes or oceans, and who has applied for registration under the provisions of Subpart B of this part. Those persons qualifying with ocean service must have obtained at least six months of licensed service or comparable experience on the Great Lakes.

(13) "Applicant Trainee" means a person who is in training to become an Applicant Pilot with an organization authorized to provide pilotage services.

(14) "Pool" means an organization authorized to provide pilotage services.

(15) "Comparable experience" means experience that is similar to the experience obtained by serving as an officer on a vessel. Training and experience while participating in a pilot training program of an authorized pilot organization is considered equivalent on a day for day basis to experience as an officer on a vessel. The training program of the authorized pilot organization must, however, include regularly scheduled trips on vessels of 4,000 gross tons or over in the company of a registered pilot.

§ 401.200 [Amended]

2. In § 401.200, paragraph (b) is deleted.

3. In § 401.210, paragraph (a)(1) and (5) are revised to read as follows:

§ 401.210 Requirements and qualifications for registration.

(a) * * *

(1) The individual holds a license as a master, mate, or pilot, issued under the authority of the provisions of Title 52 of the Revised Statutes, and has acquired at least twenty-four months licensed service or comparable experience on vessels or integrated tugs and tows, of 4,000 gross tons, or over, operating on the Great Lakes or oceans. Those applicants qualifying with ocean service must have obtained at least six months of licensed service or comparable experience on the Great Lakes. Those applicants qualifying with comparable experience must have served a minimum of twelve months as a licensed deck officer.

* * * * *

(5) The individual has not reached the age of 70.

* * * * *

4. In § 401.211, paragraphs (b), (c), (d), and (e) are revised to read as follows:

§ 401.211 Requirements for training of Applicant Pilots.

(a) * * *

(b) For purpose of determining whether an applicant meets the experience requirements contained in § 401.210(a)(1), not more than twelve months of "comparable experience" may be used in fulfilling the twenty-four month experience requirement.

(c) The Director shall approve the United States Registered Pilots that are designated by the authorized pilot organization to provide training to those pilots that are in training to be registered pilots.

(d) Persons desiring to be considered as an Applicant Pilot shall file with the Director a completed Application Form, CG-4509, in duplicate, together with two full-face photographs, 1½ inches by 2 inches, signed on the face, and a completed fingerprint chart.

(e) Individuals selected as Applicant Pilots by the Director shall be issued a U.S. Coast Guard Applicant Pilot Identification Card, which shall be valid until such time as (1) the applicant is registered as a pilot under § 401.210; (2) the applicant withdraws from the training program, or (3) upon withdrawal by the Director.

5. § 401.220 (b) and (d) are revised to read as follows:

§ 401.220 Registration of pilots.

* * * * *

(b) Registration of pilots shall be made from among those Applicant Pilots who have (1) completed the minimum number of trips prescribed by the Commandant over the waters for which application is made on oceangoing vessels, in company with a Registered Pilot, within 1 year of date of application, (2) completed a course of instruction for Applicant Pilots prescribed by the association authorized to establish the pilotage pool, (3) satisfactorily completed a written examination prescribed by the Director, evidencing his knowledge and understanding of the Great Lakes Pilotage Regulations, Rules and Orders; the Memorandum of Arrangements, Great Lakes Pilotage, between the United States and Canada; and other related matters including the working rules and operating procedures of his district, given at such time and place as

the Director may designate within the pilotage district of the Applicant Pilot.

* * * * *

(d) Subject to the provisions of paragraphs (a), (b), and (c) of this section, a pilot found to be qualified under this subpart shall be issued a Certificate of Registration, valid for a term of five (5) years or until the expiration of his master's, mate's or pilot's license issued under the authority of Title 52 of the Revised Statutes or until the pilot reaches age 70, whichever occurs first.

* * * * *

6. § 401.320(b) is revised to read as follows:

§ 401.320 Requirements and qualifications for authorization to establish pools.

* * * * *

(b) The stock, equity, or other financial interests coupled with voting rights or exercise of any right of control in the management of the voluntary association is held only by member Registered Pilots registered for waters designated by the President pursuant to section 3(a) of the Great Lakes Pilotage Act of 1960, and registered pursuant to § 401.200 and § 401.210.

* * * * *

7. § 402.220(a) is revised to read as follows:

§ 402.220 Registration of pilots.

(a) Each applicant pilot must complete the number of round trips specified in this section prior to registration as a U.S. registered pilot. The round trips must be made in company with a registered pilot, on oceangoing vessels of 4,000 gross tons or over, and must be within one year of the date of application.

(1) If the applicant pilot holds a master's license, a minimum of five round trips are required over the waters for which registration is desired.

(2) If the applicant pilot holds a chief mate's license or a second mate's license, or, holds a first class pilot's license with service in the capacity of first mate or second mate, a minimum of eight round trips are required over the waters for which registration is desired.

(3) If the applicant pilot holds a first class pilot's license or a third mate's license, a minimum of twelve round trips are required over the waters for which registration is desired.

* * * * *

(Sec. 4 and sec. 5, 74 Stat. 260 (46 U.S.C. 216(b), 216(c) as amended by Pub. L. 95-455; sec. 6(a)(4), 80 Stat. 937, as amended (49 U.S.C. 1655(a)(4)); 49 CFR 1.46(a)).

Dated: November 1, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 79-34623 Filed 11-7-79; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 465]

Navel Oranges Grown in Ariz. and Designated Part of Calif.; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period November 9-15, 1979. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: November 9, 1979.

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

SUPPLEMENTARY INFORMATION: Findings. This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee, and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The committee met on November 6, 1979, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is not yet stabilized.

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

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comment. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from Malvin E. McGaha, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, phone (202) 447-5975.

§ 907.765 Navel Orange Regulation 465.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period November 9, through November 15, 1979, are established as follows:

(1) District 1: 996,515 cartons;

(2) District 2: Unlimited movement;

(3) District 3: 96,005 cartons;

(4) District 4: one carton.

(b) As used in this section, "handled", "District 1", "District 2", "District 3", "District 4", and "carton" mean the same as defined in the marketing order.

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

Dated: November 7, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-34877 Filed 11-7-79; 11:47 am]

BILLING CODE 3410-02-M

Proposed Rules

Federal Register
Vol. 44, No. 218
Thursday, November 8, 1979

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

Handling of Lemons Grown in California and Arizona; Proposed Extension of Effective Period for Minimum Size Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would continue through September 20, 1980, certain size requirements applicable to fresh shipments of lemons from California and Arizona. This action is designed to provide orderly marketing in the interest of producers and consumers.

DATES: Comments must be received on or before November 23, 1979. Proposed effective dates: December 9, 1979, through September 20, 1980.

ADDRESSES: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be made available for public inspection during regular business hours (7 CFR 1.27(b)).

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

SUPPLEMENTARY INFORMATION: *Findings.* Lemon Regulation 217 (§ 910.517; 44 FR 61578) sets forth certain size requirements on the handling of lemons grown in California and Arizona through December 8, 1979. This proposal would continue these requirements through September 20, 1980.

This proposed amendment is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee, and upon other available information.

The committee reports that the volume and size composition of the lemon crop in California and Arizona is such that ample supplies of the more desirable sizes are available to satisfy the demand in domestic fresh markets. The committee estimates that approximately 2–3% of the season's crop is smaller than 1.82 inches in diameter. This proposal is designed to permit shipment of ample supplies of lemons of acceptable sizes, maturity, and juice content. Lemons which are smaller than 1.82 inches in diameter normally have negligible demand and sales opportunity, as they have relatively low juice yields. Lemons failing to meet this minimum size requirement could be shipped to fresh export markets, left on the trees to attain further growth, or utilized in processing.

This proposal has been reviewed under the USDA criteria for implementing Executive Order 12044. It is being published with less than a 60-day comment period because of insufficient time between the date when information became available upon which this proposed amendment is based and the effective date necessary to effectuate the declared policy of the act. A determination has been made that this action should not be classified "significant." An Impact Analysis is available from Malvin E. McGaha, Chief, Fruit Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–5975.

The proposal is that § 910.517 Lemon Regulation 217 (44 FR 61578) be amended to read as follows:

§ 910.517 Lemon Regulation 217.

Order. (a) From December 9, 1979, through September 20, 1980, no handler shall handle any lemons grown in District 1, District 2, or District 3 which are of a size smaller than 1.82 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the lemons in any type of container may measure smaller than 1.82 inches in diameter.

(b) As used in this section, "handle", "handler", "District 1", "District 2", and "District 3" each shall have the same meaning as when used in said amended marketing agreement and order.

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

Dated: November 2, 1979.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-34547 Filed 11-7-79; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

10 CFR Part 470

[Docket NO. CAS-RM-79-601]

Appropriate Technology Small Grants Program

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking; cancellation of public hearing.

SUMMARY: The Department of Energy hereby cancels the public hearing on the Appropriate Technology Small Grants Program which was scheduled for Wednesday, November 14, 1979, in Washington, D.C. The public hearing is canceled due to lack of public interest in making oral presentations at the hearing. As stated in the notice of proposed rulemaking issued on September 21, 1979 (44 FR 55774, September 27, 1979), written comments on the proposed rulemaking must be received by 4:30 p.m. on November 26, 1979.

FOR FURTHER INFORMATION CONTACT: Ann Hegnauer, Office of Small Scale Technology, U.S. Department of Energy, 20 Massachusetts Avenue, NW., Washington, D.C. 20585, (202) 376–4480.

Issued in Washington, D.C., November 5, 1979.

Maxine Savitz,

Acting Assistant Secretary for Conservation and Solar Energy.

[FR Doc. 79-34646 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 561

[No. 79-546]

Federal Savings and Loan Insurance Corporation; Proposed Amendment Regarding Sale of Mortgages and Participations in Mortgages

November 1, 1979.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the Federal Home Loan Bank Board's definition of "without recourse," as that term applies to sales by insured institutions of mortgage loans or participations in loans. Under the present regulations an agreement whereby the seller would take a subordinate interest in part of the mortgages sold would be a sale with recourse and therefore prohibited. This amendment would authorize such an agreement if (1) no more than 5 percent of the mortgage pool is subordinate, and (2) a specific reserve is provided in an amount equal to the amount of the subordination. The Board is proposing this change in order to provide a new method of obtaining funds at a reduced cost to institutions.

DATE: Comments must be received on or before: December 10, 1979.

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 PLEASE CONTACT: Douglas P. Faucette, Associate General Counsel (202-377-6410) or John R. Hall, Attorney (202-377-6445), Federal Home Loan Bank Board, at the above address.

SUPPLEMENTARY INFORMATION: Section 561.8 of the rules and regulations for Insurance of Accounts (12 CFR 561.8) provides that the term "without recourse" means, in connection with the sale of a loan or a participation interest in a loan, without any agreement or arrangement under which the purchaser is to be entitled to receive from the seller any sum of money or thing of value, whether tangible or intangible (including any substitution), upon default in payment of any loan or mortgage involved or any part thereof or to withhold or to have withheld from the seller any sum of money or any such thing of vaule by way of security against any such default. Under § 563.23 of those Regulations, all loans and participation interests in loans sold by institutions insured by the Federal Savings and Loan Insurance Corporation must be sold without recourse.

The Board is proposing to amend its regulations by authorizing sales of pass-through mortgage securities which include provisions designed to eliminate the expense of acquiring private mortgage insurance. The insured institution selling the mortgages could retain a junior interest in a specified percentage of the mortgage pool and thereby provide a form of self-insurance.

The Board believes that this type of transaction, together with a reserve requirement, would be prudent and at the same time reduce the cost of funds obtained by insured institutions. Because this type of transaction appears to be an innovative approach to obtaining funds during a difficult market period, the Board has determined to shorten its usual comment period to 30 days. The Board believes that this is sufficient time to elicit thoughtful comment, while allowing prompt authorization if the Board determines after analysis that such action is warranted.

Accordingly, the Board hereby proposes to amend § 561.8 of the rules and regulations for Insurance of Accounts by adding at the end thereof a sentence, to read as follows:

§ 561.8 Without recourse.

* * * If an agreement for the sale by an insured institution of mortgages or interests therein provides for the institution directly or indirectly to hold or retain a subordinated interest in a specified percentage (not to exceed 5 percent) of the outstanding mortgages or interests, the transaction shall not be deemed to be with recourse: *Provided,* The institution establishes a specific reserve out of its net worth equal to the total amount of its subordinated interest.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended (12 U.S.C. 1725, 1726). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 79-34605 Filed 11-7-79; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 79-SO-64]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Alteration of Transition Area, Mt. Sterling, Ky.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: A review of the existing Standard Instrument Approach Procedure, VOR RWY 7, revealed a need for additional controlled airspace for the final approach course at Mt. Sterling, Kentucky. It is, therefore, necessary to alter the Transition Area by adding an extension to reflect this need.

DATES: Comments must be received on or before: December 16, 1979.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: John W. Schassar, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before December 16, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal

Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) to alter the Mt. Sterling, Kentucky, Transition Area. The VOR RWY 7 Standard Instrument Approach Procedure at the Mt. Sterling Airport allows aircraft to descend from 1,500 feet AGL at 9,08 miles from the airport. It is necessary to designate a Transition Area extension in order to provide the required airspace protection for aircraft executing the approach procedure.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (44 FR 442), of Part 71 of the Federal Aviation Regulations (14 CFR 71) by adding the following:

Mt. Sterling, Kentucky.

"...Longitude 83°58'50" W.) . . ," is deleted, and ". . . Longitude 83°58'50" W.); within 2.5 miles either side of the Lexington VORTAC 077° radial from the 5.5-mile radius to 9.5 miles west of the airport . . . ," is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

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

Issued in East Point, Georgia, on October 29, 1979.

Louis J. Cardinali,

Director, Southern Region.

[FR Doc. 79-34403 Filed 11-7-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79–AL–2]

Designation of Low Frequency Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate new low frequency Airway Green 12 (G–12) between Cold Bay, Alaska, and King Salmon, Alaska, revoke Green 11 (G–11) and establish new airway Green 1 (G–1). This action would provide en route controlled airspace in the Sand Point, Alaska, area and increase safety.

DATE: Comments must be received on or before December 10, 1979.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaska Region, Attention: Chief, Air Traffic Division, Docket No. 79–AL–2, Federal Aviation Administration, P.O. Box 14, 701 C Street, Anchorage, Alaska 99513.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC–24), Room 916, 800 Independence Avenue, SW. Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Mr. Lewis W. Still, Airspace Regulations Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8525.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 14, 701 C Street, Anchorage, Alaska 99513. All communications received on or before December 10, 1979, will be considered before action it taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart B of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would designate Airway Green 12 (G–12) between Cold Bay, Alaska, and King Salmon, Alaska, via Sand Point, Alaska, and Port Heiden, Alaska. A nondirectional beacon (NDB) called "Humboldt" has been recently commissioned at Sand Point, therefore where Sand Point appears in the airway descriptions, Humboldt will be substituted in part. Presently, G–11 is from Cold Bay, Alaska, to Woody Island, Alaska, via Port Heiden, Alaska, and G–1 would be designated from Humboldt, Alaska, to Woody Island, via Port Heiden. These alterations would improve traffic flow in the Sand Point and Port Heiden terminal areas, thereby increasing air safety and improving air traffic control. Section 71.103 was republished in the Federal Register on January 2, 1979 (44 FR 305).

ICAO Considerations

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Section 71.103 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 305) as follows:

Under § 71.103 Green Federal Airways.

"G–12 from King Salmon, Alaska, NDB, via Port Heiden, Alaska, NDB; Humboldt, Alaska, NDB; to Elfee, Alaska, NDB." is added.

"G–11" title and text are deleted.

"G–1 from Humboldt, Alaska, NDB; via INT Humboldt NDB 345° and Port Heiden, Alaska, NDB 248° bearings 20 AGL Port Heiden, NDB; 67 miles 12 AGL, 77 miles 85 MSL, 67 miles 12 AGL, to Woody Island, NDB." is added.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a) 1354(a), and 1510; Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65).

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant prepartion of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on November 1, 1979.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-34476 Filed 11-07-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-GL-16]

Proposed Alteration of Airways and Reporting Point Location

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign V–9, V–63, V–100, V–127, V–171, V–218 and V–227 airways and move a reporting point as a result of the requirement to relocate the Rockford, Ill., VORTAC, an air navigation aid. Construction of an electric transmission line in the vicinity of the VORTAC at such a critical location that the VORTAC becomes useless as a navigation aid requires the relocation of the VORTAC and the airspace associated with it.

DATES: Comments must be received on or before December 10, 1979.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Great Lakes Region, Attention: Chief, Air Traffic Division, Docket No. 79–GL–16, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC–24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before December 10, 1979 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would make airway alterations that would be required by relocating the Rockford VORTAC approximately two miles southeast of the present location. The definition of V–9, V–36, V–127, V–171, V–218 airways and the Rockford, Ill., reporting point in Part 71 would not require any change to be moved to the proposed location of the VORTAC at Lat. 42°13'32"N., Long. 89°11'57"W. In the definition of V–100 the 082°T(079°M) radial of Rockford would be changed to 080°T(079°M) to overlie the present position of the FARMM intersection. In the definition of V–227 the Rockford 179°T(176°M) radial of Rockford would be changed to 180°T(179°M) to overlie the present position of the TRIDE intersection.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal

Aviation Regulations (14 CFR Part 71) as republished (44 FR 307) as follows:

Under V-100 "INT Rockford 082°" is deleted and "INT Rockford 080°" is substituted therefor.

Under V-227 "Rockford, Ill., 179°" is deleted and "Rockford, Ill., 180°" is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on November 1, 1979.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-34475 Filed 11-7-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 107, 108 (New), 121, 129 and 135

[Docket No. 19726; Notice No. 79-17]

Aircraft and Airport Security; Air Carrier Operations

Correction

In FR Doc. 79-33658, appearing at page 63048 in the issue of Thursday, November 1, 1979, the "Dates" paragraph should read, "DATES: Comments must be received on or before January 28, 1980, to be considered in this rulemaking action.".

BILLING CODE 1505-01-M

Coast Guard

33 CFR Part 82

[CGD 79-066]

COLREGS Demarcation Lines; Boston Harbor Entrance

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing to move the COLREGS Demarcation Line at Boston Harbor Entrance seaward. Numerous segments of the marine industy and boating public have requested a relocation of the line because the navigation rules currently change in the middle of the main shipping channels to Boston, Quincy, and Hingham. Relocating the line would allow seagoing vessels traversing the channels and small fishing vessels that criss-cross Broad Sound to use one set of rules (Inland Rules).

DATES: Comments must be received on or before December 23, 1979.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/TP24). (CGD 79-066), U.S. Coast Guard, Washington, DC 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/TP24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Lieutenant (jg) George W. Molessa, Jr., Office of Marine Environment and Systems (G-WLE-4/73), Room 7315, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, DC (202) 426-4958.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, reference the docket number (CGD 79-066), identify the specific section of the proposal to which each comment applies, and include sufficient detail to indicate the basis on which each comment is made. Persons desiring acknowledgement that their comment has been received should enclose a stamped self-addressed post card or envelope. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held at a time and place to be set in a later notice in the Federal Register if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

Drafting Information

The principal persons involved in the drafting of this proposal are: Lieutenant (jg) George W. Molessa, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant John W. Salter, Project Counsel, Office of the Chief Counsel.

Discussion of the Proposed Regulation

The COLREGS Demarcation Lines were established to delineate those waters upon which mariners must comply with the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) and those waters upon which mariners must comply with the Navigation Rules for Harbors, Rivers, and Inland Waters (Inland Rules).

At the entrance to Boston Harbor, the COLREGS Demarcation Line is located just outside President Roads and Nantasket Roads, crossing the Boston North Channel in Broad Sound. At the request of the public, the Coast Guard is proposing to relocate the line seaward, drawing it from the easternmost tower at Nahant to Lighted Horn Buoy "B" and then to the easternmost radio tower at Hull. The towers and buoy are readily discernible to the mariner.

The proposed line would fully encompass Broad Sound, thereby allowing seagoing vessels traversing Boston North Channel to operate exclusively under the Inland Rules. Additionally, numerous small fishing vessels that frequently criss-cross the sound would also only have to use the Inland Rules. The pilot station would be located in Inland Rules waters instead of International Rules waters, thereby allowing the use of one set of rules from pilot pickup to berthing.

Evaluation

The Coast Guard has determined, in accordance with the Department of Transportation's "Regulatory Policies and Procedures" (44 FR 11034), that this amendment is not significant. Since this amendment merely relocates an existing line, the impact is minimal, and, accordingly, a full evaluation is not warranted.

In consideration of the foregoing, it is proposed that Part 82 of Title 33 of the Code of Federal Regulations be amended as follows:

1. By revising § 82.125 to read as follows:

§ 82.125 Marblehead Neck, MA to Nahant, MA.

The 72 COLREGS apply to the harbors, bays, and inlets on the east coast of Massachusetts from Marblehead Neck to the easternmost tower at Nahant charted in approximate position latitude 42°25.4' N., longitude 70°54.6' W.

2. By revising § 82.130 to read as follows:

§ 82.130 Boston Harbor entrance.

A line drawn from the easternmost tower at Nahant charted in approximate

position latitude 42°25.4' N., longitude 70°54.6' W., to Boston Lighted Horn Buoy "B"; thence to the easternmost radio tower at Hull charted in approximate position latitude 42°16.7' N., longitude 70°52.6' W.

3. By revising § 82.135(a) to read as follows:

§ 82.135 Hull, MA to Race Point, MA.

Except inside lines described in this section, the 72 COLREGS apply to the harbors, bays and inlets on the east coast of Massachusetts from the easternmost radio tower at Hull charted in approximate position latitude 42°16.7' N., longitude 70°52.6' W. to Race Point on Cape Cod.

* * * * *

[Rule 1, International Regulations for Preventing Collisions at Sea, 1972, TIAS 8587; EO 11964; (14 U.S.C. 2); Pub. L. 95-75, 91 Stat. 310 (33 U.S.C. 1607); 49 CFR 1.46(b)]

Dated: October 31, 1979.

[FR Doc. 79-34624 Filed 11-7-79; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 713

[FRL 1353-5; OTS-81005A]

Reporting Requirements; Submission of Notice of Manufacture or Importation of PBB's and Tris; Corrections

AGENCY: Office of Toxic Substances, Environmental Protection Agency (EPA or the Agency).

ACTION: Correction.

SUMMARY: These are corrections to a proposed rulemaking requiring the submission of notice of manufacture or import polybrominated biphenyls (PBBs) and tris (2,3-dibromopropyl) phosphate (Tris).

DATES: As requested in the October 12, 1979 notice, comments on this proposed rulemaking must be received on or before December 11, 1979.

ADDRESSES: Submit comments to the Document Control Officer, Office of Toxic Substances (TS-793), EPA, 401 M St., SW., Washington, D.C. 20460. All written comments filed pursuant to this notice will be available for public inspection at the above address from 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: John Ritch, Director, Industry Assistance Office, Office of Toxic Sustances (TS-793), EPA, Telephone number (toll free) 800-424-9065; or in Washington call 554-1404.

SUPPLEMENTARY INFORMATION: On October 12, 1979, EPA published in the Federal Register (44 FR 59106) a proposed rulemaking to require that the Agency be notified of any manufacture or importation of PBBs and Tris. The corrections to this proposed rulemaking are as follows:

(a) Page 59107, first column, under the heading "Tris", third paragraph, first sentence, second line, the word "appear" should read "appeared".

(b) Page 59107, second column, under the heading "Definitions", first paragraph, first sentence, second line, the acronym "PBS" should read "PBBs".

(c) Page 59107, second column, under the heading "Definitions", first paragraph, first sentence, eighth line, the molecular formula "$C_{10}H_xBr_y$" should read "$C_{12}H_xBr_y$".

(d) Page 59108, first column, under the heading "Information Request", first paragraph, second sentence, third line, should read "functional use of Tris known to the Agency".

(e) Page 59108, second column, under the heading "Public Record", item 7, first line; the acronym "CPS" should read "CPSC".

(f) Page 59109, second column, "§ 713.11(j)", sixth line, the molecular formula "$C_{12}H_xBR_y$" should read "$C_{10}H_xBr_y$".

(g) Page 59109, third column, "§ 713.12", fourth line, the word "tris" should read "Tris".

Dated: November 1, 1979.

Walter W. Kovalick

Director, Program Integration Division.

[FR Doc. 79-34602 Filed 11-7-79; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Chapter 1

[CGD 75-083, 75-083a]

Proposals for Tank Barges to Prevent Oil Pollution

AGENCY: Coast Guard, DOT.

ACTION: Extension of comment period on proposals.

SUMMARY: The Coast Guard published in a Part VI in the Federal Register (44 FR 34440) of June 14, 1979, CGD 75-083 (Proposed Design Standards for Tank Barges to Prevent Oil Pollution) and CGD 75-083a (Proposal for Existing Tank Barges to Prevent Oil Pollution). This notice extends the comment period for both proposals to December 1, 1979. The period for receiving comments on these dockets has been extended due to the continuing public interest on both proposals. The Coast Guard has determined with the additional 61 days to comment, it is reasonable to officially close the docket on December 1, 1979.

DATES: Comments on either docket must be received on or before the extended closing date of December 1, 1979.

ADDRESSES: Written comments should be mailed to Commandant (G-CMC/TP24) (CGD 75-083, CGD 75-083a or both), US Coast Guard, Washington, D.C. 20593. Between the hours of 7:30 am and 4:30 pm, Monday through Thursday, comments may be delivered to and will be available for inspection or copying at the Marine Safety Council (G-CMC/TP24), Room 2416, US Coast Guard Headquarters, 2100 Second Street, SW, Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT:

On CGD 75-083: Lieutenant Commander Eugene K. Johnson, G-MMT-1/TP13, Room 1308, 2100 Second St., SW, Washington, DC 20593 (202-426-4431).

On CGD 75-083a: Lieutenant Commander Kenneth A. Rock, Room 2612, 2100 Second St., SW, Washington, DC 20593 (202-426-2163).

DRAFTING INFORMATION: The principal persons involved in drafting this document are: LCDR E. K. Johnson, Project Manager, Office of Merchant Marine Safety, US Coast Guard and Mr. Stanley M. Colby, Project Attorney, Office of the Chief Counsel.

Dated: November 5, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 79-34622 Filed 11-7-79; 8:45 am]

BILLING CODE 4910-14-M

Federal Railroad Administration

49 CFR Part 213

[Docket No. RST-3, Notice No. 2]

Track Safety Standards; Miscellaneous Proposed Revisions

AGENCY: Federal Railroad Administration (FRA), (DOT).

SUMMARY: The purpose of this notice is to reschedule the time of the public hearing and extend the comment period for the proposed revision of the Track Safety Standards. (44 FR 52104, Sept. 6, 1979) This action will change the dates of the public hearing from November 14 and 15, 1979, to December 10 and 11, 1979. This action will also extend the final day of the comment period from November 30, 1979, to January 11, 1980.

DATES: (1) Written Comments; Written comments must be received before

January 11, 1980. Comments received after that date will be considered so far as possible without incurring additional expense or delay. (2) Public Hearing: A public hearing will be held at 10 a.m. on Decemeber 10 and 11, 1979. Any person who desires to make an oral statement at the hearing should notify the Docket Clerk before December 4, 1979, by phone or by mail.

ADDRESSES: (1) Written Comments: Written comments should identify the docket number and the notice number (Docket No. RES-3, Notice No. 2) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration (Nassif Building) 400 Seventh Street, S.W., Washington, D.C. 20590. (2) Public Hearing: A public hearing will be held in room 2230 of the Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Persons desiring to make oral statements at the hearing should notify the Docket Clerk by telephone (202-426-5311) or by writing to: Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration (Nassif Building) 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Principal Program Person: Rolf Mowatt-Larssen, Office of Standards and Procedures, Federal Railroad Administration, Washington, D.C. 20590. Telephone 202-426-0924. Principal Attorney: Edward F. Conway, Jr., Ofice of the Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590. Telephone 202-426-8836.

(Secs. 1, 2, 5, 9, 36 Stat. 913, 914 (45 U.S.C. 22, 23, 28, 34); Sec. 6(e) and (f), 80 Stat. 939, 940 (49 U.S.C. 1655(e) and (f)).)

Issued in Washington, D.C. on November 5, 1979.

John M. Sullivan,

Administrator.

[FR Doc. 79-34805 Filed 11-7-79; 8:45 am]

BILLING CODE 4910-06-M

INTERSTATE COMMERCE COMMISSION

49 CFR Chapter X

[Ex Parte No. MC-133]

Entry Flexibility—Regular-Route Passenger Service

AGENCY: Interstate Commerce Commission.

ACTION: Notice of filing of petition for the institution of rulemaking proceedings.

SUMMARY: By petition filed August 17, 1979, Transportation Consumer Action Project proposes the institution of a rulemaking proceeding to improve the quality and availability of consumer travel options by easing regulatory barriers to entry in the intercity bus industry.

By this notice, the ICC invites public comments on the petition.

DATES: Comments must be received on or before January 7, 1980.

ADDRESS: Send comments to: Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423. Petitioner's Representative: Mimi Cutler, Transporation Consumer Action Project, Suite 715, 1346 Connecticut Ave. NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: James L. Brown, (202) 275-7893 or Donald J. Shaw, Jr., (202) 275-7292.

SUPPLEMENTARY INFORMATION:

Transportation Consumer Action Project (TCAP) is a nonprofit consumer organization which was recently formed to study consumer interests in federal regulation of surface transportation, to educate consumers about the impact of these policies, and to represent consumer interests before regulatory agencies. TCAP's members include major consumer groups around the country, including groups located in Arkansas, California, Iowa, Michigan, New York, and Wisconsin.

Petitioner asserts that there is a compelling need for the Commission to allow new companies to enter the intercity bus industry and to permit existing carriers to expand their operations and serve new communities. It argues that easing regulatory barriers to entry would improve and expand passenger service options while promoting healthy competition, energy conservation, and efficiency. These are all goals of the National Transportation Policy (49 U.S.C.10101) and assertedly can be achieved by making a general finding that reduced entry barriers in the intercity bus industry are consistent with the public interest and by adopting a rule which allows all fit, willing, and able persons to obtain certificates to provide intercity bus service nationwide as common carriers. All carriers (both existing companies and new entrants) applying for authority to operate new service under a certificate would file a declaration of the particular markets they propose to enter and the minimum levels of service they commit themselves to provide.

In making this petition to lower regulatory entry barriers, TCAP is not suggesting that the Interstate Commerce Commission's policy regarding exit restrictions be liberalized at this time, nor is it petitioning for total deregulation of the intercity bus industry, since the proposal would not affect ICC control over exit, or over adequacy of service, applicant fitness, and fares. Rather, the thrust of this petition is to encourage new entry into markets by existing and new bus companies. To give carriers some flexibility in adding new communities and new routes, TCAP proposes that the Commission consider giving carriers who apply for new authority the option of declaring for a fixed period of time (e.g., one year) and then allowing the company to amend its declaration if it decides it wants to continue serving the route in question. It also proposes that the Commission periodically review the extent of new service generated by this rule and prepare an evaluation of this policy 3 years after it has been in operation. TCAP asserts that our easing barriers to entry in the industry would greatly benefit consumers, due to gasoline shortages and increased oil prices. An easing of entry barriers, it argues, would also have a positive effect on the service quality of bus travel by promoting service competition, would improve efficiency by allowing existing carriers to reduce excess capacity by responding more flexibly to passenger demand, and would promote and stimulate healthy competition in the industry. Petitioner points out that the intercity bus industry is highly concentrated, with Greyhound Lines, Inc., and Trailways, Inc., together accounting for 81.4 percent of Class I revenues and 60.7 percent of total industry revenues for 1978. Greyhound alone earns 57.4 percent of Class I revenues and 42.8 percent of total intercity revenues. It also points out that Greyhound is the largest manufacturer of intercity buses and Trailways is the second largest. TCAP argues that the intercity bus industry is not a natural monopoly possessing inherent economies of scale, since many small bus companies do exist and have average costs significantly lower than those of Greyhound. It also asserts that the easing of entry barriers would not create destructive competition, because fixed costs are low and equipment is mobile and quickly depreciated.

Petitioner also supports the proposal in Ex Parte No. MC-125, to establish a zone of reasonableness within which fares could be lowered without prior approval and asserts that, although free entry alone would promote improved service, the combination of free entry and downward fare flexibility would encourage both expanded service and price competition.

A petition on the same general topic was filed on July 23, 1979, by Trailways,

Inc., but by letter dated August 28, 1979, before notice of that petition could be published, Trailways has requested that its petition be withdrawn. The Trailways petition had proposed the institution of a rulemaking proceeding for the adoption of regulations which would provide that authority be granted to operate intercity bus service over routes that are currently not served at all or are served only by a Class I carrier with gross operating revenues from intercity scheduled service of $12 million or more during the last calendar year, upon a showing of the applicant's fitness and willingness to provide the service. In determining any carrier's gross operating revenues for the purposes of this proposal, the carrier in question would be deemed to include all carriers controlling, controlled by, or under common control with any particular company. Trailways had pointed out that the industry has been dominated by Greyhound for decades, since, in 1978, Greyhound held a 62 percent share of Class I intercity bus passenger revenues and a 64 percent share of intercity passenger miles, while its nearest rival, Trailways, held a 22 percent share of passenger revenue and a 23 percent share of passenger miles. Trailways had formulated its proposal specifically so as to ensure that small carriers would not suffer any ill effects as a result of its implementation—not to suggest that small carriers would necessarily be injured or that they should be free from additional competition, but rather in recognition of vigorous opposition by such carriers to other recent Trailways initiatives to reform and liberalize regulation of the bus industry.

Based upon the Financial and Operating Statistics of Class I Motor Carriers of Passengers for the period from January 1 through December 31, 1977, published by the Bureau of Accounts of the Interstate Commerce Commission, there would have been three carriers whose "Intercity Scheduled Passenger Operating Revenues" would have placed them in the "unprotected" category under the Trailways proposal for the year 1978: Greyhound Lines, Inc. (over $400 million); Trailways, Inc., and its commonly controlled affiliates (well over $100 million); and Carolina Coach Company ($13,845,011). The only other carrier with intercity schedule revenue in excess of $10 million is Transport of New Jersey (primarily a local or suburban carrier), listed at $11,291,778, but under the proposal as it had been stated, the effects of inflation could mean that carriers could "grow" into the unprotected category without experiencing any real increase in business.

The Commission is not actually proposing any regulations at this time, but may do so later if the comments presented in response to this notice indicate that such an action would be warranted. Although Trailways has requested that its own proposal be withdrawn, that proposal still presents points of potential interest on this subject. Therefore, comments are invited with respect to both proposals if any interested person chooses to do so. No oral hearing is contemplated. Any person (including petitioner) desiring to participate in this proceeding shall file an original and fifteen (15) copies (wherever possible) of written representations, views, or arguments. A copy of each representation shall be served on petitioner's representative.

Written material or suggestions submitted will be available for public inspection at the Office of the Interstate Commerce Commission, 12th Street and Constitution Avenue, NW, Washington, DC, during regular business hours.

Notice to the general public of these matters will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Office of the Federal Register.

Decided: October 30, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins, and Alexis. Vice Chairman Stafford dissenting.

Agatha L. Mergenovich,

Secretary.

VICE CHAIRMAN STAFFORD, dissenting:

I would reject the petition.

In so voting, my concern with TCAP's petition is its undue breadth and a corresponding lack of factual foundation. A reading of the petition leads to the conclusion that there is in reality only one basis for entertaining the petition, even if for only comments—the preconceived notion that "competition is good", or the converse, "regulation is bad."

The remainder of the petition rests on philosophy or suppositions such as energy conservation;[1] that the number of bus passengers will increase[2] or that somehow increased competition will enhance the public's image of bus travel.

In short, I find it a highly dubious process to ask for comments on such broad topics at considerable expense to both the Commission and private parties. TCAP simply has not met its burden in justifying such a massive proceeding.

[1] I find this a curious argument for the obvious reason that two carriers operating between two points almost by definition will consume more fuel than one carrier.

[2] This evidently is based on a newspaper article.

[FR Doc. 79-34594 Filed 11-7-79; 8:45 am]
BILLING CODE 7035-01-M

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49 CFR Parts 1001, 1011, 1100, 1131, and 1131a

[Ex Parte No. MC-67 (Sub-No. 5)]

Temporary Authority Application Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rules.

SUMMARY: The Interstate Commerce Commission is proposing to revise its procedures for the filing and processing of temporary authority (including emergency temporary authority) applications under 49 U.S.C. 10928 [formerly sections 210a(a) and 311(a) of the Interstate Commerce Act] through the establishment of six Regional Motor Carrier Boards. This action is proposed because the volume of applications for temporary and permanent operating authorities has risen dramatically, severely straining Commission headquarters resources. It is expected that this action will reduce the amount of time necessary for the Commission to reach a decision on temporary authority applications.

DATES: Comments should be filed on or before December 10, 1979.

PROPOSED EFFECTIVE DATE: January 1, 1980.

ADDRESS: An original and 15 copies should be sent to: Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423. (Comments received late or without the required number of copies will not be considered.)

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., (202) 275-7292, or Paul Grossman, (202) 275-7911.

SUPPLEMENTARY INFORMATION: The Interstate Commerce Commission is proposing to establish six Regional Motor Carrier Boards to which it will delegate authority to decide applications for temporary authority under 49 U.S.C. 10928 [formerly sections 210a(a) and 311(a) of the Interstate Commerce Act]. This function is now performed by the Commission's Motor Carrier Board located in Washington, D.C.

The Commission is constantly seeking methods to streamline its application procedures in order to use available resources more efficiently and to reach timely decisions in pending proceedings.

At present, the Commission's Office of Proceedings is faced with a continually rising flow of applications for temporary and permanent operating authorities with limited resources to handle the workload. To relieve this burden as soon as possible and to allocate resources to the handling of permanent applications where there is a critical need for more expeditious handling, we propose to make the rules effective on January 1, 1980.

One result of present procedures has been that the time taken to dispose of applications has increased substantially. Moreover, existing procedures for handling temporary authority applications are inefficient, and entail duplication of work. The applications must be filed with and processed by the Commission's field offices, and then further processed by the Office of Proceedings in Washington, D.C., before the Motor Carrier Board can reach a decision. These procedures add significantly to the amount of time necessary to dispose of non-emergency temporary authority applications.

The Commission proposes to establish a Regional Motor Carrier Board at each of its six Regional Offices. These Boards will have jurisdiction over temporary authority applications depending upon the domicile of the applicant. All temporary authority applications would be filed in the appropriate Regional Office. The existing practice of allowing telephone or telegraphic filings would be continued, but these would now be made to the Regional Office. Moreover, the Commission's detached field offices would continue to be available to provide advice and assistance in preparing application forms, although filings would be formally made at the Regional Offices.

The application procedure would be modified to require all applicants for temporary authority (but not *emergency* temporary authority) to prepare a caption summary for publication in the Federal Register. This will have the effect of significantly reducing the amount of time between the filing of an application and the publication of a notice in the Federal Register. We do not view this as a significant burden upon applicants, since the information necessary is already required on the application form, and most carriers and practitioners already are familiar with preparing captions as part of the application procedure for permanent operating authority. Captions would be published in the Federal Register as at present. Advance notices would be made available under existing procedures. Protests would be filed with the Regional Office handling the application.

The Commission's Regional Offices would have the initial responsibility for processing applications and maintaining dockets and files in pending proceedings. The actual decision on applications would be made by a Regional Motor Carrier Board.

Petitions for reconsideration from decisions of these Boards would be disposed of in the same way as petitions from decisions of the present Motor Carrier Board, with the Office of Proceedings making a recommendation prior to action being taken by a single Commissioner [see 49 C.F.R. 1011.5(c)]. The only change contemplated with respect to these petitions is that they would be filed at the Regional Office rather than in Washington. Replies to petitions would also be filed with the Regional Office. Accordingly, all pending proceedings would remain in the Regional Offices until the time for filing replies to petitions had expired, when files would be forwarded to Washington for a decision.

The Commission expects that these changes will not only streamline the temporary authority application procedure, but also improve the availability of case status information for parties and their representatives. Each temporary authority docket number will include an identifying digit in the sub-number corresponding to the region having jurisdiction over the application. That Regional Office will have the recordkeeping responsibility for maintaining case status information, and the Regional Motor Carrier Board designated in that region will decide the case. The designated Regional Office will be able to provide case status information to callers. The Commission will retain a Temporary Authority Specialist in its Washington, DC headquarters for the convenience of the public.

Certain other minor technical revisions are proposed in the rules that follow. The proposed rules reflect the fact that only an original and two copies are required for applications, supporting documents, and protests. The rules also would confer initial jurisdiction over applications for temporary authority on a Division of the Commission, rather than limiting jurisdiction to Division 1, as the present rules specify.

The rules proposed here constitute technical changes in our procedures for processing and filing applications for temporary authority. They relate wholly to rules of agency organization, procedure, and practice. Accordingly, these proposed rules are not subject to the notice and comment requirements of section 553 of the Administrative Procedure Act, 5 U.S.C. 553. However, we will allow a 30-day period for interested parties to comment.

We intend for the proposed rules to become effective on January 1, 1980 and apply to all applications filed on or after that date. Proceedings pending on December 31, 1979, will continue to be governed by existing rules. This rulemaking must be handled on an expedited basis for the reasons above stated. Thus, it is expected that any final rules adopted would go into effect on January 1, 1980, even if this results in less than 30 days' notice.

This decision does not appear to affect significantly the quality of the human environment or energy consumption.

We propose to adopt the rules set forth in the appendix below, which revise 49 C.F.R. 1001.1(d), 1001.2, 1011.6(b)(1), 1100.225(a), 1100.225(b), 1100.225(f), 1131.2(a), 1131.2(b), 1131.2(d), 1131.3(a), 1131.3(c)(2), 1131.4(a)(1), 1131.4(b), 1131.4(c), 1131.6, 1131a.2(a), 1131a.2(b), 1131a.3(a), 1131a.3(b), 1131a.4(a)(1), 1131a.4(b), 1131a.5, and the note immediately following 49 C.F.R. 1131.2(e)(2), delete 49 C.F.R. 1011.6(b)(1), renumber 49 C.F.R. 1011.6(b) (2)–(6), and add a new section 49 C.F.R. 1011.6(1).

This notice of proposed rules is promulgated under the authority contained in 49 U.S.C. 10321 and 49 U.S.C. 10928. Decided: October 29, 1979.

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

Agatha L. Mergenovich,
Secretary.

Appendix

1. Section 1001.1(d) is revised to read as follows:

§ 1001.1 Records available at the Commission's Washington Office.

* * * * *

(d) All docket files, including pleadings, depositions, exhibits, transcripts of testimony, recommended and proposed reports, exceptions, briefs, and reports and orders of the Commission in any proceeding and carrier operating authorities granted in such proceedings, except in matters arising under 49 U.S.C. § 10928.

* * * * *

2. Section 1001.2 is revised to read as follows:

§ 1001.2 Records available at the Commission's regional and detached offices.

Copies of certain rate schedules, tariffs, reports and operating authorities

filed by and applicable to motor and water carriers and freight forwarders and docket files in matters arising under 49 U.S.C. § 10928 are available for inspection at field offices whose locations are set forth in the appendix in this part. These records are available upon reasonable request during its regular business hours, Monday through Friday. Records not available at the field offices may be obtained and inspected in accordance with the provisions of § 1001.1.

3. Section 1011.6(b)(1) is deleted, and sections 1011.6(b) (2), (3), (4), (5), and (6) are renumbered as sections 1001.6(b) (1), (2), (3), (4), and (5), respectively. The new § 1011(b)(1) is revised to read as follows:

§ 1011.6 Employee Boards.

* * * * *

(b)(1) *Regional Motor Carrier Boards.* Matters arising under 49 U.S.C. § 10928, relating to applications for temporary authority by common or contract carriers by motor vehicle or water, except matters involving broad questions of policy, matters in which the decision of the Boards would be inconsistent with an order of the Commission or a division, and matters in which substantially the same question is already before the Commission or a division.

* * * * *

4. Section 1100.225 (a), (b), and (f) are revised to read as follows:

§ 1100.225 Rules of practice governing the procedures of the Motor Carrier Board, the Finance Board, the Operations Boards, the Special Permission Board, the Released Rates Board, the Tariff Rules Board, the Special Docket Board, the Tariff Integrity Board, and the Regional Motor Carrier Boards. (Rule 225).

(a) The proceedings of the Motor Carrier Board, the Finance Board, the Operations Board, the Special Permission Board, the Released Rates Board, the Tariff Rules Board, the Special Docket Board, and the Regional Motor Carrier Boards shall be informal. No transcript of these proceedings will be made. Subpoenas will not be issued, and, except when applications, petitions, or statements are required to be attested, oaths will not be administered.

(b) A petition for reconsideration of an order of the Motor Carrier Board, the Operations Boards, the Special Permission Board, the Released Rates Board, the Tariff Rules Board, the Tariff Integrity Board, the Special Docket Board, and/or the Regional Motor Carrier Boards may be filed by any person.

* * * * *

(f) A petition seeking reconsideration of an order of the Regional Motor Carrier Boards entered under 49 U.S.C. § 10928 shall be filed within 20 days after the date of service of the order. Within 20 days after the filing of the petition with the Commission any person may file and serve a reply to the petition.

* * * * *

5. Section 1131.2 (a), (b), and (d), and the note following (e)(2) are revised to read as follows:

§ 1131.2 Filing of applications.

(a)(1) *General.* All applications for temporary authority are to be filed at the Regional Office which has jurisdiction over the area in which applicant's corporate headquarters are located. The Regional Office will conduct a preliminary investigation into each application filed, and will consult with the affected field offices. If the application covers an area encompassing more than one field office, the Regional Office may consult with as many of the affected offices as it deems necessary, but must consult with at least one. The Regional Office will then transmit applications, with recommendations as to their disposition to the Regional Motor Carrier Boards.

(2) The Regional Offices will maintain records of authorized carriers and their operating authorities, and their staff members, as well as those of the field offices within their jurisdiction, will be available for consultation; giving assistance in obtaining motor carrier service; providing guidance in the preparation of temporary authority applications and related supporting material; and making rate, insurance, and other required filings. Regional Offices will furnish copies of necessary forms upon request.

(b) *How and where filed.* A separate application for each temporary authority sought shall be filed on Form OP-MCB-95 (§ 1003.1 of this chapter). The signed original and two copies of each application and all supporting documents shall be filed with the Regional Office which has jurisdiction over the point at which applicant is domiciled, or such other location as the Commission may designate in special circumstances. An applicant seeking temporary authority (but not *emergency* temporary authority) shall tender an original and one copy of a caption summary. Caption summaries shall be double spaced and shall follow the format used for permanent authority notices, as described in *Revision of Application Forms,* 125 M.C.C. 790 (1976). Summaries shall incorporate the style changes noticed in the Federal Register issue of January 18, 1978 (43 Fed. Reg. 2632).

* * * * *

(d) *Special procedures for filing applications for emergency temporary authority.* (1) Emergency temporary authority shall be applied for only where emergency conditions exist which do not permit sufficient time to afford the notice specified in § 1131.3(a). Applications for emergency temporary authority shall be filed on Form OP-MCB-95 (§ 1003.1 of this chapter).

(2) Where the emergency is found to continue beyond the period of the initial grant, the emergency temporary authority may be extended only upon written request until disposition is made of the longer temporary authority application.

(3) In the cases where the urgency of the situation warrants, the supporting statements of those having the immediate and urgent need for carrier service may be furnished by telegram. However, the telegram shall contain substantially the factual information which is more fully described in paragraph (c) of this section. The telegram shall be sent to the Regional Office that is handling the application.

(4) In processing emergency temporary authority applications, it may become necessary to use telephone service to verify rate levels. Government funds are not available to pay for these communication expenses. The applicant shall have or make arrangements with the telephone company so that costs can be charged to its account.

* * * * *

(e)(2) * * *

Note.—General policy statement concerning motor carrier temporary authority procedures.

1. Applications for Emergency Temporary Authority

Applications for emergency temporary authority shall continue to be filed on form OP-MCB-95. Telegraphic or telephone filing shall also be acceptable in the manner now permitted and the subsequent confirmation filing of such application shall be made by filing on form OP-MCB-95.

2. Applications for Extension of Emergency Temporary Authority

Applications seeking extension of emergency temporary authorities may be filed in two ways:

A. *If corresponding 180-day temporary authority application is filed within 15 days of the date of filing the initial emergency temporary authority application.* If an applicant for emergency temporary authority, using form OP-MCB-95 shall, within 15 days

of the date of filing with the Regional Office for emergency temporary authority, file with the Regional Office a corresponding application seeking temporary authority for a period of 180 days, applicant may state on the emergency application form OP–MCB–95: "Applicant hereby certifies that within 15 days of the date of filing this application a corresponding application shall be filed seeking temporary authority for a period of 180 days, and requests that two successive extensions of any emergency temporary authority granted each for a period of 30 days be issued." An application for emergency temporary authority which contains this certification shall be accompanied by the fee applicable for two extensions, which presently is $20 and is not refundable. In the event emergency temporary authority is issued in the first instance it is not necessary to seek extensions pending determination of a 180-day temporary authority application, unless processing of the 180-day application exceeds 90 days. The filing of the 180-day application, within the 15-day period, will automatically serve to extend the former for two successive 30-day periods. The Commission reserves the authority to revoke any emergency temporary authority (or extension).

Should 180-day temporary authority be granted to an applicant, it will be effective upon the expiration of the emergency temporary authority, as extended. Should 180-day temporary authority be denied, the Commission's order to that effect will revoke the outstanding emergency temporary authority as of a date certain, and require applicant to cancel its emergency temporary authority publication.

B. *If corresponding 180-day temporary authority application is not filed within 15 days of the date of filing the initial emergency temporary authority application.* Any request for extension of emergency temporary authority, not conforming to the rules in paragraph (A) above, shall be filed using form OP–TA–19. These requests shall be filed not later than the 10th day preceding the expiration date of the emergency temporary authority sought to be extended. The Regional Office shall require that any request for contination of service authorized by the issuance of emergency temporary authority not filed prior to the 10th day be filed on form OP–MCB–95 as a separate application.

3. With Whom Filed

All applications for emergency temporary authority, requests for extension of emergency temporary authority, and applications for 180-day temporary authority shall be filed with the Regional Office which has jurisdiction over the point at which the applicant is domiciled, or such other location as the Commission may designate in special circumstances.

6. Section 1131.3 (a) and (c)(2) are revised to read as follows:

§ 1131.3 Processing of applications.

(a) *Notice to interested persons*—(1) *Service.* Notice of the filing of temporary authority applications shall be given by the publication of a summary of the authority sought in the Federal Register. Summaries shall be prepared by applicant in accordance with § 1131.2(b), reviewed by the Commission's Regional Office, and forwarded to the Office of the Secretary, Washington, DC. If an incorrect caption is filed, it shall be returned with the application to the applicant for correction. No summary will be published or need be submitted in the case of emergency temporary authority applications.

(2) *Filing of protests.* Any person who can and will provide all or any part of the proposed service may file a protest against the application. Protests shall be specific as to the service which protestant can and will offer and shall consist of a signed original and two (2) copies. They shall be filed with Regional Office named in the Federal Register publication within 15 calendar days after the date of notice of the filing of the application is published in the Federal Register. One copy of a protest shall be served on the applicant or its authorized representative, if any, by U.S. mail or in person.

* * * * *

(c)(1) * * *

(2) If compliance is not made within the 30-day period, or within the time allowed in any extension, the temporary authority decision will be void. When this occurs, applicant may make written request for reinstatement of the granting decision if it so desires, provided (i) that the request is made within 20 days from the date of service of the decision, (ii) that good cause can be shown as to why compliance was not made within the time allowed, and (iii) that the request for reinstatement contains positive assurance that applicant is now able to and will comply immediately with all applicable requirements, if the decision is reinstated.

7. Section 1131.4(a)(1), the introductory portion of (b), and (c) are revised to read as follows:

§ 1131.4 Determination of applications.

(a) *General.* (1) Initial determination of temporary authority applications will be made by the Commission's Regional Motor Carrier Board (of domicile) or by a Division of the Commission. For purposes of administration, distinctions in the applicable grounds of approval and rate filings will be maintained as between temporary authority of not more than 30 days (ETA), and temporary authority of up to 180 days (TA). Successive grants of temporary authority shall not exceed a total of 180 days, and, if a grant of an emergency authority results in total aggregate temporary authority grants of more than 180 consecutive days, the total, to the extent that it exceeds 180 days, will be reduced accordingly.

* * * * *

(b) *Standards for determination.* The following standards shall be used by the Regional Motor Carrier Boards and by a Division of the Commission acting initially or in an appellate capacity, in the absence of special or unusual circumstances, in the determination under 49 U.S.C. § 10928 of applications by motor carriers for temporary authority:

* * * * *

(c) Determination of fitness issues. The following standards shall be used the the Regional Motor Carrier Board and by a Division of the Commission acting initially or by a Commissioner, Division, or the Commission acting initially or in an appellate capacity, or in the determination of fitness issues in applications by motor carriers for temporary authority under 49 U.S.C. § 10928.

(1) *General.* (i) With due regard to the urgency of the transportation need, an application for temporary authority will normally be denied where the applicant has been found unfit or in substantial noncompliance with the safety regulations of the Department of Transportation, unless the carrier has reestablished compliance or the application contains sufficient evidence to establish that the carrier has taken significant steps to remedy its deficiencies and is now in substantial compliance.

(ii) Where a fitness proceeding has been instituted against a carrier applicant, or where the Bureau of Investigations and Enforcement has been ordered to intervene in a pending proceeding because the applicant's fitness is in issue, and no final decision has been entered, temporary authority shall normally not be denied, unless a fitness flag has been raised against applicant in accordance with the Commission's Fitness Flagging Procedures, 49 CFR 1067. Notwithstanding the existence of the fitness flag, an applicant may attempt to show that there is no nexus between the issues raised in the flagged proceeding and in the involved application for temporary authority or that other good cause exists for granting temporary authority.

(iii) Alleged violations of law or regulations or a pending fitness investigation where no formal proceeding has been instituted shall not be used as grounds for denial unless the Regional Motor Carrier Board has evidence that the carrier applicant has a

history of willful or flagrant violation of the Commission's rules and regulations. If temporary authority is denied for lack of fitness on this basis, the Board's order shall state the basis for denial. The applicant, by means of a petition for reconsideration, shall be afforded an opportunity to appeal the denial.

(iv) Any denial of temporary authority under these guidelines shall be without prejudice to the applicant's seeking reconsideration in accordance with the Commission's Rules of Practice (49 CFR 1100), and, with its request for reconsideration, submitting evidence concerning its fitness or safety compliance, as appropriate.

(2) *No presumption of fitness.* The granting of any temporary authority shall not give rise to any presumption regarding the applicant's fitness.

(3) *Revocation for unfitness.* Any grant of authority may be revoked by the Commission should it be determined that the applicant is unfit in accordance with the guidelines.

(4) *Urgency considerations.* Allegations of unfitness in temporary authority proceedings shall be considered in light of the urgency of the shipper's needs.

8. Section 1131.6 is revised to read as follows:

§ 1131.6 Petitions.

(a) *Petitions for reconsideration.* Petitions for reconsideration of orders of (1) the Regional Motor Carrier Boards and (2) a Division of the Commission initially granting or denying temporary authority in proceedings not subject to prior determination by a Regional Motor Carrier Board may be filed by any person. All petitions from decisions of a Regional Motor Carrier Board shall be filed with the Regional Office in which the application was filed.

(b) *Replies.* Replies may be filed by any person to these petitions. If the facts stated in any petition disclose a need for accelerated action, this action, in the discretion of the Commission, may be taken before expiration of the time allowed for reply. Replies received after accelerated action on petition will be treated as petitions for reconsideration of the accelerated action and given corresponding accelerated treatment. All replies to petitions from decisions of a Regional Motor Carrier Board shall be filed with the Regional Office in which the application was filed.

(c) *Effect of petitions for reconsideration.* The filing of a petition for reconsideration of an order of a Division of the Commission or the Regional Motor Carrier Boards does not have the effect of automatically staying the order. The grantee carrier may conduct the operations authorized by the order upon compliance with its tariff, insurance, and other requirements for the duration of the temporary authority, or until otherwise ordered.

9. Section 1131a.2 (a) and (b) are revised to read as follows:

§ 1131a.2 Filing of applications.

(a) *General.* All temporary authority applications are filed at and processed by the Commission's Regional Offices. The field staff of the Commission's Bureau of Operations conducts preliminary investigations into applications for temporary authority and transmits the applications, with recommendations as to their disposition, to the Commission's Regional Motor Carrier Boards. The Bureau's Regional Offices maintain records of authorized carriers and their operating authorities, and staff members are available for consultation and to give assistance on the obtaining of water carrier service, and guidance in the preparation of temporary authority applications and related supporting material, and in making rate and other required filings. The field offices will furnish copies of necessary forms upon request.

(b) *How and where filed.* A separate application for each temporary authority sought shall be filed on Form OP–WC–25 (§ 1003.2 of this chapter). The signed original and two copies of each application and all supporting documents shall be filed with the Regional Office which has jurisdiction over the point at which applicant is domiciled, or other location as the Commission may designate in special circumstances. An applicant seeking temporary authority shall tender an original and one copy of a caption summary. Caption summaries must be double spaced and shall follow the format used for permanent authority notices, as described in *Revision of Application Forms,* 125 M.C.C. 790 (1976). Summaries shall incorporate the style changes noticed in the Federal Register issue of January 18, 1978 (43 FR 2632).

* * * * *

10. Section 1131a.3 (a) and (b) are revised to read as follows:

§ 1131a.3 Processing of applications.

(a) *Notice to interested persons.* Notice of the filing of temporary authority applications tendered shall be given by the publication of a summary of the authority sought in the Federal Register, except as provided in (c) below. These summaries shall be prepared by applicant in accordance with § 1131a.2(b), reviewed by the Commission's Regional Office, and forwarded to the Office of the Secretary, Washington, D.C.

(b) *Filing of protests.* Any person who can and will provide all or any part of the proposed service may file a protest against the application. Protests shall be specific as to the service which protestant can and will offer and shall consist of a signed original and two (2) copies which must be filed with the Regional Office named in the Federal Register publication within 15 calendar days after the date of notice of the filing of the application is published in the Federal Register. One copy of a protest must be served on the applicant or its authorized representative, if any, by U.S. mail or in person.

* * * * *

11. Section 1131a.4(a)(1) and the introductory portion of (b) are revised to read as follows:

§ 1131a.4 Determination of applications.

(a) *General.* (1) Initial determination of temporary authority applications will be made by the Commission's Regional Motor Carrier Boards or by a Division of the Commission. No successive grants of temporary authority shall exceed a total of 180 days.

* * * * *

(b) *Standards for determination.* The following standards shall be used by the Regional Motor Carrier Boards and by a Division of the Commission acting initially or in an appellate capacity, in the absence of special or unusual circumstances, in the determination under 49 U.S.C. § 10928 of applications by water carriers for temporary authority:

* * * * *

12. Section 1131a.5 is revised to read as follows:

§ 1131a.5 Petitions.

(a) *Petitions for reconsideration.* Petitions for reconsideration of orders of (1) the Regional Motor Carrier Boards and (2) a Division of the Commission initially granting or denying temporary authority in proceedings not subject to prior determination by a Regional Motor Carrier Board, may be filed by any person. The filing of a petition for reconsideration of an order of a Division of the Commission or the Regional Motor Carrier Boards does not have the effect of automatically staying such order, and the grantee carrier may conduct the operations authorized by the order upon compliance with its tariff and other requirements for the duration of the temporary authority, or until otherwise ordered. All petitions from decisions of a Regional Motor Carrier Board shall be filed with the Regional

Office in which the application was filed.

(b) *Replies.* Replies may be filed by any person to the petitions; but, if the facts stated in any petition disclose a need for accelerated action, this action, in the discretion of the Commission may be taken before expiration of the time allowed for reply. Replies received after accelerated action on petition shall be treated as petitions for reconsideration of the accelerated action and given corresponding accelerated action. All replies to petitions from decisions of a Regional Motor Carrier Board shall be filed with the Regional Office in which the application was filed.

[FR Doc. 79-34619 Filed 11-7-79; 8:45 am]
BILLING CODE 7035-01-M

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49 CFR Part 1301

[Ex Parte No. 346 (Sub-3)]

Rail General Exemption Authority; Long- and Short-Haul Transportation; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: Duplicate documents of this Notice of Proposed Rulemaking were published at 44 FR 61981, Oct. 29, 1979 and 44 FR 63121, Nov. 2, 1979. The latter document carried a date for comments of January 2, 1980 [44 FR 63122, 1st column]. That date should be corrected to read December 28, 1979, as was published in the document published on Oct. 29, 1979.

FOR FURTHER INFORMATION CONTACT:
Martin E. Foley, 202-275-7348.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-34584 Filed 11-7-79; 8:45 am]
BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 44, No. 218
Thursday, November 8, 1979

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

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Remedial Order Procedures of the Department of Energy; Tentative Recommendations; Public Hearing

AGENCY: Administrative Conference of the United States; Committee on Ratemaking and Economic Regulation.

ACTION: Public hearing.

SUMMARY: The Administrative Conference Committee on Ratemaking and Economic Regulation has reached agreement in principle on tentative recommendations relating to remedial order procedures of the Department of Energy. The tentative recommendations propose that the Department of Energy Organization Act be amended so as to (1) abolish review by the Federal Energy Regulatory Commission of remedial orders issued by the Office of Hearings and Appeals, (2) establish by statute a set of procedures to be followed by the Office of Hearings and Appeals in deciding remedial orders cases, and (3) abolish district court review of final remedial orders and provide for judicial review directly in the Temporary Emergency Court of Appeals. The Committee will hold a public hearing at which interested persons may make oral presentations to the Committee members.

DATE; TIME; PLACE: November 28, 1979; 10:30 a.m.; Hearing Room C, Interstate Commerce Commission, 12 Street, NW. and Constitution Avenue, Washington, D.C.

PROCEDURE: The purpose of this public hearing is to provide an opportunity for any interested person to make a direct presentation to the Committee concerning the Committee's tentative recommendations. Procedures will be as informal as possible, consistent with the Committee's goal of allowing everyone to be heard in the time available.

Participants are expected to limit their presentations to matters bearing on the Committee's tentative recommendations and related issues for comment as set forth in the Supplementary Information. The Committee Chairman has full authority to control the hearing and to establish any procedure deemed necessary to accomplish the Committee's goal.

Those wishing to make a presentation to the Committee should notify the contact person on or before November 22, 1979. The contact person will schedule the time allowed and the order of appearance for all participants. Unless otherwise arranged, individuals will be permitted fifteen minutes, and groups or panels will be permitted thirty minutes, for direct presentations. Unscheduled presentations may be permitted, in the sole discretion of the Committee Chairman.

Anyone making a presentation to the Committee may be asked to respond to questions by Committee members, the Conference consultant, or the Conference staff attorney. In keeping with the informal nature of the hearing, participants will not be requested to take an oath.

A record of the hearing will be made. Copies of the record will be made available on request to the contact person. Participants may submit prepared statements to be included in the record. Persons submitting prepared statements are requested, but not required, to provide 50 copies to the contact person on or before November 23, 1979.

The Committee has also invited written comments on its tentative recommendations. Persons who desire to comment, whether or not participating in the public hearing, may do so by written comments addressed to the contact person. The deadline for written comments is November 19, 1979.

DOCUMENTS AVAILABLE: Copies of the consultant's draft report are available on request to the contact person. Ask for: Aman, "Institutionalizing the Energy Crisis: Some Structural and Procedural Lessons" (draft of July 18, 1979).

FOR FURTHER INFORMATION CONTACT: William C. Bush. Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, D.C. 20037. Telephone (202) 254–7065.

SUPPLEMENTARY INFORMATION: On September 19, 1979, the Administrative Conference Committee on Ratemaking and Economic Regulation met to consider a draft report and proposed recommendations, submitted by Conference consultant Professor Alfred C. Aman, Jr. of Cornell Law School, on remedial order procedures of the Department of Energy.

The Committee agreed with the consultant that both the administrative and the judicial procedures for handling remedial orders include unnecessary duplication of decision making actions. The Committee agreed in principle on tentative recommendations proposing that review of remedial orders by the Federal Energy Regulatory Commission and by district courts be abolished. The Committee also agreed that the procedural standards for handling remedial orders by the Office of Hearings and Appeals should be specified by statute, and that these standards should be similar to the present requirements of section 503 of the Department of Energy Organization Act.

By Federal Register notice of October 3, 1979 (44 FR 56972) the Committee requested comments on its tentative recommendations. The original comment deadline has been extended to November 19, 1979. Since publication of the request for comments, several persons have expressed a desire to make presentations directly to the Committee. The Committee has scheduled a public hearing for November 28, 1979, in order to provide all interested persons an opportunity to address the Committee in person. The Committee intends the session to be informal, with as much give-and-take between Committee members and public participants as time will permit.

TENTATIVE RECOMMENDATIONS:

1. *Agency for administrative review.* Review by the Federal Energy Regulatory Commission of remedial orders issued by the Secretary under section 503 of the Department of Energy Organization Act is unnecessarily duplicative of the present procedures of the Office of Hearings and Appeals, and should be abolished. Congress should amend section 503 to provide that final administrative review of the Secretary's remedial orders occur in the Office of Hearings and Appeals. In order to assure the separation of prosecutorial and judicial functions within the Department regarding remedial order

actions, Congress should amend the Department of Energy Organization Act so as to guarantee the continuation, in enforcement proceedings, of the present organizational independence of the Office of Hearings and Appeals.

2. *Administrative procedures.* Although remedial order cases need not be fully subject to the adjudicatory provisions of the Administrative Procedure Act, Congress should, by statute, specify minimum procedural standards to be used by the Office of Hearings and Appeals. In particular, the procedures applicable at present to the Federal Energy Regulatory Commission under section 503(c) of the Department of Energy Organization Act should be made applicable to the Office of Hearings and Appeals.

3. *Judicial review.* At present, final remedial orders of the Department of Energy are appealable to the United States district courts and, following district court review, to the Temporary Emergency Court of Appeals. Appellate review of administrative action by the district courts is inappropriate in any case, is unnecessarily duplicative of review by the Temporary Emergency Court of Appeals, and results in prolonged delays in arriving at authoritative judicial determinations of legal issues arising in connection with remedial order cases. Congress should amend the Department of Energy Organization Act to provide that final remedial orders of the Office of Hearings and Appeals be appealable directly to the Temporary Emergency Court of Appeals (and thereafter by writ of certorari to the Supreme Court).

RELATED ISSUES FOR COMMENT:

Although the Committee has tentatively agreed to limit its recommendations to the above proposals, the Committee invites additional comments addressing the following related issues.

1. Should the presiding officer in a remedial order proceeding at the Department of Energy be an administrative law judge? If so, and if review by the Federal Energy Regulatory Commission be abolished, what should be the form of final agency action on a remedial order? For example, should the administrative law judge's decision be reviewable by the Office of Hearings and Appeals, by the Economic Regulatory Administration, by the Secretary of Energy, or by some other entity?

2. Should remedial order proceedings be subject to the full adjudicatory procedural requirements of the Administrative Procedure Act, rather than to the somewhat different requirements of the Department of Energy Organization Act (as incorporated in tentative recommendation No. 2 above)?

3. Should judicial review of remedial orders take place in the circuit courts of appeals, rather than in the Temporary Emergency Court of Appeals? If so, what should be the rules of venue?

4. Should judicial review of final remedial orders (whether in the Temporary Emergency Court of Appeals or in the circuit courts of appeals) be subject to the provisions of section 706(2) of the Administrative Procedure Act, rather than to the more limited provisions of section 211(d)(1) of the Economic Stabilization Act of 1970?

5. Under section 504 of the Department of Energy Organization Act, decisions of the Secretary (at present, delegated to the Office of Hearings and Appeals) denying requests for adjustments are appealable to the Federal Energy Regulatory Commission and then to federal district courts and then to the Temporary Emergency Court of Appeals. Are these multiple layers of review either unnecesary to achieve decisional fairness, or unnecessarily burdensome to applicants for adjustments, so that section 504 should be amended to provide that adjustment decisions of the Office of Hearings and Appeals constitute final agency actions which are directly appealable to the Temporary Emergency Court of Appeals (or to a circuit court of appeals)? If so, what additional procedural requirements should be specified by statute so as to assure the fair and efficient handling of requests for adjustments by the Office of Hearings and Appeals and the courts? (Recommendations related to the policy-making aspects of the adjustments program will be considered by the Committee at a later time as part of an on-going project to study Department of Energy procedures. However, since the adjustment and remedial orders programs are subject to very similar basic procedures for agency action and judicial review, the Committee may wish at this time to propose recommendations in this area.)

Richard K. Berg,

Executive Secretary.

November 1, 1979.

[FR Doc. 79-34501 Filed 11-7-79; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Grain Standards Act Advisory Committee; Meeting

Pursuant to the provisions of Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of the following committee meeting:

Name: Grain Standards Act Advisory Committee.

Date: December 5, 1979.

Place: U.S. Department of Agriculture, 1400 Independance Ave., S.W., Room 2096, South Building, Washington, D.C. 20250

Time: 9 a.m.

Purpose: To enable the members to discuss and make recommendations on the implementation of the Grain Standards Act of 1976, as amended.

The meeting is open to the public, but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting, should contact Dr. Leland E. Bartelt, Administrator, FGIS, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-9170.

Dated: November 5, 1979.

L. E. Bartelt,

Administrator, Federal Grain Inspection Service.

[FR Doc. 79-34520 Filed 11-7-79; 8:45 am]

BILLING CODE 3410-02-M

Official Agency Designation of the Los Angeles Grain Inspection Service, Inc., Montebello, Calif., and Proposal of Geographic Area

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice and Request for Comments.

SUMMARY: This notice announces the designation of the Los Angeles Grain Inspection Service, Inc., Montebello, California, as an official agency to perform official inspection services under the authority of the United States Grain Standards Act, as amended. This notice also proposes a geographic area within that agency will operate.

DATE: Comments to be postmarked on or before December 24, 1979.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-8262.

SUPPLEMENTARY INFORMATION: Los Angeles Grain Inspection Service, Inc. (the "Agency"), 1625 Bluff Road, Montebello, California 90640, made application pursuant to section 7 of the United States Grain Standards Act, as amended (7 U.S.C. 71 et seq.) (the "Act"), to be officially designated under the Act, to perform official inspection services, not including official weighing.

The Federal Grain Inspection Service (FGIS) has conducted the required investigation of the Agency which included an onsite review of its inspection point (hereinafter "specified service point") and the Agency was deemed eligible or designation to perform official inspection services (other than appeal inspection), not including official weighing. The Agency was granted an interim designation effective November 20, 1978. A document designating the Agency as an official agency was signed on July 19, 1979. The Agency is responsible for providing official inspection functions under the Act, replacing those official grain inspection functions previously provided by the Los Angeles Grain Exchange. The designation also included an interim assignment of geographic area within which the official Agency will provide official inspection services.

Note.—Section 7(f)(2) of the Act provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

The geographic area assigned on an interim basis pending final determination in this matter is:

Bounded: on the North by the southern Angeles National Forest boundary from State Route 2 east; the southern San Bernadino National Forest boundary east to State Route 79;

Bounded: on the East by State Route 79 south to State Route 74;

Bounded: on the South by State Route 74 west-southwest to Interstate 5; Interstate 5 northwest to State Route 91; State Route 91 west to State Route 11; and

Bounded: on the West by State Route 11 north to U.S. Route 66; U.S. Route 66 west to Interstate 210; Interstate 210 northwest to State Route 2; State Route 2 north to the sourthern Angeles National Forest boundary.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located.

In addition to the specified service point within the geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain the address of the specified service point and a map of the proposed geographic area for the Agency from the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-8525.

Publication of this notice does not preclude future amendment of this designation consistent with the provisions and objectives of the Act.

This Agency has been performing official inspection services within the proposed geographical area since November 1978. The boundaries thereof are known by persons affected, do not impose significant new restrictions or obligations, and have limited public affect. Therefore, the comment period shall be limited to 45 days.

Interested persons are hereby given opportunity to submit written views or comments with respect to the geographic area proposed for assignment to this Agency. All views and comments should be submitted in writing to the Office of the Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250. All materials must be postmarked not later than December 24, 1979. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Director and to all other information available to the U.S. Department of Agriculture before final determination of the assignment of geographic area is made.

(Secs. 8, 9, 27, Pub. L. 94-582, 90 Stat. 2870, 2875, 2889 (7 U.S.C. 79, 79a, 74 note))

Done in Washington, D.C., on November 5, 1979.

L. E. Bartelt,

Administrator.

[FR Doc. 79-34521 Filed 11-7-79; 8:45 am]

BILLING CODE 3410-02-M

Official Agency Designation of the Sioux City Inspection and Weighing Agency, Inc., Sioux City, Iowa, and Proposal of Geographic Area

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice and Request for Comments.

SUMMARY: This notice announces the designation of the Sioux City Inspection & Weighing Agency, Inc., Sioux City, Iowa, as an official agency to perform official inspection services under the authority of the United States Grain Standards Act, as amended. This notice also proposes a geographic area within which that agency will operate.

DATE: Comments to be postmarked on or before December 24, 1979.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-8262.

SUPPLEMENTARY INFORMATION: Sioux City Inspection & Weighing Agency, Inc. (the "Agency"), 310 South Floyd Boulevard, Room 302, Sioux City, Iowa 51101, made application pursuant to Section 7 of the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), to be officially designated under the Act, to perform official inspection services, not including official weighing.

The Federal Grain Inspection Service (FGIS) has conducted the required investigation of the Agency which included an onsite review of its inspection point (hereinafter "specified service point") and the Agency was deemed eligible for designation to perform official inspection services (other than appeal inspection), not including official weighing. The Agency was granted an interim designation effective November 20, 1978. A document designating the Agency as an official agency was signed on May 1, 1979. The Agency is responsible for providing official grain inspection functions under the Act, replacing those official grain inspection functions previously provided by the Sioux City Grain Exchange. The Designation also included an interim assignment of geographic area within which the official Agency will provide official inspection services.

Note.—Section 7(f)(2) of the Act provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

The geographic area assigned on an interim basis pending final determination in this matter is:

In Iowa, the area shall be:

Bounded: on the North by the northern Iowa State line from the Big Sioux River east to U.S. Route 59;

Bounded: on the East by U.S. Route 59 south to B24; B24 east to the eastern O'Brien County line; the O'Brien County line south; the northern Buena Vista County line east to U.S. Route 71; U.S. Route 71 south to the southern Sac County line;

Bounded: on the South by the Sac County line; the Ida County line; the Monona County line south to State Route 37; State Route 37 west to State Route 175; State Route 175 west to the Missouri River; and

Bounded: on the West by the Missouri River north to the Big Sioux River; the Big Sioux River north to the northern Iowa State line.

In Nebraska, the area shall include: Cedar County, Dakota County, Dixon County, Thurston County, and Pierce County (north of U.S. Route 20 and west of U.S. Route 81).

In South Dakota, the area shall be:

Bounded: on the North by State Route 44 from the Missouri River east to the Big Sioux River;

Bounded: on the East by the Big Sioux River; and

Bounded: on the South and West by the Missouri River.

In addition, the following locations which are outside of the foregoing contiguous geographic area and are to be serviced by the Agency shall be considered as part of the Agency's geographic area: Charter Oak Grain & Seed and Delanty Grain Company, Charter Oak, Iowa, in Crawford County; Gooch Seed Mill and Ernie's Seed & Field Service, Storm Lake, Iowa, in Buena Vista County; and Farmers Elevator Company and Krause Mill, Inc.—Cedars Mill & Elevator, Inc., Platte, South Dakota, in Charles County.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located.

In addition to the specified service point within the geographic area, the Agency will provide official inspection services not requireing a licensed inspector to all other areas within its geographic area.

Interested persons may obtain the address of the specified service point and a map of the proposed geographic area for the Agency from the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-8525.

Publication of this notice does not preclude future amendment of this designation consistent with the provisions and objectives of the Act.

This Agency has been performing official inspection services within the proposed geographic area since November 1978. The boundaries thereof are known by persons affected, do not impose significant new restrictions or obligtions, and have limited public affect. Therefore, the comment period shall be limited to 45 days.

Interested persons are hereby given opportunity to submit written views or comments with respect to the geographic area proposed for assignment to this Agency. All views and comments should be submitted in writing to the Office of the Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250. All materials must be postmarked not later than December 24, 1979. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Director and to all other information available to the U.S. Department of Agriculture before final determination of the assignment of geographic area is made.

(Secs. 8, 9, 27, Pub. L. 94-582, 90 Stat. 2870, 2875, 2889 (7 U.S.C. 79, 79a, 74 note)).

Done in Washington, D.C., on November 5, 1979.

L. E. Bartelt

Administrator.

[FR Doc. 79-34522 Filed 11-7-79; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Annual Surveys In Manufacturing Area; Determination

In conformity with title 13, United States Code (sections 182, 224, and 225), and with due notice having been published on July 23, 1979 (44 FR 43032), I have determined that annual data to be derived from the surveys listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry. The data derived from these surveys, most of which have been conducted for many years, are not publicly available from nongovernmental or other government sources.

Most of these following commodity or product surveys provide data on shipments and/or production; some provide data on stocks, unfilled orders, orders booked, consumption, etc. Reports will be required of all or a sample of establishments engaged in the production of the items covered. These surveys have been arranged under major group headings based on the Standard Industrial Classification Manual (1972 edition) promulgated by the Office of Management and Budget for use of Federal statistical agencies.

Major Group 20—Food and Kindred Products

Confectionery sales and distribution

Major Group 22—Textile Mill Products

Broadwoven goods finished; Narrow fabrics; Yarn production; Knit fabric production

Major Group 23—Apparel and Other Finished Products Made From Fabrics and Similar Materials

Apparel; Brassieres, girdles, and allied garments; Gloves and mittens

Major Group 24—Lumber and Wood Products, Except Furniture

Hardwood plywood; Softwood plywood; Lumber

Major Group 25—Furniture and Fixtures

Manufacturers' shipments of office furniture

Major Group 26—Paper and Allied Products

Pulp, and detailed grades of paper and board

Major Group 28—Chemicals and Allied Products

Industrial gases, Inorganic chemicals; Pharmaceutical preparations, except biologicals; Sulfuric acid

Major Group 29—Petroleum Refining and Related Industries

Asphalt and tar roofing and siding products

Major Group 30—Rubber and Miscellaneous Plastics Products

Rubber, Plastics products

Major Group 31—Leather and Leather Products

Shoes and slippers (by method of construction)

Major Group 32—Stone, Clay, and Glass

Consumer, scientific, technical, and industrial glassware Fibrous glass

Major Group 33—Primary Metal Industries

Steel mill products, Insulated wire and cable; Magnesium mill products

Major Group 34—Fabricated Metal Products Except Ordnance, Machinery, and Transportation Equipment

Commercial steel forgings; Steel power boilers; Selected heating equipment; Metal cans

Major Group 35—Machinery, Except Electrical

Internal combustion engines; Tractors, except garden tractors; Farm machines and equipment; Mining machinery and mineral processing equipment; Refrigeration and air-conditioning equipment, including warm air furnaces; Computers and office and accounting machines; Pumps and compressors; Selected industrial air pollution control equipment; Construction machinery; Anti-friction bearings; Vending machines

Major Group 36—Electrical Machinery, Equipment, and Supplies

Radios, televisions, and phonographs; Motors and generators; Wiring devices and supplies; Switchgear, switchboard apparatus, relays, and industrial controls

Selected electronic and associated products, including telephone and telegraph apparatus; Electric housewares and fans; Electric lighting fixtures; Major household appliances

Major Group 37—Transportation Equipment

Aircraft propellers

Major Group 38—Measuring, Analyzing, and Controlling Instruments; Photographic, Medical, and Optical Goods; Watches and Clocks

Selected instruments and related products; Atomic energy products and services

The following survey represents an annual supplement of a monthly survey and will cover the same establishments canvassed monthly. There will be no duplication of reporting, however, since the type of data collected on the annual supplement will be different from that collected monthly.

Major Group 32—Stone, Clay, and Glass

Glass containers

The following list of surveys represents annual counterparts of monthly and quarterly surveys and will cover only those establishments which are not canvassed or do not report in the more frequent surveys. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly and quarterly reports.

Major Group 20—Food and Kindred Products

Flour milling products

Major Group 22—Textile Mill Products

Broadwoven Fabric (gray); Consumption of wool and other fibers, and production of tops and noils; Carpet and rugs

Major Group 23—Apparel and Other Finished Products Made From Fabrics and Similar Materials

Sheets, pillowcases, and towels

Major Group 25—Furniture and Fixtures

Mattresses and bedsprings

Major Group 26—Paper and Allied Products

Converted flexible packaging products

Major Group 28—Chemicals and Allied Products

Phosphatic fertilizer materials; Paint, varnish, and lacquer

Major Group 30—Rubber and Miscellaneous Products

Plastic bottles

Major Group 32—Stone, Clay, and Glass

Glass containers; Refractories; Clay construction products; Flat glass

Major Group 33—Primary Metal Industries

Nonferrous castings; Iron and steel foundries; Steel inventories (Consumers and Producers Reports); Copper inventories

Major Group 34—Fabricated Metal Products Except Ordnance, Machinery, and Transportation Equipment

Plumbing fixtures; Steel shipping drums and pails; Closures for containers

Major Group 35—Machinery, Except Electrical

Construction machinery

Major Group 36—Electrical Machinery, Equipment, and Supplies

Fluorescent lamp ballasts; Electric lamps

Major Group 37—Transportation Equipment

Aircraft engines; Complete aircraft; Backlog of orders for aircraft, space vehicles, missiles, engines, and selected parts; Truck trailers

The annual survey of manufactures will collect general statistical data such as employment, payroll, workhours, capital expenditures, cost of materials consumed, gross book value, retirements, and depreciation of fixed assets, rental payments, supplemental labor costs, information on the quantity of fuels used, etc. This survey, while conducted on a sample basis, will cover all manufacturing industries, including data on plants under construction but not yet in operation.

A survey of research and development (R&D) activities will be conducted. The major data to be obtained in this survey will include total R&D expenditures by source of funds, the number of scientists and engineers employed, the amounts spent for pollution abatement and energy R&D, and, for comparative purposes, the total net sales and receipts and the total employment of the company.

A survey of shipments to Federal Government agencies is planned to provide information on the impact of Federal procurement on selected industries and on the economy of States, standard metropolitan statistical areas, and geographic regions.

The annual survey of oil and gas will canvass the industry which provides most of the fuel produced in the United States as well as a substantial portion of the hydrocarbon raw material requirements of many industries. The survey will collect information on exploration, development, and production costs; sales volumes and values; drilling activity; and assets in the crude petroleum and natural gas industry.

The annual survey on pollution abatement expenditures is designed to collect from the manufacturing area total expenditures by industry to abate pollutant emissions. The survey covers current operating costs and capital expenditures by industry to reduce pollution in its air, water, or solid forms. It will also obtain the costs recovered from abatement activities and quantities of pollutants abated.

The survey of plant capacity will obtain information such as number of shifts; the actual operating rate; the number of production workers for actual, preferred, and practical operating rates; the reasons for operating at less than capacity; and the length of time required to reach and maintain practical rates. The survey will be done on a sample basis and will cover all manufacturing industries.

The report forms will be furnished to firms included in these surveys. Copies of survey forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed the annual surveys be conducted for the purpose of collecting the data hereinabove described.

Dated: November 2, 1979.

Vincent P. Barabba,

Director, Bureau of the Census.

[FR Doc. 79-34595 Filed 11-7-79; 8:45 am]

BILLING CODE 3510-07-M

Industry and Trade Administration

Boyce Thompson Institute for Plant Research; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666–11th Street, N.W. (Room 735) Washington, D.C.

Docket number: 79–00318. Applicant: Boyce Thompson Institute for Plant Research, Tower Road, Ithaca, NY 14853. Article: Fumigation Chamber, Controller. Manufacturer: University of Calgary, Canada. Intended use of article: The article is intended to be used for studies of the effects of air pollutants (SO_2, NO_2, HF etc.) on photosynthesis, transpiration and leaf injury in vegetation. The objectives pursued in the course of these studies are to explain differences in toxicity of pollutants by knowing the amounts of pollutants needed to cause injury and determine how the vegetation is adversely affected by air pollutants at concentrations below the levels which will cause injury—(effects on photosynthesis and transpiration [water loss]).

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is teflon lined for mimimal absorption of the test pollutants and its internal chamber temperature can be controlled to within 0.1 degree centigrade. The Department of Health, Education, and Welfare advises in its memorandum dated September 27, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11,105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-34483 Filed 11-7-79; 8:45 am]

BILLING CODE 3510-25-M

Brandeis University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666–11th Street, NW. (Room 735) Washington, D.C.

Docket number: 79–00325. Applicant: Brandeis University, 415 South Street, Waltham, MA 02254. Article: Multigas Laser Kit, K203–2 and Accessories. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article is intended to be used for studying infrared laser induced reactions of simple and complex organic molecules in the 9.2–11.0 micron (CO_2 laser) and the 5–5.6 micron (CO laser) region of the electromagnetic spectrum. This will be done in the solid, liquid, and gaseous phases. Experiments will be conducted to find new and useful chemical reactions and to scale-up known and new reactions using conventional stop-flow techniques. The article will also be used in a graduate level research chemistry course for training men and women as scientists, and to carry out research that will help advance the basic and practical aspects of the discipline.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides at least 2.0 joules energy per pulse. The National Bureau of Standards advises in its memorandum dated October 11, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-34492 Filed 11-7-79; 8:45 am]

BILLING CODE 3510-25-M

Columbia University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666–11th Street, N.W. (Room 735) Washington, D.C.

Docket Number: 79–00267. Applicant: Columbia University—(Trustees of Columbia University in the City of New York), 315 Havemeyer Hall, New York, NY 10027. Article: 1 TE 861S High Repetition Rate Rare Gas Halide Laser, and Accessories. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article is intended to be used for studies of the photodissociation and photofragmentation properties CS_2, CH_3I, CF_3Br, and other similar gases. Investigations will be conducted to determine the usefulness of ultraviolet lasers as a source of catalysis in photochemical reactions. In addition, the article will be used for independent research projects by graduate students in the area of ultraviolet photochemistry and photofragmentation for the degree of Doctor of Philosophy.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a high energy/pulse (0.14 joules/pulse) and a high repetition rate (35 Hertz). The National Bureau of Standards advises in its memorandum dated October 16, 1979 that (1) the capabilities of the foreign article described above are pertinent to the

applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-34485 Filed 11-7-79; 8:45 am]

BILLING CODE 3510-25-M

Cornell University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666 11th Street, NW. (Room 735) Washington D.C.

Docket Number: 79-00312. Applicant: Cornell University, Ithaca, New York 14853. Article: Droplet Countercurrent Chromatograph and Accessories. Manufacturer: Tokyo Rikakikai Co., Japan. Intended use of article: The article is intended to be used for studies of chemicals from insect sources such as steroids, glycosides, pterines, alkaloids and organic acids. The objectives pursued in the course of these investigations are the understanding of interactions between insects and their predators. In addition, the article will be used in a basic laboratory training course for beginning researchers.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a low loss droplet mechanism that requires no solid support. The Department of Health, Education, and Welfare advises in its memorandum dated September 27, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 34481 Filed 11-07-79; 8:45 am]

BILLING CODE 3510-25-M

Health, Education, and Welfare Department—Public Health Center for Disease Control; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666 11th Street, N.W. (Room 735) Washington, D.C.

Docket Number: 79-00319. Applicant: HEW-PHS Center for Disease Control, 255 East Paces Ferry Road, N.E., Atlanta, Georgia 30305. Article: Mass Spectrometer System, Model MMZAB2F and Accessories. Manufacturer: VG Organic Ltd., United Kingdom. Intended Use of Article: The article is intended to be used in conducting some form of mass spectral analysis for each of the following components: toxins in various matrices; analyses of clinical interest, impurities and contaminants in standard reference materials; and other compounds of biochemical origin related to the research being conducted. Experiments to assess reactivity will be conducted by varying the conditions in the mass spectrometer such as different inlet systems, different ionization modes, different collision gases, etc.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides high resolution (75,000 10% valley, static mode; 40,000 10% valley, dynamic mode) and the capability for Mass-analyzed Ion Kinetics Energy Spectrometry (MIKES) analysis. The National Bureau of Standards advises in its memorandum dated October 2, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-34486 Filed 11-7-79 8:45 am]

BILLING CODE 3510-25-M

Rochester Institute of Technology; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666 11th Street, N.W. (Room 735) Washington, D.C.

Docket number: 78-00325. Applicant: Rochester Institute of Technology, One Lomb Memorial Drive, Rochester, New York 14623. Article: Gravure Cylinder Making Equipment. Manufacturer: K. Walter Co., West Germany. Intended Use of article: The article is intended to be used in laboratory demonstrations in the following courses:

PPRT-207—Printing Plates (theory and practice of planographic platemaking relief platemaking, and gravure cylinder making).

PPRT-310—Relief and Gravure Plates (student exposure to a different kind of printing plate, permit student adequate time to complete tests involving various printing plates; (3) to enable the student to absorb an advanced degree of theoretical and practical knowledge about printing plates.

Comments: No comments have been received with respect to this application. Decision: Application denied. Because the article possesses no scientific value for the purposes for which it is intended,

a prima facie case is not presented upon which to base a finding of scientific equivalency. Reasons: Item 851.60 of the Tariff Schedules of the United States (TSUS) provides, *inter alia,* for duty-free treatment with respect to "Articles entered for the use of any nonprofit institution, whether public or private, established for educational or scientific purposes * * * if no instrument or apparatus of *equivalent scientific value for the purposes for which the instrument or apparatus is intended to be used* is being manufactured in the United States" (Emphasis supplied). The law provides that the Secretary of Commerce, whose authority has been delegated to this office, is to determine "whether an instrument or apparatus of equivalent scientific value to such (the foreign) article, for the purposes for which the instrument or apparatus is intended to be used, is being manufactured in the United States" (headnote 6(c), Schedule 8, Part 4, TSUS). In order to make the determination of scientific equivalency, it is clear that some scientific use for the foreign article, whether educational or research, must be intended. Although the foreign article falls within the tariff items eligible for duty-free entry consideration, it is intended to be used for the manufacture of printing plates for use in printing courses. In connection with this use the scientific consultants at the National Bureau of Standards (NBS) advise in a memorandum dated October 19, 1978, that the foreign article does not qualify for duty-free entry under Pub. L. 89-651 (Item 851.60, TSUS) because it is not related to scientific research or educational purposes but is an article for the manufacture of printing plates. In view of the intended use of the article and the above stated requirements of Pub. L. 89-651, the Department cannot make the finding on scientific equivalency upon which duty-free entry must be conditioned. Therefore, the application is denied.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-34493 Filed 11-7-79; 8:45 am]

BILLING CODE 3510-25-M

Smithsonian Inst./Cambridge, Va.; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666-11th Street, NW. (Room 735), Washington, D.C.

Docket number: 79-00314. Applicant: Smithsonian Institution, Astrophysical Observatory, 60 Garden Street, Cambridge, MA 02138. Article: Image Intensifier Tube, Power Supplies, and Oscillator. Manufacturer: Proxitonic Funk GmbH, West Germany. Intended use of article: The article is intended to be used for studies of spectra of faint astronomical objects, with wavelength coverage from the atmospheric cutoff at 3200A to about 8500A (near IR). The experiments to be conducted will consist of observations of a variety of astronomical objects using high-efficiency spectrographs attached to large telescopes. These will include studies of galactic and evolution, interstellar absorption, and stellar or galactic chemical composition.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a spectral response sensitivity of at least 50 milliamperes per watt at 4500 Angstroms. The National Bureau of Standards advises in its memorandum dated October 10, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-34491 Filed 11-7-79; 8:45 am]

BILLING CODE 3510-25-M

SUNY at Buffalo; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666 11th Street, NW. (Room 735) Washington, D.C.

Docket Number: 79-00276. Applicant: State University of New York at Buffalo, Department of Physiology, 120 Sherman Hall, Buffalo, New York 14214. Article: (2 each) Hyperbaric Blowers Type 51, Type 51 Option 01, and Type 51 Option 02. Manufacturer: Nova Scotia Research Foundation Corp., Canada. Intended use of Article: The articles are essential elements of the "Life Support System" of the hyperbaric chamber which is used to determine to what simulated ocean depth man can be expected to reach and study his performance at these great depths.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article operates at very high ambient pressure (172 bars) with a noise level less than 70 decibels at one atmosphere within the chamber. The National Bureau of Standards advises in its memorandum dated September 28, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 34489 Filed 11-07-79; 8:45 am]

BILLING CODE 3510-25-M

University of California—Livermore Lab.; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c)

of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666 11th Street, N.W. (Room 735) Washington, D.C.

Docket number: 79-00288. Applicant: University of California, 7000 East Avenue, Livermore, CA 94550. Article: Fluorophosphate Laser Disks. Manufacturer: Hoya Corporation, Japan. Intended use of article: The article is intended to be used for the investigation of the feasibility of producing a thermonuclear microexplosion using a uniquely high intensity laser pulse. The experiments will be conducted using the existing SHIVA laser in combination with the NOVA I laser system to obtain isentropic compression of deuterium-tritium targets to greater than 10,000 times liquid density, thereof producing for the first time in any research facility, thermonuclear reaction of as many as 10 to the 17th neutrons per microexplosion.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides surface damage levels greater than nine joules per cubic centimeter delivered in one nanosecond at 1.06 microns and a refractive index homogeniety of 1/10 wave PV (peak to valley) at normal incidence. The National Bureau of Standards advises in its memorandum dated October 4, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-34490 Filed 11-7-79; 8:45 am]

BILLING CODE 3510-25-M

University of Chicago—Operator of Argonne National Laboratory; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666-11th Street, NW. (Room 735) Washington, D.C.

Docket number: 79-00295. Applicant: University of Chicago Operator of Argonne National Laboratory, 9700 S. Cass Avenue, Argonne, Illinois. Article: High Temperature TG-DTA Thermal Analyzer and Accessories. Manufacturer: Rigaku Corporation, Japan. Intended use of article: The article is intended to be used for the study of the physical properties of selected actinide elements dissolved in metal alloys (Cd, Zu, CU, Mg). Specific experiments include: (1) The establishment of phase diagrams (thorium/cadmium and thorium/cadmium/magnesium); (2) Measurement of heats of transition (thorium alloys); (3) Measurement of the losses of volatile components (cadmium/magnesium) and (4) Identification of intermetallic compounds.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: This application is a resubmission of Docket Number 79-00017 which was denied without prejudice to resubmission on March 28, 1979 for informational deficiencies. The foreign article provides a capability for simultaneous thermobalance (TG) and differential scanning calorimetry (DSC) on a single sample. The National Bureau of Standards advises in its memorandum dated October 10, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-34488 Filed 11-7-79; 8:45 am]

BILLING CODE 3510-25-M

University of Houston; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666-11th Street, NW. (Room 735), Washington, D.C.

Docket Number: 79-00301. Applicant: University of Houston, Purchasing Department, 4800 Calhoun, Houston, TX 77004. Article: Scleral Contact Lens Electrode and Accessories. Manufacturer: Skalar Instruments, Netherlands. Intended use of article: The article is intended to be used for the study of movement of the eye to determine if an individual can learn to control the position of one eye independently of the other when given information regarding its position, i.e., when biofeedback techniques are employed.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article simultaneously indicates horizontal, vertical, and torsional eye movements. The Department of Health, Education, and Welfare advises in its memorandum dated September 27, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-34487 Filed 11-7-79; 8:45 am]

BILLING CODE 3510-25-M

University of Illinois at Chicago Circle; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666-11th Street, N.W. (Room 735), Washington, D.C.

Docket number: 79-00321. Applicant: University of Illinois at Chicago Circle, Department of Physics, P.O. Box 4348, Chicago, Illinois 60680. Article: Rare Gas Halide Laser, Model TE-861. Manufacturer: Lumonics Research Ltd., Canada. Intended Use of Article: The article is intended to be used in investigations of atoms and simple molecules in both the gaseous and liquid phases. A variety of phenomena are to be studied in these experiments including multiphoton excitation and ionization, radiative and nonradiative decay, collisional quenching and photochemical reaction kinetics. These studies are aimed at a number of objectives including basic research into atomic and molecular phenomena, studies of optimum photolytic production of excited states and collisional phenomena of laser fusion applications, and explorations into the possibility of nonlinear generation of coherent soft X-rays.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the U.S. Customs Service received this application (June 18, 1979). Reasons: The foreign article provides high energy per pulse (200 millijoules/pulse) and a high repetition rate to (70 hertz). The National Bureau of Standards advises in its memorandum dated September 26, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States at the time the U.S. Customs Service received this application.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-34484 Filed 11-7-79; 8:45 am]

BILLING CODE 3510-25-M

University of Texas at Austin; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666-11th Street, NW. (Room 735), Washington, D.C.

Docket Number: 79-00085. Applicant: University of Texas at Austin, Humanities Research Center, P.O. Box 7219, Austin, Texas 78712. Article: Primascope. Manufacturer: Scolar Press Ltd., United Kingdom. Intended use of article: The article is intended to be used as an attachment on a camera to provide a flat, undistorted, evenly illuminated image of the book page (of old and rare books) on which it is focused when the page is not opened out flat.

Comments: No comments have been received with respect to this application. Decision: Application denied. Because the article possesses no scientific value for the purposes for which it is intended, a prima facie case is not presented upon which to base a finding of scientific equivalency. Reasons: Item 851.60 of the Tariff Schedules of the United States (TSUS) provides, *inter alia*, for duty-free treatment with respect to "Articles entered for the use of any nonprofit institution, whether public or private, established for educational or scientific purposes * * * if no instrument or apparatus of *equivalent scientific value for the purposes for which the instrument or apparatus is intended to be used* is being manufactured in the United States" (Emphasis supplied). The law provides that the Secretary of Commerce, whose authority has been delegated to this office, is to determine "whether an instrument or apparatus of equivalent scientific value to such [the foreign] article, for the purposes for which the instrument or apparatus is intended to be used, is being manufactured in the United States" (headnote 6(c), Schedule 8, Part 4, TSUS). In order to make the determination of scientific equivalency, it is clear that some scientific use for the foreign article, whether educational or research, must be intended. Although the foreign article falls within the tariff items eligible for duty-free consideration, it is simply intended to photograph old and rare books. The respose to Question 7 of the application does not detail any science-related research or educational programs in which the article will be used. The nonavailability of a domestic instrument suitable for photographing the curved surfaces of these books is not a sufficient condition for duty-free entry under the law. Quite simply in terms of the prismascope's intended uses, it cannot be considered to have "scientific value". Rather, this is support equipment somewhat anologous to a special copying machine in the Humanities Department.

The Department's scientific consultants at the National Bureau of Standards (NBS) advised in memoranda dated April 4, 1979, and April 20, 1979, that the "article has no scientific nor educational purposes pertinent to duty-free entry under Pub. L. 89-651." We concur in the NBS analysis and conclude that the foreign article does not possess any scientific value for the purposes for which it is intended to be used. Therefore, there being no value against which to guage equivalency, the Department has no basis under Pub. L. 89-651 upon which to justify duty-free entry of the foreign article. Therefore, the application is denied.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-34482 Filed 11-7-79; 8:45 am]

BILLING CODE 3510-25-M

President's Export Council, Subcommittee on GATT and Multilateral Trade Agreements; Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as

amended, 5 U.S.C. App. (1976) notice is hereby given that a meeting of the Subcommittee on GATT and Multilateral Trade Agreements of the President's Export Council will be held on Friday, November 30 at 10:00 a.m. at the Peach Tree Plaza Hotel, Tower Suites 13 and 14, in Atlanta, Georgia. The Council was initially established by Executive Order 11753 of December 20, 1973, subsequently extended by Executive Order 11827 of January 4, 1975, Executive Order 11948 of December 20, 1976, and Executive Order 12100 of December 28, 1978. The Council was reconstituted by Executive Order 12131 of May 4, 1979, to advise the President on matters relating to United States export trade, including implementation of the President's National Export Policy.

The Subcommittee has been formed to give information and recommendations to the Council regarding matters relating to the General Agreement on Tariffs and Trade and implementation of the Multilateral Trade Negotiations. It is composed solely of members from the Council.

The agenda for the meeting will be as follows:

Morning Sessions: 10:00 a.m.—12:00 p.m.

Domestic Oversight Task Force (Tower Suite 13).

1. Overview of domestic MTN implementation problems and opportunities.
2. Discussion of recommendations by task force members.
3. Adoption of recommendations to the subcommittee.

Foreign Oversight Task Force (Tower Suite 14).

1. Overview of foreign MTN implementation problems and opportunities.
2. Discussion of recommendations by task force members.
3. Adoption of recommendations to the subcommittee.

Afternoon Session: 1:30—4:00 p.m.

Meeting of the Subcommittee.

1. Update on the President's trade reorganization plan.
2. Consideration of the task force reports and adoption of recommendations for the President's Export Council.
3. Plans for Subcommittee's future work.

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

Copies of the minutes of the meeting will be made available on written request, addressed to Executive Secretary, Subcommittee on GATT and Multilateral Trade Agreements, Room 3031, U.S. Department of Commerce, Washington, D.C., 20230.

Further information concerning the President's Export Council may be obtained from Ms. Wendy Haimes, Industry and Trade Administration, U.S. Department of Commerce, Washington, D.C., 20230, telephone (202) 377–5719.

Dated: November 2, 1979.

Abraham Katz,

Deputy Assistant Secretary for International Economic Policy and Research.

[FR Doc. 79-34473 Filed 11-7-79; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Intent To File Environmental Impact Statement, Proposed Marine Sanctuary, St. Thomas, V.I.

AGENCY: Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), intends to prepare a draft environmental impact statement (DEIS) on a proposed marine sanctuary at St. Thomas, Virgin Islands in accordance with rules and regulations for the designation and management of marine sanctuaries (FR, Vol 44, No. 148, Tuesday, July 31, 1979).

The marine sanctuary proposal is currently being developed in consultation with the government of the Virgin Islands, Federal agencies and affected public groups. A public workshop was held on the proposal August 8, 1979, in St. Thomas. The action would protect and manage important marine habitat, including coral reefs and marine meadows within the limit of the Virgin Islands territorial sea.

The EIS will be prepared in compliance with the Council on Environmental Quality (CEQ) regulations (FR, Vol. 43, November 29, 1978). Interested parties who wish to submit suggestions, comments, or substantive information concerning the scope or content of this proposed environmental impact statement should do so prior to November 25, 1979. Comments may be submitted in writing or by telephone to: Mr. Edward Lindelof, Acting Gulf/Caribbean Project Manager, Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street, NW., Washington, D.C. 20235, Telephone: (202) 634–4236.

FOR FURTHER INFORMATION CONTACT: Jo Ann Chandler, Acting Director, Sanctuary Programs Office, or Edward Lindelof, Sanctuary Programs Office, Office of Coastal Zone Management, NOAA, Page Building 1, 3300 Whitehaven Street, NW., Washington, D.C. 20235, (202) 634–4236.

Dated: November 1, 1979.

Francis J. Balint,

Acting Director, Office of Management and Computer Systems.

[FR Doc. 79-34469 Filed 11-7-79; 8:45 am]

BILLING CODE 3510-08-M

Issuance of Permit

On September 28, 1979, Notice was published in the Federal Register (44 FR 55919), that an application had been filed with the National Marine Fisheries Service by S.A.R.L. La Galoperie, Boite Postale 10, 59186, Anor, France, to take three (3) Atlantic bottlenose dolphins (*Tursiops truncatus*) and two (2) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on October 31, 1979 and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Public Display Permit for the above taking to La Galoperie, subject to certain conditions set forth therein.

The permit is available for review in the following offices:

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

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Winfred H. Meibohm,

Associate Director, National Marine Fisheries Service.

October 31, 1979.

[FR Doc. 79-34617 Filed 11-7-79; 8:45 am]

BILLING CODE 3510-22-M

Issuance of Permit

On September 20, 1979, Notice was published in the Federal Register (44 FR 54532), that an application had been filed with the National Marine Fisheries Service by Cedar Point, Inc., CN #5006, Sandusky, Ohio 44870 to take four (4) Atlantic bottlenose dolphins *(Tursiops truncatus)* for public display.

Notice is hereby given that on

October 31, 1979, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Public Display Permit for the above taking to Cedar Point, Inc., subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

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

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: October 31, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-34618 Filed 11-7-79; 8:45 am]

BILLING CODE 3510-22-M

COMMISSION OF FINE ARTS

Meetings

The Commission of Fine Arts announces its meeting schedule for calendar year 1980. All meetings will convene in the Commission's offices at 708 Jackson Place NW., Washington, D.C. 20006 on the following dates: Tuesday, January 8, 1980; Tuesday, February 12, 1980; Tuesday, March 11, 1980; Tuesday, April 8, 1980; Tuesday, May 13, 1980; Tuesday, June 10, 1980; Tuesday, July 8, 1980; Tuesday, August 12, 1980; Tuesday, September 9, 1980; Tuesday, October 14, 1980; Tuesday, November 4, 1980 and Tuesday, December 9, 1980. The meetings listed above will convene at 10:00 a.m. at the Commission of Fine Arts offices unless announced differently at a later date.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

Dated in Washington, D.C., November 2, 1979.

Charles H. Atherton,

Secretary.

[FR Doc. 79-34589 Filed 11-7-79; 8:45 am]

BILLING CODE 6330-01-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amending Import Restraint Levels for Certain Man-Made Fiber Textile Products From the Socialist Republic of Romania

November 5, 1979.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Amending the bilateral agreement with Romania to increase the designated consultation levels established for certain men's and boys' other cotton coats in Category 334, men's and boys' cotton knit shirts in Category 338, men's and boys' cotton trousers in Category 347, and woven woolen and worsted fabrics in Category 410, produced or manufactured in Romania and exported to the United States during the twelve-month period which began on January 1, 1979. (A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843).)

SUMMARY: The Governments of the United States and the Socialist Republic of Romania have exchanged notes amending the Bilateral Cotton Textile Agreement of January 6 and 25, 1978, as amended, and the Wool and Man-Made Fiber Textile Agreement of June 17, 1977, as amended, to increase the levels of restraint established for textile products in Categories 334, 338, 347 and 410 during the twelve-month period which began on January 1, 1979 and extends through December 31, 1979.

EFFECTIVE DATE: November 8, 1979.

SUPPLEMENTARY INFORMATION: On January 3, 1979, there were published in the Federal Register (44 FR 933 and 944) letters dated December 28, 1978 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which prohibited entry into the United States for consumption or withdrawal from warehouse for consumption of certain designated categories of cotton, wool and man-made fiber textile products, produced or manufactured in Romania and exported to the United States during the twelve-month period which began on January 1, 1979. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the previously established levels of restraint for cotton textile products in Categories 334 and 338, and to control the increased levels of restraint established for cotton and wool textile products in Categories 347 and 410 by virtue of the most recent amendment to the bilateral agreement.

Edward Gottfried,

Acting Chairman, Committee for the Implementation of Textile Agreements.

November 5, 1979.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 28, 1978 from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit, for the twelve-month period beginning on January 1, 1979 and extending through December 31, 1979, entry into the United States for consumption and withdrawal from warehouse for consumption of certain cotton textile products, produced or manufactured in Romania.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton Textile Agreement of January 6 and 25, 1978, as amended, and the Bilateral Wool and Man-Made Fiber Textile Agreement of June 17, 1977, as amended, between the Governments of the United States and the Socialist Republic of Romania; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on November 8, 1979 and for the twelve-month period beginning on January 1, 1979 and extending through December 31, 1979, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and wool textile products in the following categories in excess of the indicated levels of restraint:

Category	12-month level of restraint [1]
334	257,153 dozen of which not more than 36,320 dozen shall be in all T.S.U.S.A. numbers in the category except T.S.U.S.A. 380.0611
338	256,000 dozen of which not more than 97,222 dozen shall be in T.S.U.S.A. numbers 380.0028, 380.0029, 380.0651 and 380.0652
347	167,282 dozen
410	150,000 square yards

[1] The levels of restraint have not been adjusted to reflect any imports after December 31, 1978.

Textile products in Categories 347 and 410 which have been exported to the United States before January 1, 1979 shall not be subject to this directive.

Textile products in Categories 347 and 410 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton and wool textile products from Romania have been determined by the Committee for the Implementationof Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Edward Gottfried,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 79-34596 Filed 11-7-79; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Army

U.S. Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Bacterial Diseases; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following Committee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Bacterial Diseases

Date of Meeting: 3 & 4 December 1979

Time and Place: 0845 hours, Room 3092, Walter Reed Army Institute of Research, Washington, DC

Proposed Agenda: This meeting will be open to the public on 3 December 1979, from 0845-1150 to discuss the scientific research program of the Bacterial Diseases Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public on 3 December from 1300-1630 for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. If the review of research proposals requires additional time, the closed portion of the meeting may be extended into 4 December.

Dr. Howard Noyes, Associate Director, Walter Reed Army Institute of Research, Building 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576-3061) will furnish summary minutes, roster of Committee members, and substantive program information.

For the Commander.

Richard O. Spertzel,

Colonel, VC, Executive Officer.

[FR Doc. 79-34593 Filed 11-7-79; 8:45 am]

BILLING CODE 3710-03-M

U.S. Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Parasitic Diseases; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following Committee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Parasitic Diseases

Date of Meeting: 30 November 1979

Time and Place: 0845 hours, Room 3092, Walter Reed Army Institute of Research, Washington, DC

Proposed Agenda: This meeting will be open to the public on 30 November 1979, from 0845-1150 to discuss the scientific research program of the Parasitic Diseases Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public on 30 November 1979 from 1300-1630 for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director, Walter Reed Army Institute of Research, Building 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576-3061) will furnish summary minutes, roster of Committee members, and substantive program information

For the Commander.

Richard O. Spertzel,

Colonel, VC, Executive Officer.

[FR Doc. 79-34592 Filed 11-7-79; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

National Waterways Study; Findings of Technical Elements; Open Meeting

The U.S. Army Corps of Engineers, Institute for Water Resources will conduct four regional meetings on the National Waterways Study (NWS). The purpose of each meeting is to provide participants with a summary of the entire study and a description of the preliminary findings of the technical elements of the study. Research for which findings will be reported on include water transportation forecasts; system capacity; environmental studies; multiple purpose water resources use; studies on shippers, carriers and ports; and national defense and emergency work. Interested persons will be invited to participate in a special topic session devoted to a discussion of water transportation forecasts, scenarios of the future, and strategies for meeting future needs. This session is scheduled for the afternoon of that same day. The preliminary agenda is as follows:

a. Welcoming remarks
b. Introduction to the NWS
c. Overview of the NWS
d. Discussion of Technical Studies
e. Questions and Answer Session
f. Lunch (Open)
g. Special Topic Session

The meetings will be held from 9 a.m. to 3:30 p.m. in the following cities on the dates indicated:

a. Washington, D.C., December 11, 1979, Washington Hotel, 15th and Pennsylvania Avenue.

b. Chicago, Illinois, December 12, 1979, 219 South Dearborn Street, Room 204-A, Dirksen Federal Office Building.

c. Portland, Oregon, December 14, 1979, Auditorium, Bonneville Power Administration, 1002 N.E. Holladay Street.

d. New Orleans, Louisiana, December 18, 1979, Room 10, The Rivergate, 4 Canal Street.

Written statements, to be made part of the minutes, may be submitted up to seven days following the date of the final meeting.

Persons desiring further information or a fact sheet which describes the topics to be discussed at the four meetings should contact Mrs. Arlene L. Dietz, Study Manager, U.S. Army Corps of Engineers, Water Resources Support Center, Institute for Water Resources, Kingman Building, Fort Belvoir, Virginia 22060, telephone number (202) 325-7141.

By authority of the Secretary of the Army.

Dated: November 1, 1979.

George A. Bailey,

Colonel, U.S. Army, Director, Administrative Management TAGCEN.

[FR Doc. 79-34590 Filed 11-7-79; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Board of Advisors to the President, Naval War College; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Board of Advisors to the President, Naval War College will meet on December 6–7, 1979, in Room 210, Conolly Hall, Naval War College, Coaster's Harbor Island, Newport, Rhode Island. The sessions on both days will commence at 9:00 a.m. and terminate at approximately 4:30 p.m.

The purpose of the meeting is to elicit the advice of the Board on education, doctrinal, and research policies and programs of the Naval War College.

For further information concerning the meeting contact: Commander William M. Tschudy, U.S. Navy, Executive Assistant to the Dean of Academics, Naval War College, Newport, Rhode Island 02840, telephone no. (401) 841–3535.

Dated: November 2, 1979.

J. J. McHugh,

Captain, JAGC, U.S. Navy, Assistant Judge Advocate General (Civil Law).

[FR Doc. 79-34591 Filed 11-7-79; 8:45 am]

BILLING CODE 3810-71-M

Office of the Secretary

Per Diem, Travel and Transportation Allowance Committee

AGENCY: Per Diem, Travel and Transportation Allowance Committee, DoD.

ACTION: Publication of Changes in Per Diem Rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 89. This bulletin lists changes in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico and possessions of the United States. Bulletin Number 89 is being published in the Federal Register to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: 1 November 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Frederick W. Weiser, 325–9330.

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem, Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. Distribution of Civilian Per Diem Bulletins by mail was discontinued effective 1 June 1979. Per Diem Bulletins published periodically in the Federal Register now constitute the only notification of changes in per diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

Civilian Personnel Per Diem Bulletin Number 89

To the Heads of Executive Departments and Establishments

Subject: Table of maximum per diem rates in lieu of subsistence for United States Government civilian officers and employees for official travel in Alaska, Hawaii, the Commonwealth of Puerto Rico and possessions of the United States.

1. This bulletin is issued in accordance with Memorandum for Heads of Executive Departments and Establishments from the Deputy Secretary of Defense dated 17 August 1966, SUBJECT: Executive Order 11294, August 4, 1966, "Delegating Certain Authority of the President to Establish Maximum Per Diem Rates for Government Civilian Personnel in Travel Status" in which this Committee is directed to exercise the authority of the President (5 U.S.C. 5702(a)(2)) delegated to the Secretary of Defense for Alaska, Hawaii, the Commonwealth of Puerto Rico, the Canal Zone, and possessions of the United States. When appropriate and in accordance with regulations issued by competent authority, lesser rates may be prescribed.

2. The maximum per diem rates shown in the following table are continued from the preceding Bulletin Number 88 except in the case identified by an asterisk which rate is effective on the date of this Bulletin. The date of this Bulletin shall be the date the last signature is affixed hereto.

3. Each Department or Establishment subject to these rates shall take appropriate action to disseminate the contents of this Bulletin to the appropriate headquarters and field agencies affected thereby.

4. The maximum per diem referred to in this Bulletin are:

Locality	Maximum rate
Alaska:	
Adak [1]	$9.65
Anchorage	62.00
Annette	61.00
Barrow	94.00
Bethel	84.00
College	60.00
Cordova	76.00
Deadhorse	110.00
Delta Junction	53.00
Dillingham	83.00
Dutch Harbor	82.00
Eielson AFB	60.00
Elmendorf	62.00
Fairbanks	60.00
Ft. Greely	59.00
Ft. Richardson	62.00
Ft. Wainwright	60.00
Galena	52.00
Juneau	60.00
Ketchikan	61.00
King Salmon	62.00
Kodiak	68.00
Kotzebue	91.00
Murphy Dome	60.00
Nuiatak	91.00
Nome	90.00
Noorvik	91.00
Petersburg	61.00
Shemya AFB [1]	11.00
Shungnak	91.00
Sitka-Mt. Edgecombe	61.00
Skagway	61.00
Spruce Cape	68.00
Tanana	90.00
Valdez	70.00
Wainwright	79.00
Wrangell	61.00
Other	62.00
American Samoa	54.00
Guam M. I.	54.00
Hawaii:	
Hawaii	59.00
Kauai	55.00
Maui	54.00
Molokai	54.00
Oahu	70.00
Other	54.00
Johnston Atoll	15.00
Midway Islands [1]	9.65
Puerto Rico:	
*Aguadilla (Incl CG Air Station Borinquen)	63.00
*Bayamon:	
12-16—5-15	102.00
5-16—12-15	75.00
*Carolina:	
12-16—5-15	102.00
5-16—12-15	75.00
Dorado	54.00
*Fajardo:	
12-16—5-15	102.00
5-16—12-15	75.00
*Ft. Buchanan (Incl. GSA Service Center, Guaynabo):	
12-16—5-15	102.00
5-16—12-15	75.00
*Mayaguez	63.00
Ponce (Incl. Ft. Allen NCS)	58.00
*Roosevelt Roads:	
12-16—5-15	102.00
5-16—12-15	75.00
*Sabana Seca:	
12-16—5-15	102.00
5-16—12-15	75.00
*San Juan (Incl. San Juan Coast Guard Units):	
12-16—5-15	102.00
5-16—12-15	75.00
*Other	63.00
Virgin Islands of U.S.:	
12-1—4-30	66.00
5-1—11-30	54.00
Wake Island [2]	17.00
Other Localities	15.00

[1] Commercial facilities are not available. This per diem rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler.

[2]Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meal, and incidental expenses.

H. E. Lofdahl,

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

November 2, 1979.

[FR Doc. 79-34435 Filed 11-7-79; 8:45 am]

BILLING CODE 3810-70-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180388; FRL 1353-8]

Alaska Department of Natural Resources; Issuance of Specific Exemption To Use Trifluralin To Control Broadleaf Weeds and Grasses in Rape

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

ACTION: Issuance of specific exemption.

SUMMARY: EPA has issued a specific exemption to the Alaska Department of Natural Resources (hereafter referred to as the "Applicant") to use Treflan EC (trifluralin) to control broadleaf weeds and grasses in 1,000 acres of rape.

FOR FURTHER INFORMATION CONTACT: Emergency Response section, Registration Division (TS-767), Office of Pesticide Programs, EPA 401 M Street, S.W., Room: E-124, Washington, D.C. 20460, Telephone: 202/426-0223. It is suggested that interested persons telephone before visiting the EPA Headquarters so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: Rape does not compete well against weed species. Broadleaf weeds and grasses reduce stand density, vigor, and seed yield by their competition for water, nutrients, space, light, and heat. They also increase production costs by increasing the harvesting and processing costs. There is no herbicide registered for use in rape. The Applicant estimates losses could amount to $175,000 if Treflan is not used this year.

The Applicant proposed to use Treflan EC (EPA Reg. No. 1471-35) in a single application at a maximum rate of 1.5 pounds active ingredient (a.i.) per acre. The Applicant will make ground application of 1,500 pounds a.i. on a total of 1,000 acres in the Tanana-Yukon River Valleys, Matanuska-Susitna River Valleys, and the western Kenai Peninsula.

The residue levels of trifluralin in or on rapeseed and rape straw are not expected to exceed 0.01 part per million (ppm) from the proposed use. The EPA has determined that this level is adequate to protect the public health. No adverse effects to the environment are anticipated from this use of trifluralin.

It should be noted that a determination concerning the rebuttable presumption against registration of pesticide products containing trifluralin (Treflan EC) was published in the Federal Register on August 30, 1979 (44 FR 50911). In it EPA stated that trifluralin is contaminated with low levels of a carcinogenic contaminant, N-nitroso-di-n-propylamine (NDPA). The determination announced that EPA is proposing action to cancel or deny trifluralin registrations unless the terms and conditions of registration are modified to provide that the level of NDPA not exceed the level of 1 ppm. In addition, EPA has decided to require registrants and applicants to conduct additional mutagenicity, reproduction, and teratology studies to permit the Agency to refine further its evaluation of trifluralin teratogenic potential.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of broadleaf weeds and grasses in rape has occurred or is about to occur; (b) there is no pesticide presently registered and available for use to control broadleaf weeds and grasses in Alaska; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if these pests are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until November 1, 1979 to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. A single application of the product Treflan Ec may be made at dosage rates of one to one and a half pounds a.i. per acre. If an unregistered label is used, it must contain the identical applicable precautions and restrictions which appear on the registered label;

2. Application must be made by ground equipment in a spray mixture of ten to forty gallons of water per acre;

3. Application is limited to 1,000 acres of rape located in the areas in Alaska listed above;

4. All applicable directions, restrictions, and precautions on the product label must be followed;

5. Any adverse effect from use of Treflan under this exemption must be reported immediaely to the EPA;

6. Treated rape may not be grazed or cut for forage;

7. Residues of trifluralin in or on rapeseed and rape straw are not likely to exceed 0.01 ppm. Rapeseed and rape straw with residue levels not exceeding 0.01 ppm may be shipped in interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

8. The Applicant is warned that a fall repeat application of acreage treated this spring with trifluralin may pose phytotoxicity problems not only for the weed, but also for the crop through inhibition of seed germination in the spring; and

9. The Applicant is responsible for assuring that all provisions of this specific exemption are met, and must submit a report summarizing the results of the program by May 1, 1980.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136))

Dated: October 31, 1979.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-34557 Filed 11-7-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180264B; FRL 1354-7]

California Department of Food and Agriculture; Amendment to Specific Exemption To Use Permethrin To Control Heliothis Species on Lettuce

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

ACTION: Issuance of amendment to specific exemption.

SUMMARY: EPA has granted an amendment to the specific exemption granted to the California Department of Food and Agriculture (hereafter referred to as the "Applicant") to use permethrin (Ambush and Pounce) to control *Heliothis* species on 42,000 acres of lettuce in California. The amendment permits the use of fenvalerate if a sufficient quantity of permethrin is not available for this use. The specific exemption expires on December 31, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E-124, Washington, D.C. 20460, Telephone: 202/426-0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: On Wednesday, March 14, 1979 (44 FR 15533), EPA published a notice in the Federal Register which announced the granting of a specific exemption to the Applicant to use 42,000 pounds of permethrin to control Heliothis spp. on lettuce. Since then, the Applicant has requested permission to use fenvalerate (manufactured by Shell Chemical Company as Pydrin, EPA Reg. No. 201-401) in the event that a sufficient quantity of permethrin is not available for this use. Fenvalerate will be applied in the same manner and at the same rate as permethrin. No additional quantity was requested.

After reviewing the application and other available information, EPA has determined that the requested amendment would not significantly change the original specific exemption and should not present an undue hazard to man or the environment. Accordingly, EPA has amended the specific exemption to permit the use of Pydrin on lettuce to control Heliothis spp. in California. The specific exemption is revised by the addition in item 1 of the March 14, 1979 notice that in the event a sufficient quantity of permithrin is not available for this use, Pydrin may be used at a maximum dosage rate of 0.2 pound active ingredient (a.i.) per acre. If unregistered labels are used, they must contain the identical applicable precautions and restrictions which appear on the registered labels. This revision is subject to the following restrictions:

1. Available data indicate that the 0.1 pound a.i. rate should provide as good a control as the 0.2 pound a.i. rate in most situations. Therefore, in most instances the 0.1 pound a.i. rate should be recommended;

2. Lettuce will be field-trimmed to remove wrapper leaves;

3. These pesticides are extremely toxic to fish and aquatic vertebrates and invertebrates. They must be used with care when application is made in areas adjacent to any body of water. They may not be applied when weather conditions favor runoff or drift. They must be kept out of lakes, streams, and ponds. Care must be taken not to contaminate water by cleaning of equipment or disposal of wastes;

4. Permethrin or fenvalerate should not be applied any closer to fish-bearing waters than indicated in the chart below:

Application method and height	Aerial (10 feet)			Ground (2 feet)		
Application rate (lbs. a.i. fenvalerate)	.05	0.1	0.2	0.05	0.1	0.2
Freshwater (distance in feet)	1,847	2,779	3,950	368	556	790
Saltwater (distance in feet)	111	206	371	22	41	74
Application rate (lbs. a.i. permethrin)	.05	0.1	0.2	0.05	0.1	0.2
Freshwater (distance in feet)	585	990	1,600	117	198	320
Saltwater (distance in feet)	1,847	2,779	3,950	369	556	790

The Applicant is warned that applications closer than those allowed in the above chart may result in fish and/or other aquatic organism kills;

5. These products are highly toxic to bees exposed to direct treatment or residues on crops or weeds. The pesticides may not be applied or allowed to drift to weeds in bloom on which an economically significant number of bees are actively foraging. Protective information may be obtained from the State Cooperative Extension Service;

6. A 60-day crop rotation restriction is imposed for permethrin. For fenvalerate: root crops may not be planted for 12 months after the last application. No other crop may be planted for 60 days after the last application;

7. The EPA shall be immediately informed of any adverse effects resulting from the use of these pesticides in connection with this exemption;

8. Lettuce with residue levels of fenvalerate not exceeding 1 part per million (ppm) may enter into interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action; and

9. All other terms and conditions of the specific exemption granted on January 29, 1979, still apply.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136))

Dated: October 31, 1979.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-34558 Filed 11-7-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180385; FRL 1354-5]

California Department of Food and Agriculture; Crisis Exemption To Use Propargite on Soybeans To Control Spider Mites

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

ACTION: Notice of temporary crisis exemption.

SUMMARY: EPA gives notice that on July 19, 1979 the California Department of Food and Agriculture (hereafter referred to as "California") availed itself of a crisis exemption to use propargite on 25,000 acres of soybeans to control spider mites. California had requested a specific exemption for this use in a letter received by EPA on June 29, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA 401 M Street, S.W., Room: E-124, Washington, D.C. 20460, Telephone: 202/426-0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: California initiated the use of Comite, which contains the active ingredient propargite, on 25,000 acres of soybeans to control spider mites. California used aerial and ground equipment for a single application of Comite. Comite was applied at a rate of 1.75 pounds active ingredient in a minimum of 10 gallons of water per acre. California imposed a 24-hour re-entry interval and a 30-day pre-harvest interval. A State-licensed agricultural pest control adviser or University of California farm adviser was to recommend treatment prior to the use of Comite. All applications were made by, or under the supervision of, an applicator State-certified for this category of pest control. Applications were made in accordance with California closed mixing systems regulations. The county agricultural commissioner, under California's auspices, monitored the use of Comite under this crisis exemption. Treatment was to end on September 15, 1979.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136))

Dated: October 31, 1979.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-34559 Filed 11-7-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180380; FRL 1355-3]

Florida Department of Agriculture and Consumer Services; Issuance of Specific Exemption To Use Permethrin To Control Leafminers on Tomatoes

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

ACTION: Issuance of a specific exemption.

SUMMARY: EPA has issued a specific exemption to the Florida Department of Agriculture and Consumer Services (hereafter referred to as the "Applicant") to use permethrin to control leafminers on 40,000 acres of tomatoes in Florida. The specific exemption ends on June 30, 1980.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room E-124, Washington, D.C. 20460, Telephone: 202/426-0223.

SUPPLEMENTARY INFORMATION: The vegetable leafminer, Liriomyza sativae, has become a serious pest in various crops and according to the Applicant, is the most serious pest in commercial tomato production in Florida. The leafminer destroys the tissue of tomato plants by laying eggs within the leaf structure. The resulting larval stages move within the leaf destroying the inner cells and the leaf's capacity for photosynthesis, thus destroying the leaf. They can cause rapid defoliation of the plant which reduces yields and exposes fruit to sun scald, thus lowering its quality. In addition, the punctures to leaves from the egg-laying process serve as points of entry for plant pathogens which hasten leaf destruction. The Applicant estimates a loss of $17,760,000 due to leafminer damage without an effective control program.

In the past, the Florida Cooperative Extension Service has recommended the use of various organophosphates for control of leafminers; however, the Applicant claims that they do not control the pest due to resistance buildup and a lack of parasites in fields which had received multiple applications of broad spectrum insecticides.

The Applicant proposed to use Ambush 2 EC and Pounce 3.2 EC (permethrin) at a rate of 0.05 to 0.1 pound of active ingredient (a.i.) in a minimum of 20 gallons of water per acre. Up to 10 applications per season would be made using ground equipment, at 5- to 7-day intervals or as needed.

EPA has determined that residues of permethrin from the proposed use will be at levels adequate to protect the public health. EPA has also determined that the proposed use should not pose an unreasonable hazard to the environment.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of leafminers on tomatoes has occurred; (b) resistance has developed to the pesticides presently registered and available for use to control this pest in Florida; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the leafminer is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until June 30, 1980, to the extent and in the manner set forth in the application, subject to the following conditions:

1. The products, Ambush 2 EC (EPA Reg. No. 10182-18), and Pounce 3.2 EC (EPA Reg. No. 279-3014), may be used at dosage rates of 0.05 to 0.1 pound a.i. per acre;

2. A maximum of ten applications may be made per acre per season;

3. A maximum of 40,000 pounds a.i. may be applied;

4. The first application of permethrin may be made only when leafminers reach levels of economic concern and continued on a 5- to 7-day schedule or as needed. Permethrin may be applied up to the day of harvest;

5. Application may be made by ground equipment only in a minimum of 20 gallons of water per acre;

6. Applications are limited to 40,000 acres of tomatoes in the Dade, Ft. Pierce-Pompano, Southwest, and Palmetto-Ruskin areas of Florida;

7. All applicable directions, restrictions, and precautions on the product label must be followed;

8. This pesticide is extremely toxic to fish and aquatic invertebrates. Care must be used when applying it in areas adjacent to any body of water. It may not be applied when weather conditions favor runoff or drift. It must be kept out of lakes, streams, and ponds. Care must be taken to prevent contamination of water by cleaning of equipment or disposal of wastes;

9. Permethrin is highly toxic to bees exposed to direct treatment or residues on crops or weeds. It must not be applied or allowed to drift to weeds in bloom on which an economically significant number of bees are actively foraging. Protective information may be obtained from the Florida Cooperative Extension Service;

10. Only fields where registered alternatives have been applied and a knowledgeable expert has determined that control has not been achieved may be treated under this exemption;

11. Permethrin should not be applied any closer to fishbearing waters than indicated in the chart below:

Application Rate (lbs. a.i.)	.05	0.1
Freshwater (Distance in feet)	58	99
Estuarine (Distance in feet)	185	288

The Applicant is warned that applications closer than those allowed in the above chart may result in fish and/or other aquatic organism kills;

12. Any adverse effects from use of permethrin under this exemption must be reported immediately to EPA;

13. A 60-day crop rotation restriction is imposed;

14. Tomatoes treated according to the above provisions will not have residues of pemethrin in excess of 1 part per million (ppm) in tomatoes, 50 ppm in tomato pulp, and 200 ppm in tomato pomace. Residues resulting from the feeding of treated tomatoes or tomato parts to animals will not be in excess of 0.2 ppm in milk, 0.05 ppm in eggs, 0.1 ppm in poultry, 1.0 ppm in the fat and 0.1 ppm in the other tissues of cattle, goats, hogs, horses, and sheep. Commodities with residues of permethrin which do not exceed the above levels may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action; and

15. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a report summarizing the results of this program by September 1, 1980.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136))

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-34560 Filed 11-07-79; 8:45 am]

BILLING CODE 6560-01

[OPP-180382; FRL 1354-6]

Florida Department of Agriculture and Consumer Services; Issuance of Specific Exemption To Use Permethrin To Control Diamondback Moths on Cabbage

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

ACTION: Issuance of specific exemption.

SUMMARY: EPA has granted the Florida Department of Agriculture and Consumer Services (hereafter referred to as the "Applicant") a specific exemption to use permethrin to control the diamondback moth on 20,000 acres of cabbage in Florida. The specific exemption expires on September 1, 1980.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E-124, Washington, D.C. 20460, Telephone 202/426-0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: The diamondback moth, *Plutella xylostella*, spends the winter hiding in the debris of cabbage fields of the northern parts of this country, but in Florida the moth is very active throughout the year. Eggs are laid on leaves of the cabbage plant and in a few days the small greenish larvae are feeding on the underside of the leaves. The larva becomes full grown in ten to thirty days, pupates, and the adult (moth) emerges within seven to fourteen days to begin depositing more eggs. Thus, pressure from the diamondback moth is fairly constant throughout the growing season in Florida which begins in August and can extend into June. Plants may be attacked anytime after emergence or transplanting through harvest. According to the Applicant, effective control is needed throughout the season since poor control during any portion results in more adults to attack before the crop has matured or when a second crop is seeded or transplanted.

The Applicant anticipates that an emergency situation will develp with respect to diamondback moths on cabbage in Florida due to the failure of registered pesticides to control this pest. The Applicant submitted data from 1977 through 1979 which showed that fields produced marketable cabbage less than 50 percent of the time when treated with *Bacillus thuringiensis* or methomyl. Methamidiphos (Monitor) gave good control, but it could not be applied within 35 days of harvest. According to the data, fields treated with permethrin produced marketable cabbage 90–100 percent of the time. The Applicant estimates that cabbage growers could lose 25 percent of their crop valued at $12 million, if permethrin is not available.

Since Monitor is effective, use of permethrin has been restricted to the 35 days before harvest. EPA has also reduced the number of applications to seven, and imposed a 60-day crop rotation restriction. EPA has also requested that the Applicant carry out water monitoring studies. EPA has determined that residues of permethrin should not exceed three parts per million (ppm) from this use; this level has been judged adequate to protect the public health. No unreasonable hazard to the environment is anticipated from this program.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of the diamondback moth on cabbage has occurred or is likely to occur; (b) resistance has developed to the pesticides presently registered and available for use to control this pest in Florida; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the diamondback moth is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until September 1, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The products, Ambush (EPA Reg. No. 10182-18), manufactured by ICI Americas, Inc., and Pounce 3.2 EC (EPA Reg. No. 279-3014), manufactured by FMC Corporation, may be used. If an unregistered label is used, it must contain the identical applicable precautions and restrictions which appear on the registered label;
2. Total acreage of cabbage to be treated may not exceed 20,000 acres;
3. A maximum of 14,000 pounds of active ingredient (a.i.) may be applied at a maximum rate of 0.1 pound a.i. per acre;
4. A maximum of seven applications is authorized;
5. A one-day pre-harvest interval is imposed;
6. All applications will be made by State-certified applicators or individuals under their direct supervision;
7. A 60-day crop rotation restriction is imposed for all crops that do not have permanent tolerances for permethrin;
8. Permethrin will be applied by ground equipment or aerially in a spray volume of 5 to 100 gallons per acre;
9. Permethrin may be applied only to cabbage fields when:
   a. Fields are to be harvested within 35 days, and
   b. More than 50 percent of the fields checked in a county are infested with diamondback moths (checking is to be done by research or Cooperative Extension personnel);
10. Permethrin should not be applied any closer to fish-bearing waters than indicated in the chart below:

Application method and height	Aerial (10 feet)			Ground (2 feet)		
Application rate (lbs. a.i.)	.05	0.1	0.2	0.05	0.1	0.2
Fresh water (distance in feet)	585	930	1,600	117	198	320
Salt water (distance in feet)	1,847	2,779	3,950	369	556	790

The Applicant is warned that applications closer than those allowed in the above chart may result in fish and/or aquatic invertebrate kills;

11. Participants are to be notified of their obligation to report any and all adverse effects on non-target organisms arising from the use of this product. The EPA shall be immediately informed of any adverse effects resulting from the proposed use;
12. Precautions must be taken to avoid or minimize spray drift to non-target areas;
13. This product is highly toxic to bees exposed to direct treatment or to residues on crops or weeds. It may not be applied or allowed to drift to weeds in bloom on which a significant number of bees are actively foraging. Protective information may be obtained from the State Cooperative Agricultural Extension Service;
14. Permethrin is extremely toxic to fish and aquatic invertebrates. It must be kept out of lakes, streams, ponds, tidal marshes, and estuaries. Care must be taken to prevent contamination of

water by cleaning of equipment or disposing of waste;

15. Cabbage with residues of permethrin not exceeding three ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

16. Cabbage trimmings from treated fields must not be fed to livestock;

17. All applicable directions, restrictions, and precautions on the EPA-registered labels must be adhered to; and

18. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a final report summarizing the results of this program by December 31, 1980.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136))

Dated: October 31, 1979.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-34561 Filed 11-7-79; 8:45am]

BILLING CODE 6560-01-M

[OPP-180383; FRL 1354-9]

Georgia Department of Agriculture; Issuance of Specific Exemption To Use Permethrin in Poultry Houses To Control House Flies

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

ACTION: Issuance of specific exemption.

SUMMARY: EPA has granted a specific exemption to the Georgia Department of Agriculture (hereafter referred to as the "Applicant") to use permethrin to control the common house fly in caged poultry houses. The specific exemption expires on December 31, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS—767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E-124, Washington, D.C. 20460, Telephone: 202/426-0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: The house fly has a short life cycle. It passes through the egg, larva, pupa, and adult stages in two weeks in summer. The larva of the house fly breeds in animal manure and other decaying organic vegetation such as hay, silage, and manure mixed with hay. A female house fly can lay approximately 800 eggs during her life. House fly adults feed on sweets for energy as well as manure. The adults tend to remain in large numbers within ½ mile of the breeding site unless the wind disperses them.

House flies are prevalent from March through October in Georgia. Peak populations of house flies occur from April through August. The Applicant claims that emergency conditions can develop in Georgia at any time during a calendar year.

The Applicant reports that the house fly has become an increasingly important pest of poultry farms in recent years. The problem has become critical during the past four years. The Applicant claims that the current situation is a result of a worldwide shortage of synergized pyrethrins. In addition, the Applicant reports that other insecticides now registered for house fly control in poultry operations either have not been effective or are not suitable for controlling house flies during outbreaks.

The abundance of flies varies with rainfall, temperature, and pest management techniques. Even with the incorporation of recommended cultural control practices, the Applicant claims that the manipulation of moderate to heavy populations of flies is not always possible, and health departments often require insecticide spraying to alleviate fly outbreaks. Data indicate that permethrin will control the common house fly when used according to label directions.

The Applicant claims that without permethrin in complement with other available methods of control, there is a high probability of serious economic losses to poultry producers in Georgia and that the $6 billion industry could be in jeopardy. In addition, the Applicant claims that poultry producers may be forced to close operations when excessive numbers of flies are found to be breeding.

The Applicant proposes to make applications of permethrin on premises where either three complaints have been received by the local health department, and/or a knowledgeable expert has determined that an emergency exists. The Applicant proposes to apply permethrin as a 0.1 percent dilute spray at a rate of one gallon per 750 square feet, or as a 5.0 percent low volume spray at 4 fluid ounces per 1,000 square feet, in order to treat poultry buildings housing up to ten million birds.

EPA has determined that residues of permethrin in poultry and eggs will most likely not exceed 0.5 part per million (ppm) from the proposed use. This residue level has been judged adequate to protect the public health. No unreasonable adverse effect to the environment is anticipated from this use.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of house flies has occurred or is likely to occur; (b) there is no effective pesticide presently registered and available for use to control these flies in Georgia; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if these flies are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until December 31, 1979, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The pesticide Ectiban (permethrin) may be applied as a 0.1 percent dilute spray at a rate of one gallon per 750 square feet, or as a 5.0 percent low volume spray at 4 fluid ounces per 1,000 square feet;

2. A maximum of 15 applications may be made per caged poultry house;

3. A maximum of 1,500 pounds of active ingredient are authorized;

4. Applications are to be made by farm proprietors, or employees who are State-certified pesticide applicators or under the direct supervision of State-certified pesticide applicators;

5. Application may take place only in caged poultry houses where:

a. Three complaints are received by the local health department, and/or

b. A knowledgeable expert determines that an emergency exists or is imminent, and proper use of registered insecticides is not providing adequate control. The methods used to make this determination will include direct counts, scudder grill, speck cards, or sticky tapes.

6. Poultry and eggs from treated caged poultry houses should not have permethrin residues in excess of 0.5 ppm. The Applicant is responsible for insuring that poultry and eggs from treated caged poultry houses are monitored for residues of permethrin. Poultry and eggs with residues of 0.5 ppm or less of permethrin may be shipped in interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

7. All label restrictions and precautions for Ectiban 25% and 75% EC shall be observed;

8. The EPA shall be informed immediately of any adverse effects to man or the environment resulting from this program; and

9. A final report summarizing the results of this program must be sumitted by April 30, 1980. The report must include residue data gathered during monitoring under the specific exemption.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136))

Dated: November 2, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-34562 Filed 11-7-79; 8:45 am]

BILLING CODE 6560-01

[OPP-180384; FRL 1355-1]

Hawaii Department of Agriculture; Issuance of Specific Exemption To Use Thiabendazole for Control of Post-Harvest Fungal Decay of Papayas

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

ACTION: Issuance of specific exemption.

SUMMARY: EPA has granted a specific exemption to the Hawaii Department of Agriculture (hereafter referred to as the "Applicant") to use thiabendazole on 50 million pounds of papayas for control of post-harvest fungal decay. The specific exemption expires on September 1, 1980.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E-124, Washington, D.C. 20460, Telephone: 202/426-0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: According to the Applicant, post-harvest diseases of papaya are currently the largest single factor contributing to market losses of fresh papayas. Anthracnose and stem-end rot, two fungal diseases, are the most serious. The diseases are not visible on unripened fruits as they are packed, making it impossible for the packer to cull potentially diseased fruits. Later, as fruits ripen after shipping, fungal lesions develop rapidly and fruits may decay within 24 hours. Disease may be reduced but not entirely eliminated by a careful orchard management program, the Applicant reported.

There are no fungicides registered for post-harvest treatment of papayas; however, there are other means of reducing losses due to post-harvest decay. EBDC and chlorothalonil are registered for use on papayas during the growing season, but, according to the Applicant, give only partial control and require a supplemental post-harvest treatment. The only other treatment available is a hot water dip, but the Applicant reports that only 21 percent control of post-harvest disease is achieved with this method alone. The use of benomyl after a hot water dip has yielded 75 percent control of post-harvest disease, the Applicant claimed.

The Applicant had been granted a specific exemption to use benomyl until June 30, 1979 as a post-harvest dip treatment of papayas. Because benomyl was under intensive RPAR has review, one of the provisions of that specific exemption was that the Applicant evaluate other fungicides, including thiabendazole, in case the risk presented by benomyl precluded issuance of further exemptions. In May 1979, the Applicant requested a specific exemption for use of thiabendazole to control various fungi on papayas and also requested an extension of the benomyl specific exemption. On July 2, 1979, the Applicant promulgated a crisis exemption for use benomyl on papayas because action on the thiabendazole request had not been completed.

The Applicant reports that benomyl was not widely used because only fruit intended for export to the mainland could be treated. Fruit intended for local market or for export to Japan was not to be treated. Japan would not accept benomyl-treated papayas, but recently has approved the importation of thiabendazole-treated citrus and bananas.

The papaya industry represents Hawaii's fourth largest agricultural crop and is valued at $8.0 million annually. Without an effective post-harvest treatment of papayas, the Applicant claims there is a 45-100 percent incidence of disease.

The Applicant proposed to use Mertect 340-F (EPA Reg. No. 618-75) which contains the active ingredient (a.i.) thiabendazole. The papayas are to be treated in plants containing either recirculating or air mist spray systems to minimize water contamination. Fruit intended for both local consumption and for export is to be treated.

EPA has determined that residues of thiabendazole on papayas from this use are not likely to exceed five parts per million (ppm). This residue level has been judged adequate to protect the public health. EPA anticipates no unreasonable adverse effects to non-target organisms from the proposed plan.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of fungal diseases has occurred or is likely to occur; (b) there is no pesticide for post-harvest treatment of papayas in Hawaii; (c) there is no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the fungal diseases are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until September 1, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The Merck and Co. product, Mertect 340-F Fungicide, which contains the a.i. thiabendazole, is authorized at a dosage rate of 14-56 fl. oz. product (6.7-26.6 oz. a.i.) per 100 gallons of water. Papayas are to be treated only once and the treatment period should not exceed three minutes;

2. Any diluents used, such as waxes, should be those generally regarded as safe (GRAS) by the Food and Drug Administration, U.S. Department of Health, Education, and Welfare (DHEW);

3. Up to 50 million pounds of papayas may be treated. Up to 60 gallons of formulated product (22 pounds a.i.) are authorized;

4. Use of thiabendazole is authorized only in processing plants where runoff water is recirculated or in plants where equipment will insure no runoff will occur;

5. The amount of thiabendazole employed on a daily basis is to be carefully planned so that contamination through waste disposal is kept at a minimum;

6. Care must be taken in the cleaning of equipment or disposal of wastes to prevent contamination of water used for human consumption or by animals, wildlife, aquatic life, or for irrigation purposes;

7. All applicable label directions, precautions, and restrictions must be adhered to;

8. A full report which summarizes the results of this specific exemption must be submitted to the EPA by the end of March, 1981;

9. The EPA shall be immediately informed of any adverse effects resulting from the use of thiabendazole under this specific exemption;

10. The Applicant is responsible for ensuring that all of the provisions and restrictions of the specific exemption are met;

11. Residues of thiabendazole in or on papayas should not exceed five ppm from this use. Papayas with residues of thiabendazole not exceeding this level may enter interstate commerce. The Food and Drug Administration, DHEW, has been notified of this action; and

12. Use of benomyl to treat papayas under a crisis exemption was to cease upon the receipt of this specific exemption.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136))

Dated: November 2, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR 79-34563 Filed 11-7-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180389; FRL 1354-2]

Idaho Department of Agriculture; Issuance of Specific Exemption To Use Benomyl To Control Cercosporella Foot Rot of Wheat

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

ACTION: Issuance of specific exemption.

SUMMARY: EPA has granted a specific exemption to the Idaho Department of Agriculture (hereafter referred to as the "Applicant") to use benomyl to control *Cercosporella* foot rot on 200,000 acres of wheat in seven northern Idaho counties. The specific exemption expires on June 30, 1980.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Program, EPA, 401 M Street, S.W., Room: E-124, Washington, D.C. 20460, Telephone: 202/426-0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: According to the Applicant, *Cercosporella* foot rot, caused by the fungal pathogen *Cercosporella herpotrichoides*, is a serious disease of cereal grains and is most damaging to early fall-seeded wheat crops. The severity of the infection is dependent upon climatic conditions, such as temperature and humidity. Because of heavy rains this year, conditions are conducive to the development of *Cercosporella* foot rot inoculum.

There are no pesticides registered for control of this disease and wheat strains resistant to this pathogen are not available. Specific exemptions for the use of benomyl to control this wheat disease have been issued annually since 1976 to Idaho, Oregon, and Washington. Estimated economic losses are put at $2 million if an effective pesticide is not used.

The Applicant proposed to make a single application of Benlate 50W, containing the active ingredient benomyl, at a dosage rate of 0.5 pound active ingredient (a.i.) per acre, either with aerial equipment (5-10 gallons of water) or with ground equipment (20-30 gallons of water). Applications will be made in the northern Idaho counties of Benewah, Clearwater, Idaho, Kootenai, Latah, Lewis, and Nez Perce.

EPA has determined that residues of benomyl are not likely to exceed 0.2 part per million (ppm) in or on wheat grain, 0.05 ppm in milled wheat fraction, and 15 ppm in or on wheat straw from the proposed use. These levels have been judged adequate to protect the public health. secondary residues transferring to meat, milk, poultry, and eggs would be covered by existing tolerances. Based on past experiences, when no adverse effects were reported under similar specific exemptions, EPA does not anticipate any adverse effects to the environment from this specific exemption.

It should be noted that a rebuttable presumption against registration of pesticide products (RPAR) containing benomyl was published in the Federal Register on December 6, 1977 (42 FR 61788). On Thursday, August 30, 1979 (44 FR 51166), EPA published in the Federal Register a preliminary notice of determination concluding the RPAR against benomyl. As developed in the position document, EPA has determined that benomyl poses risks of mutagenicity (as a spindle poison), teratogenicity, and spermatogenic depression to humans and acute toxicity to aquatic organisms. EPA determined that other areas of concern had been successfully rebutted. EPA will require modification of labeling of benomyl pesticide products packaged in five-pound or larger bags or with aerial application directions. EPA has reflected this preliminary determination in imposing appropriate precautions in the specific exemption to protect employees working with benomyl and the environment.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of *Cercosporella* foot rot has occurred or is about to occur; (b) there is no pesticide presently registered and available for use to control *Cercosporella* foot rot in Idaho; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the foot rot is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until June 30, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The duPont product Benlate 50W, EPA Reg. No. 352-354, is authorized at a dosage rate of 1.0 lb. of product (0.5 lb. a.i.) per acre in either 5 to 10 gallons of water (if applied aerially) or in 20 to 30 gallons of water (if applied by ground equipment). Only one application per acre is authorized. If an unregistered label is used, it must contain the identical applicable precautions and restrictions which appear on the registered label;

2. The pesticide may be used in the north Idaho counties named above;

3. Application may be made by State-licensed commercial applicators or growers;

4. The presence of *Cercosporella* foot rot must be verified by qualified Idaho State extension agents before any treatment with benomyl is made;

5. Wheat grain with residues of benomyl not exceeding 0.2 ppm and wheat straw with residues of benomyl not exceeding 15 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

6. All applicable label use directions, precautions, and restrictions must be adhered to;

7. The EPA shall be immediately informed of any adverse effects resulting from the use of benomyl in connection with this exemption;

8. All applicators involved in the preparation of spray suspension must wear protective gloves and masks;

9. All clothing worn during the preparation of spray suspension must be removed and cleaned after each day of use;

10. All individuals must wash immediately upon dermal contact with benomyl or the spray suspension;

11. EPA has determined that benomyl causes birth defects and reduced sperm production in laboratory animals. Exposure to benomyl during pregnancy should be avoided. Exposure to benomyl might cause a depressed sperm count. In case of accidental spills or other unusual exposure, work must cease immediately and directions for contact with benomyl must be followed; and

12. The Applicant is responsible for ensuring that all of the provisions of this specific exemption are met and must submit a full report on the results of the specific exemption to EPA by December 30, 1980.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136))

Dated: October 31, 1979.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-34564 Filed 11-7-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180386; ERL 1353-6]

Idaho and Washington State Department of Agriculture; Issuance of Specific Exemptions To Use Ethyl Parathion To Control Aphids on Lentils

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

ACTION: Issuance of specific exemptions.

SUMMARY: EPA granted specific exemptions to the Idaho and Washington State Departments of Agriculture (hereafter referred to as "Idaho," "Washington," or the "Applicants") to use ethyl parathion to control the bean aphid, the pea aphid and the vetch aphid on 35,000 acres of lentils in Idaho and on 60,000 acres of lentils in Washington. The specific exemptions expired on September 1, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E-124, Washington, D.C. 20460, Telephone: 202/426-0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: According to the Applicant, 35,000 acres of lentils in northern Idaho could have suffered up to thirty percent yield loss and up to 60,000 acres of lentils in Spokane and Whitman Counties in Washington could have suffered up to forty percent yield loss due to infestations of the pea aphid, bean aphid, and vetch aphid. Idaho anticipated losses of more than $3 million, and Washington of $5.88 million to lentil growers, without an effective control program.

According to the Applicant, malathion, the only EPA-registered pesticide for use on lentils, has provided only marginal or ineffective control of aphid pests, whereas parathion, which was applied to lentils under specific exemptions in past years, proved satisfactory.

The Applicants proposed to use parathion at an application rate of one-half pound active ingredient per acre by air and ground. Application of parathion was restricted to State-licensed commerical applicators or State-certified growers in Idaho and State-certified applicators in Washington.

The currently available data for parathion, emulsifiable concentrate formulations, show no detectable residues (less than 0.2 part per million (ppm), depending on the crop substrate) in any crop which has the edible portion of the plant protected from directed application of the pesticide (such as peas, corn, and soybeans). Based on these data, the EPA concluded that residue levels resulting from the proposed use were not likely to exceed 0.2 ppm, if emulsifiable concentrate formulations were used and a fourteen-day pre-harvest interval was observed.

The Fish and Wildlife Service, U.S. Department of the Interior (USDI), advised EPA that three endangered species, American peregrine falcon, grizzly bear, and northern Rocky Mountain wolf, reside in one or more of the Idaho counties and the American peregrine falcon resides in the Washington counties where parathion was to be applied. Since none of these animals are known to feed on lentils or lentil forage, the proposed use posed no probable threat to these endangered species or their habitat.

After reviewing the applications and other available information, EPA determined that (a) pest outbreaks of pea aphid, bean aphid, and vetch aphid had occurred; (b) there was no pesticide presently registered and available for use to control these aphids in Idaho and Washington; (c) there were no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems might have resulted if these aphids were not controlled; and (e) the time available for action to mitigate the problems posed was insufficient for a pesticide to be registered for this use. Accordingly, the Applicants were granted specific exemptions to use the pesticide noted above until September 1, 1979, to the extent and in the manner set forth in the applications. The specific exemptions were also subject to the following conditions:

1. A parathion EC formulation containing four or eight pounds of active ingredient (a.i.) per gallon was to be used;

2. Ethyl parathion was to be applied at a rate of one-half pound a.i. per acre. A maximum of two applications were to be made;

3. A maximum of 35,000 acres in Idaho and 60,000 acres in the Washington counties named above were to be treated;

4. A maximum of 35,000 pounds a.i. in Idaho and 60,000 pounds a.i. in Washington were to be applied;

5. All applications were to be made with ground or air equipment;

6. All applications were to be made by State-licensed commercial or State-certified private applicators in Idaho and by State-certified applicators in Washington. Washington State University extension agents were to provide instructions pertaining to rates and procedures in that State;

7. No application was to be made within fourteen days of any harvest;

8. A parathion residue level of 0.2 ppm in or on lentils has been judged adequate to protect the public health. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, was advised of this action;

9. Lentil forage and hay which were treated with parathion were not to be used for food, feed, or fodder. Livestock was not to graze in treated lentil fields;

10. A three-hundred foot buffer zone was to be maintained around bodies of water which are inhabited by fish and/or waterfowl;

11. Every precaution was to be taken to avoid or minimize spray drift to non-target areas. Applications were not to be made when wind speed exceeded five miles per hour;

12. Parathion was not to be applied where runoff was likely to occur;

13. Parathion was not to be applied where an economically significant number of bees were actively foraging;

14. Liaison was to be established between the Applicants and each State's Departments of Agriculture, Fisheries, and Game to minimize any adverse effects on fish and wildlife resources;

15. All applicable directions, restrictions, and precautions on the product label were to be followed;

16. The EPA was to be immediately informed of any adverse effects resulting from the use of this pesticide in connection with these exemptions; and

17. Idaho and Washington were each responsible for assuring that all of the provisions of that State's specific exemption were met and each must submit a report summarizing the results of this program by February 15, 1980.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136))

Dated: October 31, 1979.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-34585 Filed 11-7-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180365; FRL 1354-3]

Louisiana Department of Agriculture; Issuance of Specific Exemption To Use 2,4-D on Soybeans To Control Sesbania

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

ACTION: Issuance of specific exemption.

SUMMARY: EPA has granted a specific exemption to the Louisiana Department of Agriculture (hereafter referred to as the "Applicant") to use a dimethylamine salt of 2,4-D for the control of sesbania on 100,000 acres of soybeans in 48 parishes (counties) in Louisiana. The specific exemption expires on October 15, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E-124, Washington, D.C. 20460. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: According to the Applicant, the weed sesbania, primarily *sesbania exaltata* or *sesbania macrocarpa*, may significantly reduce the yield of the soybean crop on 100,000 acres in Louisiana. In most previous years, satisfactory weed control has been obtained by using preplant incorporated, pre-emergence, and overtop herbicides. However, the Applicant stated that when high rainfall occurs, causing dissipation of herbicides and greater weed germination, sesbania emerges through the soybean canopy and, without additional control measures, may reduce yield 50 percent or more. Yield reduction occurs as a result of the weeds taking fertilizer and water away from the soybeans, from shading resulting in the lack of adequate amounts of sunlight, and by excessive harvest losses. The Applicant stated that the occurrence of this pest is particularly severe this year because of early spring rains which delayed planting and the dry period which followed that resulted in poor control from pre-emergence herbicides.

The only non-chemical means of controlling this weed once it has emerged through a solid soybean canopy is hand-hoeing. The Applicant stated that hand-hoeing is not economically feasible.

A specific exemption was granted to the Applicant on May 11, 1979, to allow the use of Blazer to control sesbania in 80,000 acres of soybeans. The exemption was amended on July 24, 1979, to allow the treatment of an additional 60,000 acres, for a total of 140,000 acres of soybeans. In addition, a specific exemption was granted to the Applicant on August 1, 1979, to allow the use of a Vistar/Basagran tank mix to control sesbania and red rice in 20,000 acres of soybeans. The Applicant claimed that the supply of Blazer and Vistar/Basagran products has been exhausted and there are still approximately 100,000 acres of soybeans in an emergency salvage situation. According to the Applicant, there is potential for a $6 million loss from the 100,000 acres of soybeans, if 2,4-D is not used.

Specific exemptions have been granted to the Applicant for use of 2,4-D amine on soybeans to control sesbania for the past three years. However, 2,4-D amine is useful essentially as a salvage operation since the soybeans are sensitive to 2,4-D. Cotton, which is grown in neighboring fields, is also sensitive to 2,4-D. It was because of this sensitivity that the Applicant requested specific exemptions for use of Blazer and the Vistar/Basagran tank mix.

The Applicant will make a single application of 2,4-D by air as an overtop foliage spray on 100,000 acres of soybeans in the 48 affected parishes: Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Calcasieu, Caldwell, Cameron, Catahoula, Concordia, East Baton Rouge, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jefferson Davis, Lafourche, Lafayette, Livingston, Madison, Morehouse, Natchitoches, Ouachita, Pointe Coupee, Rapides, Red River, Richland, Sabine, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Tammany, Tangipahoa, Tensas, Terrebonne, Vermilion, Vernon, Washington, West Baton Rouge, West Carroll, and West Feliciana.

All aerial applications will be made by State-licensed certified applicators. To prevent damage to other susceptible crops in the area of application, special permission will be obtained from the Commissioner of the Louisiana Department of Agriculture for the use of 2,4-D, except in the southwestern part of the State where cotton is not grown.

2,4-D is a widely used herbicide and tolerances have been established on foods that make up approximately 80 percent of the total average human diet. EPA has determined that residues of 2,4-D in or on soybeans resulting from the proposed use should not exceed 0.75 part per million (ppm). EPA has judged this level to be adequate to protect the public health. EPA has also considered the potential for dimethylnitrosamine residues in soybeans resulting from nitrosamine contamination of the 2,4-D dimethylamine salts. The calculated nitrosamine residues would be less than 1 part per billion (ppb), and should not pose undue hazard to the environment. No unreasonable adverse effects on the environment are expected from this program.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of sesbania has occurred; (b) there is no effective pesticide presently registered and available for use to control sesbania in soybean fields in Louisiana; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the sesbania is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until October 15, 1979 to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. A dimethylamine salt of 2,4-D will be applied at the rate of from one-eighth to one-quarter pound 2,4-D acid equivalent per acre;

2. An overtop foliage, aerial application will be limited to 100,000 acres in the 48 parishes named above. When fixed wing aircraft is used, boom width should not exceed three-fourths the length of the aircraft's wing span. Nozzles should be positioned down and back of 45°. Aircraft altitude should be maintained as low as possible;

3. The total quantity of 2,4–D to be applied shall not exceed 25,000 pounds of active ingredient;

4. 2,4–D is to be applied only when the following conditions exist: (a) the sesbina canopy must exceed 75 percent of a soybean field and (b) the stage of maturity of the bean must be after pod set and before beans can be felt in the pods of the four uppermost nodes;

5. Aerial applications shall be made only by certified applicators licensed by the Applicant;

6. Special permission will be obtained from the Commissioner of the Louisiana Department of Agriculture for all applications of 2,4–D in designated restricted areas;

7. Residue levels of 2,4–D in soybeans are not expected to exceed 0.75 ppm. Soybeans with residues of 2,4–D of less than 0.75 ppm may be shipped in interstate commerce. The Food and Drug Adminitration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

8. A thirty-day interval will be observed between application of the pesticide and grazing livestock in treated fields;

9. The Applicant shall continue to cooperate with the IR–4 program in order that a permanent tolerance for 2,4–D on soybeans may be obtained;

10. Precautions must be taken to avoid or minimize spray drift to non-target areas. Cotton, tomatoes, garden crops, grapes, ornamentals, and other susceptible crops will be severely damaged by drift;

11. 2,4–D must be kept out of lakes, ponds, and streams. It may not be applied where run-off is likely to occur. It may not be applied when weather conditions favor drift from treated areas. Care must be taken out to contaminate water by cleaning of equipment or disposal of wastes;

12. Equipment used in applying 2,4–D must be thoroughly cleaned and rinsed prior to applying other pesticides to susceptible crops;

13. The EPA shall be immediately informed of any adverse effects resulting from the use 2,4–D in connection with this exemption; and

14. A report which summarizes the benefits obtained from the use of 2,4–D under this specific exemption must be submitted to the EPA by the end of March, 1980.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136)).

Dated: October 31, 1979.

James M. Conlon,

Acting Deputy Assitant Adminsitrator for Pesticide Programs.

[FR Doc. 79-34566 Filed 11-7-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180387; FRL 1353-7]

Massachusetts Department of Food and Agriculture; Crisis Exemption To Use Permethrin To Control Leaf Miner on Chrysanthemums

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

ACTION: Notice of a temporary crisis exemption.

SUMMARY: EPA gives notice that the Massachusetts Department of Food and Agriculture (hereafter referred to as "Massachusetts") availed itself of a crisis exemption to use permethrin to control leaf miners on 40,000 square feet of greenhouse chrysanthemums in Massachusetts.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E–124, Washington, D.C. 20460, Telephone: 202/426–0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: Massachusetts reported that on July 20, 1979 it availed itself of a crisis exemption to use permethrin on chrysanthemums grown in one greenhouse to control leaf miners (*Liriomyza* spp.) According to Massachusetts, the grower claimed that heavy leaf miner damage to chrysanthemum stems makes chrysanthemums unsuitable for the cut flower market. The grower's greenhouse had become infested with leaf miners and the grower estimated a loss of $40,000 if the infestation was not controlled. The grower also reported that greenhouses adjoining his, with a crop valued at $80,000, might become infested from his greenhouse. According to Massachusetts, no registered pesticides are effective in the control of this particular leaf miner. Massachusetts stated that the timing of the application was too critical to delay for a request for a specific exemption.

Application was made at the rate of 0.2 pound permethrin per acre. Five treatments were made at five- to seven-day intervals by an experienced greenhouse operator. Treatment was made at the end of the working day with the area clear of workers. Massachusetts made no request for a specific exemption since it anticipated a special local needs registration of permethrin for this use under Section 24(c) of the amended Federal Insecticide, Fungicide, and Rodenticide Acts.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136))

Dated: October 31, 1979.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-34567 Filed 11-7-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180359; FRL 1354-2]

Mississippi Department of Agriculture and Commerce; Issuance of Specific Exemption To Use Blazer 2S on Soybeans To Control Hemp Sesbania and Showy Crotalaria

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

ACTION: Issuance of a specific exemption.

SUMMARY: EPA has granted a specific exemption to the Mississippi Department of Agriculture and Commerce (hereafter referred to as the "Applicant") to use Blazer 2S on 500,000 acres of soybeans to control hemp sesbania and showy crotalaria in Mississippi. The specific exemption expires on September 30, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E–124, Washington, D.C. 20460, Telephone: 202/426–0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: According to the Applicant, hemp sesbania and showy crotalaria are serious problems in soybeans in Mississippi. They are erect annual weeds with hemp sesbania growing six to eight feet tall, and showy crotalaria growing three to four feet tall. They normally emerge with or shortly after the soybeans and grow under the soybean plants until late July or early August when the weeds grow through the soybean canopy. At this stage of

development, the hemp sesbania and showy crotalaria shade the crop and compete with soybeans for soil nutrients, sunlight, and water during the critical pod-filling period.

Several herbicides are registered for use on soybeans for hemp sesbanian control. Pre-emergence herbicide treatments of chloramben, linuron, and metribuzin are available, but are either partially ineffective, or may cause injury to the beans in some soils, the Applicant reports. Post-emergence treatments of linuron and linuron + 2,4-DB are registered and recommended for hemp sesbania and showy crotalaria control. These treatments give effective control, the Applicant claims, but must be used as a directed spray. These treatments cannot be used when there is no size differential between the crop and weeds, when fields are too wet for ground applications, or in solid seeded fields. There are no effective herbicides registered or recommended for broadcast over-the-top use to control hemp sesbania or showy crotalara. Cultivation is a partially effective control method for these pest weeds. However, cultivation is not possible in solid seeded fields or when fields are wet, according to the Applicant. The Applicant proposed the use of Blazer 2S, which contains the active ingredient (a.i.) sodium 5-[2-chloro-4-(trifluoromethyl)-phenoxy]-2-nitrobenzoate. Application would be made after the crop has emerged and when directed sprays cannot be made due to wetness, method of seeding, or lack of a size differential between the crop and weeds. According to the Applicant, losses from hemp sesbania and showy crotalaria in soybeans could be as high as $17.5 million this year, without an effective control program.

Since data are not available that would allow a full evaluation of the potential phytotoxic effect, to non-target crops, which might result from aerial application of Blazer 2S, EPA has made the following suggestions:

1. Since the herbicide controls a number of weed pests, which include members of the families malvaceae and solaceae, care should be taken when applying Blazer 2S near fields planted in potatoes, tomatoes or cotton. Small plot studies should be undertaken to determine the phytotoxic nature of Blazer 2S to these crops before applications commence; and

2. A 100-foot buffer zone should be imposed to minimize possible phytotoxic damage to non-target crops.

EPA has determined that the residue levels of the active ingredient and its metabolite, the corresponding acid, in or on soybeans, established by the temporary tolerances established in connection with an experimental use permit, are not expected to be exceeded by the proposed use of Blazer 2S. These levels are 0.1 part per million (ppm) in or on soybeans; and 0.01 ppm in milk; eggs; liver and kidney of cattle, goats, hogs, horses, and sheep; and the meat, fat and meat byproducts of poultry. These levels have been judged adequate to protect the public health. EPA has also determined that the proposed use of Blazer 2S will not pose an unreasonable hazard to avian and mammalian species which reportedly utilize soybeans fields.

After reviewing the application and other available information, EPA has determined that (a) pest outbreaks of hemp sesbania and showy crotalaria have occurred or are likely to occur this year in soybeans; (b) there is no effective pesticide presently registered and available for use to control these weeds in Mississippi; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the pests are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until September 30, 1979, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. A single post-emergence application of Blazer 2S (distributed by Rohm and Haas Company) may be made at a rate of 0.25 to 0.50 lb. a.i. per acre in soybean fields in Mississippi;

2. Application may be made with ground equipment using a minimum of 20 gallons of water per acre or aerial equipment using a minimum of 10 gallons of water per acre;

3. A maximum of 500,000 acres may be treated;

4. This specific exemption authorizes use of a maximum of 250,000 pounds a.i.;

5. Based on available efficacy data, the 0.25 pound rate should be recommended;

6. All applications will be made by State-certified private and commercial applicators, or persons working under their direct supervision;

7. Authorization for use of Blazer 2S to control hemp sesbania and showy crotalaria in soybean fields will be restricted to situations which meet one of the following criteria:

a. Fields planted in solid seeded culture where herbicides recommended by the Mississippi Agricultural Authority have not provided economically effective control;

b. Fields planted in rows where recommended pre-emergence and post-emergence herbicides have not provided economically effective control and/or a lack of size differential exists between the crop and the weeds; and

c. Fields where excessive soil moisture prohibits the use of recommended herbicides;

8. The Applicant will recommend the use of registered herbicides where applications are practical and effective control can be reasonably expected;

9. Residue levels of the active ingredient and its metabolite, the corresponding acid, are not expected to exceed 0.1 ppm in or on soybeans; and 0.01 ppm in milk; eggs; liver and kidney of cattle, goats, hogs, horses, and sheep; and in the meat, fat and meat byproducts of poultry. Raw agricultural commodities with residues which are not in excess of these levels may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

10. A restriction prohibiting the use of treated plants for feed or forage shall be imposed;

11. A 50-day pre-harvest interval will be observed;

12. Only soybeans may be replanted on areas treated with Blazer 2S for six months following application;

13. Blazer 2S will not be applied when weather conditions favor run-off or drift from treated areas;

14. All applicable directions, restrictions, and precautions on the product label must be adhered to;

15. The EPA shall be immediately informed of any adverse effects resulting from Blazer 2S in connection with this exemption;

16. Distributors and/or retailers will be required to maintain records for purchases of Blazer 2S. These records will be provided to the Applicant who will monitor the application of Blazer 2S as needed, to determine that the provisions of the specific exemption are beng followed; and

17. The Applicant will submit a report summarizing the results of this program by February 1, 1980.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136))

Dated: October 31, 1979.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-34568 Filed 11-07-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1349-1]

Receipt of Submission for Approval of the National Pollutant Discharge Elimination Systems; State Pretreatment Program From the State of Oregon

On June 26, 1978, the United States Environmental Protection Agency (U.S. EPA) promulgated the General Pretreatment Regulations (40 CFR 403). These regulations, mandated by the Clean Water Act of 1977 (Public Law 95-217), govern the control of industrial wastes introduced into Publicly Owned Treatment Works (POTWs), commonly referred to as municipal sewage treatment plants. The objectives of the regulations are to: (1) prevent the introduction of pollutants into POTWs which will intefere with plant operations and/or disposal or use of municipal sludges; (2) prevent the introduction of pollutants into POTWs which will pass through the treatment works or otherwise be incompatible with such works; and (3) improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

One of the keystones of the industrial waste control programs, as set forth in the General Pretreatment Regualtions, is the establishment of pretreatment programs as a supplement to the existing State National Pollutant Discharge Elimination System (NPDES) permit program. In order to be approved, a request for State Pretreatment Program approval must demonstrate that the State has legal authority, procedures, available funding and qualified personnel to implement a State Pretreatment Program specified in § 403.10 of the Regulations. The State of Oregon received NPDES permit authority on September 26, 1973. Generally, local pretreatment programs will be the primary vehicle for administering, applying and enforcing Federal Pretreatment Standards for Industrial Users of POTWs. States will be required to apply and enforce Pretreatment Standards directly against industries that discharge to POTWs where local programs are not required or have not been developed.

In a September 6, 1979 letter, Mr. William H. Young, Director, Oregon Department of Environmental Quality, submitted the proposed State of Oregon Pretreatment Program for review and approval. The program submittal included a description of how the State proposes to operate the program. A signed statement from the State of Oregon Department of Justice has also been submitted certifying that the State of Oregon has the necessary authority to implement the pretreatment program. The U.S. EPA Region X Enforcement Division, Legal Support Branch has reviewed the Oregon Department of Justice submittal and determined that the State of Oregon has legal authority to implement an NPDES pretreatment program.

Prior to making a final recommendation to the Administrator of U.S. EPA, the Regional Administrator of Region X is providing opportunity for public comment on the Oregon Department of Environmental Quality request. Any interested person may comment by writing to the U.S. EPA, Region X Office. All comments should be made in writing on or before December 24, 1979. All comments and objections which are received by the U.S. EPA in the Seattle Regional Office within the 45-day comment period will be considered by the Administrator in his decision on approval of the Oregon Pretreatment Program.

Such comments will be made available to the public for inspection and copying. If there is sufficient public interest, a public hearing will be held, and the time and place of the hearing will be public notice. Copies of the Pretreatment Program may be requested by writing to one of the following offices:

U.S. EPA, Region X, 1200 Sixth Avenue, Seattle, Washington 98101, Attention: Permits Branch M/S 521
U.S. EPA, Oregon Operations Office, 522 S.W. Fifth Avenue, Yeon Building, 2nd Floor, Portland, Oregon 97204
State of Oregon, Department of Environmental Quality, P.O. Box 1760, Portland, Oregon 97207

or by calling (206) 455-7218. Copies of this notice are available upon request. All comments and objections should be sent to:
U.S. EPA, Region X, 1200 Sixth Avenue, Seattle, Washington 98101, Attention: Permits Branch M/S 521

For further information regarding this public notice, contact Kenneth H. Mosbaugh, EPA Region X, Seattle Office, Telephone No. (206) 455-7218.

Dated: October 26, 1979.

Donald P. Dubois,

Regional Administrator.

[FR Doc. 79-34556 Filed 11-7-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180261B; FRL 1355-2]

Texas Department of Food and Agriculture; Amendment to Specific Exemption To Use Permethrin To Control Cabbage Looper; Correction

In FR Doc. 79-21302, appearing at page 40404 in the issue of Tuesday, July 10, 1979, the following corrections should be made. The last line of the SUMMARY paragraph should read "exemption expires on October 31, 1979." Also, the eighth line of the second paragraph of SUPPLEMENTARY INFORMATION should read "until October 31, 1979 * * *."

Dated: October 31, 1979.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-34589 Filed 11-7-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180378; FRL 1354-8]

Texas Department of Agriculture; Issuance of Specific Exemption To Use Blazer 2S To Control Hemp Sesbania In Soybeans

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

ACTION: Issuance of specific exemption.

SUMMARY: EPA granted a specific exemption to the Texas Department of Agriculture (hereafter referred to as the "Applicant") to use Blazer 2S (acifluorfen) on 60,000 acres of soybeans in the Gulf Coast area of Texas to control hemp sesbania. The specific exemption expired on September 30, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E-124, Washington, D.C. 20460, Telephone: 202/426-0223. It is suggested that interested persons telephone before visiting Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: Sesbania has always been a problem in soybean production that has been controlled by using pre-emergence and early post-emergence herbicides. However, according to the Applicant, heavy rains in late May and early June this year, which caused severe flooding along the Gulf Coast area, reduced the effectiveness of these herbicides and also delayed planting. As a result, the Applicant reported, this year's crop was very late. Recent heavy rains caused by the tropical storm Claudette caused rapid growth of sesbania; the Applicant stated that in some areas it was already six feet high. The Applicant had initiated a crisis exemption for this use on September 6, 1979. Since treatment was expected to exceed fifteen days, the Applicant submitted a request for a specific exemption for continuation of

this use of Blazer 2S until September 30, 1979.

The Applicant stated that registered herbicides were tried with very little success. The Applicant estimated that losses would be as high as $3–4 million on the 60,000 infested acres, without an effective control program.

The Applicant used Blazer 2S (sodium 5-(2-chloro-4-(trifluoromethyl) phenoxy)-2-nitrobenzoate) at a rate of 0.25 to 0.50 pound active ingredient (a.i.) per acre as a single post-emergence application. Application was to be made by State-certified applicators using both ground and air equipment. A 50-day pre-harvest interval was imposed.

EPA determined that residues of the active ingredient and its metabolite were not expected to exceed 0.1 part per million (ppm) in or on soybeans; and 0.01 ppm in milk; eggs; liver and kidney of cattle, goats, hogs, horses, and sheep; and the meat, fat, and meat byproducts of poultry, from this use. These levels were determined to be adequate to protect the public health. EPA did not expect an undue hazard to wildlife from this program.

After reviewing the application and other available information, EPA determined that (a) a pest outbreak of hemp sesbania had occurred; (b) there was no effective pesticide presently registered and available for use to control hemp sesbania in Mississippi; (c) there were no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems might result if hemp sesbania was not controlled; and (e) the time available for action to mitigate the problems posed was insufficient for a pesticide to be registered for this use. Accordingly, the Applicant was granted a specific exemption to use the pesticide noted above until September 30, 1979, to the extent and in the manner set forth in the application. The specific exemption was also subject to the following conditions:

1. A single post-emergence application of Blazer 2S (distributed by Rohm and Haas Company) might be applied at a rate of 0.25 to 0.50 pound a.i. per acre;

2. Application might be made with ground equipment using a minimum of 20 gallons of water per acre, or by aerial equipment using a minimum of 10 gallons of water per acre;

3. A maximum of 60,000 acres might be treated;

4. A maximum of 30,000 pounds a.i. might be used;

5. All applications were to be made by State-certified, private and commerical applicators;

6. Authorization for use of Blazer 2S to control hemp sesbania in soybean fields was restricted to situations which met one of the following criteria:

a. Fields planted in solid seeded culture where herbicides recommended by the Texas Extension Service has not provided economically effective control;

b. Fields planted in rows where recommended pre-emergence and post-emergence herbicides has not provided economically effective control; or

c. Fields where excessive soil moisture prohibited the use of recommended herbicides.

7. The Applicant was to recommend the use of registered herbicides where applications were practical and effective control could be reasonably expected;

8. Residues levels of the active ingredient and its metabolite, the corresponding acid, were not expected to exceed 0.1 ppm in or on soybeans; and 0.01 ppm in milk; eggs; liver and kidney of cattle, goats, hogs, horses, and sheep; and the meat, fat and meat byproducts of poultry. Raw agricultural commodities with residues which are not in excess of these levels may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, was advised of this action;

9. A restriction prohibiting the use of treated plants for feed or forage was to be imposed;

10. A 50-day pre-harvest interval was to be observed;

11. Treated soybean fields were not to be rotated to any crops other than soybeans within six months of the last application;

12. Blazer 2S was not to be applied when weather conditions favored runoff or drift from treated areas;

13. All applicable directions, restrictions, and precautions on the product label were to be adhered to;

14. The EPA was to be informed immediately of any adverse effects resulting from the use of Blazer 2S in connection with this exemption;

15. Distributors and/or retailers were required to maintain records for purchases of Blazer 2S. These records were to be provided to the Applicant who was to monitor the application of Blazer 2S as needed to determine that the provisions of the specific exemption were being followed; and

16. The Applicant will submit a report summarizing the results of this program by February 1, 1980.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136))

Dated: October 31, 1979.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-34570 Filed 11-7-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180381; FRL 1354-4]

Texas Department of Agriculture; Specific Exemption To Use Permethrin To Control Heliothis Species on Lettuce

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

ACTION: Issuance of a specific exemption.

SUMMARY: EPA has issued a specific exemption to the Texas Department of Agriculture (hereafter referred to as the "Applicant") to use Ambush and Pounce (permethrin) to control *Heliothis* species on 4,000 acres of lettuce in Texas. The specific exemption ends on May 31, 1980.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room E–124, Washington, D.C. 20460, Telephone: 202/426–0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: According to the Applicant, *Heliothis virescens* and *H. zea* migrate from cotton to lettuce after the cotton is defoliated. In the past, growers plowed the cotton under after harvest. Now, however, the cotton is allowed to stay in the fields and thereby provides an excellent habitat for the pest. Because of a large population, the pest migrates to adjacent fields such as lettuce.

The Applicant reported that more frequent applications of available registered pesticides failed to provide adequate control. The Applicant estimated that, without the use of permethrin, losses due to *Heliothis* infestations of lettuce could reach as high as $2.4 million.

The Applicant proposed to use Ambush and Pounce, which contain the active ingredient (a.i.) permethrin, at a rate of 0.1 to 0.2 pounds a.i. per acre. Five applications using ground or air equipment will be made at 5- to 7-day intervals except in cases of severe infestation where an additional five applications may be made. A 24-hour pre-harvest interval will be observed.

EPA has determined that a residue level of 10 parts per million (ppm) permethrin on lettuce is adequate to protect the public health and the proposed use of permethrin is not expected to exceed this level.

No unreasonable adverse effects are expected to occur to the environment and/or any non-target species as a result of this program. However, since permethrin is known to be highly toxic to aquatic vertebrates and invertebrates and to bees, appropriate conditions have been imposed.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of *Heliothis* has occurred; (b) there is no effective pesticide presently registered and available for use to control this pest in Texas; (c) there are no alternative means of control taking into account the efficacy and hazard; (d) significant economic problems may result in *Heliothis* is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until May 31, 1980. The specific exemption is also subject to the following conditions:

1. The products, Pounce (EPA Reg. No. 10182–18) and Ambush (EPA Reg. No. 279–3014), may be used at a maximum dosage rate of 0.2 pounds a.i. per acre. If an unregistered label is used, it must contain the identical applicable precautions and restrictions which appear on the registered label;

2. Available data indicate that the 0.1 pound a.i. rate should provide as good a control as the 0.2 pound a.i. rate in most situations. Therefore, in most instances the 0.1 pound a.i. rate should be recommended;

3. Applications are limited to 4,000 acres of lettuce in Texas;

4. A maximum of five applications may be made at 5- to 7-day intervals. If a knowledgeable expert determines that additional applications are necessary to control heavy infestations, five additional applications may be made. The EPA will be notified of the circumstances which warranted the additional applications;

5. A 24-hour pre-harvest interval will be observed;

6. Applications may be made by either air, in a minimum of three gallons of water per acre, or by ground equipment, in a minimum of ten gallons of water;

7. Lettuce will be field-trimmed to remove wrapper leaves;

8. The feeding of lettuce trimmings from treated fields to livestock is prohibited;

9. All applications will be made by State-certified private or commercial applicators or persons under their direct supervision;

10. All applicable directions, restrictions, and precautions on the EPA-registered label must be followed;

11. Permethrin is extremely toxic to fish and aquatic invertebrates. It must be applied with care in areas adjacent to any body of water. It may not be applied when weather conditions favor runoff or drift. It must be kept out of lakes, streams, and ponds. Care must be taken to prevent contamination of water by the cleaning of equipment or disposal of wastes;

12. Permethrin should not be applied any closer to fish-bearing waters than indicated in the chart below:

Application method and height	Aerial (10 feet)			Ground (2 feet)		
Application rate (lbs. a.i. permethrin)	.05	0.1	0.2	.05	0.1	0.2
Freshwater (distance in feet)	585	990	1,600	117	198	320
Saltwater (distance in feet)	1,847	2,779	3,950	369	556	790

The Applicant is warned that applications closer than those allowed in the above chart may result in fish and/or other aquatic organism kills;

13. Permethrin is highly toxic to bees exposed to direct treatment or residues on crops or weeds. It may not be applied or allowed to drift to weeds in bloom on which an economically significant number of bees are actively foraging. Protective information may be obtained from the State Cooperative Extension Service;

14. A 60-day crop rotation restriction is imposed;

15. Only fields where registered alternatives have been applied and a knowledgeable expert determines that control has not been achieved may be treated under this exemption;

16. The EPA shall be immediately informed of any adverse effects resulting from the use of permethrin in connection with this exemption;

17. Lettuce with residue levels of permethrin not exceeding 10 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action; and

18. The Applicant is responsible for insuring that all the provisions of this specific exemption are met and must submit a report summarizing the results of this program by December 1, 1980.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136))

Dated: October 31, 1979.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Program.

[FR Doc. 79-34571 Filed 11-7-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket NO. FEMA 5716]

Communities with Flood-Prone Areas Subject to Section 202(A); Prohibition of Federal and Federally Related Assistance

AGENCY: Federal Insurance Administration.

ACTION: Notice.

SUMMARY: The purpose of this notice is to provide a list of communities that contain areas of special flood hazard potentially subject to the provisions of Section 202(A) of the Flood Disaster Protection Act of 1973 (PL–93–234) on July 1, 1975, or an appropriate later date, and to provide a convenient reference for interested persons, communities, Federal agencies and instrumentalities, and others involved in assuring compliance with that section. This list supersedes and updates the list published in the Federal Register at 44 FR 23321 and all prior lists.

DATES: Section 202(A) applies to the community as of one year after the initial date appearing in the last column on each page of this list.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, 451 7th Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Section 202(A) provides that effective July 1, 1975, Federal agencies are prohibited from providing financial assistance or making loans for acquistion or construction purposes in areas which (a) have been designated by the Director of Federal Emergency Management Agency as Special Flood Hazard Areas

for at least one year; and (b) are in communities which are not participating in the National Flood Insurance Program (42 USC 4001–4128). Special Flood Hazard Areas are designated on Federal Insurance Administration Flood Hazard Boundary Maps (FHBM's) or Flood Insurance Rate Maps (FIRM's) and as Zone A, AO, AH, A1–89, V, VO, V1–30, M or E.

Each of the communities listed below received notice of its designation as flood-prone prior to April 1, 1979, and legal notice was furnished of such designation by publication under Part 65 of Title 44 of the Code of Federal Regulations in the Federal Register. These communities have failed to provide the Federal Insurance Administrator with sufficient technical or scientific data to rebut their designation as flood prone nor have they as yet qualified for participation in the National Flood Insurance Program. Thus, the sanctions of section 202(A) apply as of July 1, 1975, or one year after a community's identification, whichever is later, until the community participates in the program.

In order to continue Federal financial assistance or lending for insurable structures in its Special Flood Hazard Area, a community must apply for and be made eligible for participation in the program in accordance with 44 CFR (Parts 59 to 75). Communities on this list may be made eligible to participate in the program after the date of publication of this list. Such eligibility will be published periodically in the Federal Register under 44 CFR 64.6 List of eligible communities. At that time the sanctions of section 202(A) will no longer apply to the communities listed below.

Alabama

Community No. and name	Hazard area identified
010095 Akron, town (Hale County)	July 18, 1975.
010229 Aligood, town (Blount County)	Jan. 24, 1975.
010331B Andalusia, city (Covington County).	June 2, 1978.
010407 Anderson, town of (Lauderdale County).	Nov. 24, 1978.
010242 Babbie, town (Covington County)	Jan. 10, 1975.
010352A Bear Creek, town of (Marion County).	June 18, 1976, July 6, 1979.
010083A Belk, town of (Fayette County)	Sept. 13, 1974.
010257 Black, town of (Geneva County)	Feb. 7, 1975.
010230 Blount County	Feb. 24, 1978, Dec. 8, 1978.
010371 Blountsville, town of (Blount County).	Sept. 29, 1978.
010092 Boligee, city of (Greene County)	Dec. 13, 1974.
010286A Bon Air, town (Talladega County).	Mar. 4, 1977.
010372A Branchville, town of (St. Clair County).	Sept. 15, 1978.
010055A Brantley, town of (Crenshaw County).	June 28, 1974, June 4, 1976.
010342 Brilliant, town (Marion County)	July 15, 1977.
010347 Burnidge, town of (Pike County)	Oct. 22, 1976.
010017 Butler County	Apr. 21, 1978.
010374 Camp Hill, town of (Tallapoosa County).	Sept. 29, 1978.

Alabama—Continued

Community No. and name	Hazard area identified
010119A Cardiff, town of (Jefferson County).	Sept. 20, 1974, Jan. 23, 1976.
010240 Carolina, town (Covington County)	Jan. 10, 1975.
010375 Carrville, town of (Tallapoosa County).	Dec. 15, 1978.
010376 Chatom, town of (Washington County).	Oct. 20, 1978.
010234 Cherokee County	Feb. 16, 1979.
010030 Chilton County	July 28, 1978.
010316 Clark County	June 9, 1978.
010377 Clayton, town of (Barbour County)	Sept. 29, 1978.
010228 Cleveland, town of (Blount County).	Mar. 5, 1976.
010239A Coffee County*	Jan. 17, 1975, Jan. 13, 1978.
010318 Colbert County	Feb. 24, 1978.
010319 Conecuh County	July 7, 1978.
010244 Covington County*	Dec. 13, 1974, Apr. 21, 1978.
010367 Crossville, town of (Pike County)	Oct. 29, 1976.
010379 Cuba, town of (Sumter County)	Mar. 16, 1979.
010247 Cullman County	July 28, 1978.
010380 Daviston, town of (Tallapoosa County).	Oct. 6, 1978.
010320 De Kalb County	Apr. 28, 1978.
010350A Double Springs, town of (Winston County).	Jan. 28, 1977.
010056A Dozier, town of (Crenshaw County).	Sept. 20, 1974.
010406 Elmore County	Dec. 15, 1978.
010383A Epes, town of * (Sumter County)	Oct. 20, 1978.
010251 Escambia County	Oct. 27, 1978.
010077 Etowah County	Feb. 17, 1978, July 21, 1978.
010027 Five Points, town of (Chambers County).	Nov. 15, 1974.
010354 Flint City, town of (Morgan County).	Nov. 26, 1976.
010384 Fort Deposit, town of (Lowndes County).	Sept. 29, 1978.
010322 Franklin County	Jan. 20, 1978.
010038 Fulton, town (Clarke County)	July 18, 1975
010355 Fyffe, town of (De Kalb County)	July 2, 1976.
010295 Gainesville, town of (Sumter County).	Oct. 15, 1976.
010053A Gantt, town of (Covington County).	June 7, 1974, Jan. 2, 1976, Dec. 8, 1978.
010258 Geneva County	Feb. 20, 1976.
010356B Geraldine, town of (De Kalb County).	Jan. 13, 1978, July 6, 1979.
010057A Glenwood, town of (Crenshaw County).	Sept. 20, 1974.
010387 Goodwater, town of (Coosa County).	Nov. 3, 1978.
010152 Gurley, town (Madison County)	Apr. 16, 1976.
010388 Hammondville, town of (De Kalb County).	Nov. 3, 1978.
010293 Harpersville, town (Shelby County)	Apr. 11, 1975.
010357 Henagar, town of (De Kalb County)	Mar. 12, 1976.
010390 Kansas, town of (Walker County)	Mar. 16, 1979.
010338 Killen, town (Lauderdale County)	June 18, 1976.
010324A Lawrence County*	May 13, 1977.
010250 Lee County	Mar. 31, 1978, Dec. 8, 1978.
010235 Leesburg, city (Cherokee County)	Oct. 15, 1976.
010358 Lexington, town of (Lauderdale County).	Oct. 15, 1976.
010393A Margaret, town of (St. Clair County).	Oct. 6, 1978.
010275 Marshall County	Jan. 20, 1978.
010359 Menton, town of (De Kalb County)	July 2, 1976.
010370 Millbrook, city of (Elmore County)	Sept. 15, 1978.
010207 Millry, town	Nov. 12, 1976, Dec. 15, 1978.
010349B Montevallo, town (Shelby County)	Jan. 28, 1977, June 15, 1979.
010175A Morgan County	Mar. 11, 1977, July 28, 1978.
010264A Morris, town of (Jefferson County).	Oct. 8, 1976, Dec. 29, 1978.
010395 New Site, town of (Tallapoosa County).	Oct. 27, 1978.
010232 O'Hatchee, town of (Calhoun County).	Jan. 31, 1975.
010245A Petrey, town (Crenshaw County)	Feb. 25, 1977.
010333 Phil Campbell, town (Franklin County).	Oct. 29, 1976.
010397 Pine Hill, town of (Wilcox County).	Nov. 17, 1978.
010360A Pisgah, town of (Jackson County).	Mar. 16, 1979.
010075 Pollard, town of (Escambia County).	Jan. 31, 1975.

Alabama—Continued

Community No. and name	Hazard area identified
010159 Providence, town of (Marengo County).	Nov. 1, 1974, Nov. 17, 1978.
010182 Randolph County*	Sept. 13, 1974, Jan. 20, 1978.
010334 Red Bay, City (Franklin County)	Dec. 10, 1976.
010243 Red Level, town (Covington County).	Jan. 10, 1975.
010253 Reece City, city of (Etowah County).	Feb. 21, 1975.
010348 Roanoke, city (Randolph County)	June 10, 1977.
010339 Rogersville, town (Lauderdale County).	Mar. 10, 1978.
010362 Section, town of (Jackson County).	June 25, 1976.
010191 Shelby County*	Feb. 24, 1978.
010227 Snead, town (Blount County)	June 27, 1975.
010363A Somerville, town of (Morgan County).	June 4, 1976.
010400 Sumiton, town of (Jefferson and Walker Counties).	Jan. 19, 1979.
010328A Summerdale, town (Baldwin County).	Jan. 13, 1978.
010160A Sweetwater, town (Marengo County).	July 18, 1975, Dec. 10, 1976.
010364 Sylvania, town of (De Kalb County).	Oct. 29, 1976.
010326 Tallapoosa County	Mar. 31, 1978.
010037A Toxey, town (Choctaw County)	Feb. 18, 1977.
010155 Triana, town (Madison County)	June 25, 1976.
010201 Tuscaloosa County	May 5, 1978.
010335 Vina, town (Franklin County)	Dec. 16, 1977.
010292 Vincent, town (Shelby County)	Apr. 11, 1975.
010365 Vinemont, town of (Cullman County).	Oct. 1, 1976.
010340 Waterloo, town (Lauderdale County).	Dec. 17, 1976.
010401 Wedowee, town of (Randolph County).	Oct. 6, 1978.
010346 Wilmer, town (Mobile County)	Oct. 8, 1976.
010304 Winston County	Feb. 17, 1978.
Total in the State 105	

*Unincorporated areas only.

Alaska

Community No. and name	Hazard area identified
020049B Hoonah, city of	June 7, 1974, Jan. 14, 1977.
Total in the State 1	

Arkansas

Community No. and name	Hazard area identified
050377 Alexander, town of (Pulaski and Saline).	Apr. 18, 1975.
050378 Alicia, town (Lawrence County)	July 11, 1975.
050379 Allport, town (Lonoke County)	Oct. 29, 1976.
050380 Almyra, town (Arkansas County)	Aug. 15, 1975.
050017A Alpena, town of (Boone County)	Aug. 30, 1974, and Oct. 3, 1975.
050381 Altus, city (Franklin County)	July 25, 1975.
050303 Amity, city of (Clark County)	Feb. 21, 1975.
050418A Arkansas County	Aug. 16, 1977.
050382 Ash Flat, town (Sharp County)	June 27, 1975.
050003A Ashley County	Nov. 15, 1977.
050123 Aubrey, town of (Lee County)	Dec. 6, 1974.
050305 Barling, city of (Sebastian)	Feb. 14, 1975.
050010A Baxter County	May 17, 1977.
050419 Benton County	Oct. 18, 1977.
050386 Bethel Heights, town (Benton County).	Apr. 25, 1975.
050415 Biscoe, town of (Prairie County)	Nov. 26, 1976.
050474 Bodcaw, town of (Nevada County).	Nov. 19, 1976.
050392 Bonanza, town (Sebastian County).	Aug. 15, 1975.
050016A Boone County	June 17, 1977.
050131 Bradford, city of (White County)	Feb. 21, 1975.
050393 Branch, city (Franklin County)	May 2, 1975.
050394 Bull Shoals, city (Marion County)	Apr. 25, 1975.

Arkansas—Continued

Community No. and name	Hazard area identified
050567A Caddo Valley, town of (Clark County).	Mar. 20, 1979.
050024A Carroll County	June 14, 1977.
050397 Caulksville, town (Logan County)	June 27, 1975.
050313 Cave City, city (Independence and Sharp Counties).	July 18, 1975.
050398 Cave Springs, city (Benton County).	Oct. 29, 1976.
050400A Chidester, city (Ouachita County).	July 25, 1975.
050424A Cleburne County	June 7, 1977.
050425A Columbia County	Aug. 2, 1977.
050426A Conway County	June 10, 1977.
050402 Coy, town (Lonoke County)	June 25, 1976.
050427A Craighead County	Nov. 15, 1977.
050428B Crawford County	June 17, 1977, and Nov. 21, 1978.
050429A Crittenden County	Dec. 6, 1977.
050061A Dallas County	June 17, 1977.
050404 Damascus, town (Faulkner and Van Buren Counties).	Apr. 18, 1975.
050320 Dierks, city of (Howard County)	Feb. 14, 1975.
050430A Drew County	Oct. 25, 1977.
050408 Dyer, town (Crawford County)	July 11, 1975.
050214 Elkins, town of (Washington County).	Dec. 20, 1974.
050019A Everton, town of (Boone County).	Aug. 30, 1974, and Apr. 9, 1976.
050431A Faulkner County	June 7, 1977.
050433A Garland County	Aug. 2, 1977, and Feb. 20, 1979.
050224A Garner, town of (White County)	Aug. 30, 1974, and Nov. 7, 1975.
050434A Grant County	May 10, 1977.
050435A Greene County	Dec. 13, 1977.
050217A Greenland, city of (Washington County).	June 28, 1974, and Oct. 24, 1975.
050246 Greers Ferry, town (Cleburne County).	Apr. 23, 1976.
050247 Griffithville, town (White County)	Sept. 26, 1975.
050248A Guion, town (Izard County)	Apr. 11, 1975. *
050249 Gum Springs, town (Clark County).	June 27, 1975.
050251 Hartman, town (Johnson County)	Oct. 29, 1976.
050436A Hempstead County	June 3, 1977.
050225A Higginson, town of (White County).	Aug. 16, 1974, and Jan. 9, 1976.
050437A Hot Springs County	Nov. 1, 1977.
050438A Howard County	June 7, 1977.
050120A Imboden, town (Lawrence County).	May 3, 1974, and Oct. 10, 1975.
050439A Izard County	July 12, 1977.
050441A Johnson County	Aug. 2, 1977.
050337 Kibler, town (Crawford County)	June 25, 1976.
050260 Knoxville, town of (Johnson County).	Feb. 21, 1975.
050443A Lawrence County	June 3, 1977.
050444A Lee County	Nov. 1, 1977.
050479A Little Rock, town of	June 21, 1977.
050339 Lockesburg, town (Sevier County)	Apr. 18, 1975.
050447 Logan County	Oct. 18, 1977.
050448A Lonoke County	Aug. 16, 1977.
050341 Lonoke, city (Lonoke County)	Mar. 26, 1976.
050262 Louann, town (Ouachita County)	Nov. 5, 1976.
050449A Madison County	June 14, 1977.
050450 Marion County	Sept. 6, 1977.
050347 Marshall, city (Searcy County)	Apr. 25, 1975.
050170 Marvell, city (Phillips County)	Mar. 12, 1976.
050343 Mc Neil, city (Columbia County)	May 2, 1975.
050348 Melbourne, city (Izard County)	Apr. 11, 1975.
050266 Menifee, town (Conway County)	Apr. 25, 1975.
050451A Miller County	Jan. 10, 1978.
050069 Mitchellville, town of (Desha County).	Nov. 8, 1974.
050154A Monroe County	June 21, 1977.
050095 Mount Pleasant, town of (Izard County).	Nov. 22, 1974.
050051A Mountainburg, town of (Crawford County).	May 3, 1974, and Nov. 28, 1975.
050354 Mulberry, city (Crawford County)	Nov. 26, 1976.
050454A Nevada County	Aug. 9, 1977.
050268 Norvell, town (Crittenden County)	Aug. 15, 1975.
050270 Ogden, town (Little River County)	Sept. 19, 1975.
050161 Ouachita County	Sept. 13, 1977.

Arkansas—Continued

Community No. and name	Hazard area identified
050271 O'Kean, town (Randolph County)	Apr. 18, 1975.
050007A Parkdale, city of (Ashley County).	March 29, 1974, Oct. 31, 1975.
050275 Perla, town (Hot Springs County)	June 25, 1976.
050166A Phillips County	Aug. 9, 1977.
050363 Plainview, city (Yell County)	Apr. 18, 1975.
050364 Plumerville, city (Conway County)	June 27, 1975.
050172A Poinsett County	June 7, 1977.
050473 Polk County *	Oct. 18, 1977.
050458A Pope County *	Dec. 20, 1977.
050459A Prairie County *	June 3, 1977.
050279 Prattsville, town (Grant County)	Apr. 25, 1975.
050280 Quitman, town (Cleburne County)	Apr. 9, 1976.
050460A Randolph County *	Aug. 9, 1977.
050281 Ravenden Spgs, town (Randolph County).	July 23, 1976.
050470 Ravenden, town of (Lawrence County).	Apr. 2, 1976.
050478 Reader, town of (Ouachita County).	June 3, 1977.
050040A Rison, city of (Cleveland County).	Mar. 8, 1974, Oct. 10, 1975.
050475 Rosston, town of (Nevada County).	Feb. 18, 1977.
050286 Scranton, town (Logan County)	Apr. 18, 1975.
050462A Sebastian County *	May 31, 1977.
050463A Sevier County *	Dec. 13, 1977.
050464A Sharp County *	June 21, 1977.
050287 Shirley, town (Van Buren County)	Aug. 13, 1976.
050290 Sulphur Rock, town (Independence County).	Apr. 25, 1975.
050292 Thornton, town (Calhoun County)	July 25, 1975.
050205A Union County	Dec. 13, 1977.
050021A Valley Springs, town (Boone County).	July 18, 1978.
050296 Viola, town (Fulton County)	Apr. 9, 1976.
050212B Washington County	May 10, 1977, Sept. 26, 1978.
050374 Wheatley, town (St. Francis County).	Sept. 19, 1975.
050467A White County *	June 7, 1977.
050298 Wickes, town (Polk County)	June 27, 1975.
050571A Wilsville, town of (Nevada County).	Mar. 13, 1979.
050299 Wilton, town (Little River County)	Apr. 11, 1975.
050077A Winchester, town of (Drew County).	Aug. 30, 1974, Oct. 10, 1975.
050469A Yell County *	Nov. 15, 1977.
Total in the State — 123	

*Unincorporated areas only.

California

Community No. and name	Hazard area identified
060003 Albany, city (Alameda County)	Nov. 19, 1976.
060015A Amador County	June 7, 1977.
060017 Butte County*	Sept. 6, 1974, Dec. 27, 1977.
060633A Calaveras County*	Nov. 29, 1977.
060040 El Dorado County*	Aug. 2, 1974.
060445A Ferndale, city (Humboldt County).	Dec. 20, 1974, Mar. 26, 1976.
060063A Fortuna, city of (Humboldt County).	July 19, 1977.
060092A Lassen County	Feb. 28, 1978.
060361 Loyalton, city (Sierra County)	June 4, 1976.
060634A Mariposa County*	Nov. 29, 1977.
060451 Montague, town (Siskiyou County).	Mar. 26, 1976.
060228A Orange, city (Orange County)	Mar. 26, 1976.
060239B Placer County	July 12, 1977, Apr. 3, 1979.
060455 Plymouth, city (Amador County)	Nov. 19, 1976.
060267A San Benito County	Aug. 2, 1977.
060435 Sand City, city (Monterey County)	Dec. 3, 1976.
060056A Selma, city of (Fresno County)	May 24, 1974.
060436 Trinidad, town (Humboldt County)	May 14, 1976.
060401A Trinity County*	Dec. 13, 1977.
060411A Tuolumne County*	Apr. 18, 1978.
Total in the State — 20	

*Unincorporated areas only.

Colorado

Community No. and name	Hazard area identified
080229 Aguilar, town of (Las Animas County).	July 11, 1975.
080148B Boone, town of (Pueblo County)	Sept. 6, 1974, Jan. 9, 1976. Sept. 19, 1978.
080210 Coal Creek, town (Fremont County).	Aug. 15, 1975.
080040A Custer County	Jan. 24, 1978.
080122A Dinosaur, town of (Moffat County).	Aug. 30, 1974.
080056B Elizabeth, town of (Elbert County).	Sept. 6, 1974, Feb. 6, 1976. Dec. 12, 1978.
080212 Empire, town of (Clear Creek County).	May 2, 1975.
080181B Erie, town of (Boulder and Weld Counties).	June 28, 1974, Nov. 28, 1975.
080073A Fraser, town of (Grand County)	Sept. 6, 1974.
080131A Ft. Morgan, city (Morgan County).	Oct. 29, 1976, Feb. 6, 1979.
080075A Gilpin County	June 10, 1977.
080215 Grand Valley, town (Garfield County).	Aug. 13, 1976.
080184B Greeley, city of (Weld County)	Mar. 3, 1974, Feb. 28, 1975.
080074A Hot Sulphur Springs, town of (Grand County).	Nov. 22, 1974.
080207A Iliff, town of (Logan County)	Dec. 27, 1974, Sept. 12, 1978.
080057A Kiowa, town of (Elbert County)	Sept. 6, 1974, Feb. 27, 1976.
080033 Kit Carson, town of (Cheyenne County).	Dec. 13, 1974.
080262 Lake County*	Oct. 18, 1977.
080105 Las Animas County*	Sept. 1, 1977.
080103B Loveland, city of (Larimer County).	Mar. 1, 1974, Dec. 17, 1976.
080129 Morgan County*	Feb. 21, 1978.
080256 New Castle, town (Garfield County).	July 25, 1975.
080127A Nucla, town of (Montrose County).	May 24, 1974, Mar. 26, 1976.
080258A Orchard City, city (Delta County)	May 27, 1977.
080170A Ovid, town of (Sedgwick County).	Nov. 15, 1974, Nov. 21, 1978.
080196 Palisade, town (Mesa County)	Aug. 13, 1976.
080293A Pitkin, town of (Gunnison County).	June 20, 1978.
080260 Redcliff, town (Eagle County)	Sept. 19, 1975.
080150A Rye, town (Pueblo County)	July 18, 1975, Sept. 26, 1978.
080164 Sagauche, town (Sagauche County).	May 28, 1976.
080223 Silt, town (Garfield County)	July 25, 1975.
080200A Silver Plume, town of (Clear Creek County).	Dec. 13, 1974.
080106A Starkville, town of (Las Animas County).	Sept. 6, 1974, Jan. 23, 1976.
080264 Windsor, town (Weld County)	Mar. 26, 1976.
Total in the State — 34	

Connecticut

Community No. and name	Hazard area identified
090156 Salem, town of (New London County).	Feb. 21, 1975.
Total in the State — 1	

Florida

Community No. and name	Hazard area identified
120580 Alford, town of (Jackson County)	Feb. 9, 1979.
120419 Baker County	Jan. 27, 1978.
120582 Bronson, town* of (Levy County)	Oct. 13, 1978.
120016A Brooker, town of (Bradford County).	Aug. 30, 1974.
120125A Cambellton, city of (Jackson County).	Sept. 6, 1974, and Jan. 30, 1976.
120583 Cottondale, town of (Jackson County).	Nov. 24, 1978.

Florida—Continued

Community No. and name	Hazard area identified
120319A Freeport, city (Walton County)	Oct. 29, 1976.
120573 Hilliard, town of (Nassau County)	Dec. 23, 1977.
120586 Inglis, town of (Levy County)	Dec. 29, 1978.
120390 Lake Wales, city of (Polk County)	Oct. 17, 1975.
120590 MacLenny, city of (Baker County)	Nov. 24, 1978.
120570 Marineland, town of (Flagler County)	July 8, 1977.
120575A McIntosh, town of (Marion County)	May 27, 1977.
120344 Micanopy, town of (Alachua County)	Apr. 16, 1976.
120365 Monticello, city of (Jefferson County)	July 23, 1976.
120571A Painters Hill, town of (Flagler County)	Aug. 5, 1977.
120593A Raiford, town of (Union County)	Sept. 29, 1978.
120413 Weekewachee, city of (Hernando County)	July 23, 1976.
120381A Windermere, town of (Orange County)	Apr. 22, 1977.
120594A Worthington Springs, town of (Union County)	Oct. 13, 1978.
Total in the State 20	

*Unincorporated areas only.

Georgia

Community No. and name	Hazard area identified
130195 Abbeville, Municipality of (Wilcox County)	Feb. 17, 1978.
130360 Ailey, Town (Montgomery County)	Apr. 4, 1975.
130394A Andersonville, Village (Sumter County)	Apr. 29, 1977.
130001 Appling County	Mar. 12, 1976.
130390 Avalon, town (Stephens County)	Apr. 16, 1976, Apr. 16, 1976.
130270A Baker County*	Mar. 28, 1975, December 26, 1975.
130115 Bartow, city (Jefferson County)	Aug. 22, 1975.
130309A Bellville, city (Evans County)	July 18, 1975.
130179 Blairsville, town (Union County)	June 11, 1976.
130362 Bostwick, town (Morgan County)	Apr. 4, 1975.
130343 Braselton, city of (Jackson County)	Apr. 18, 1975.
130268 Brinson, town (Colquitt County)	July 18, 1975.
130281 Brooks County	Feb. 3, 1978.
130364 Buckhead, town (Morgan County)	July 11, 1975.
130323 Buford, city (Gwinnett and Hall Counties).	Apr. 4, 1975.
130476A Carlton, city of	Oct. 13, 1978.
130464 Carroll County*	Aug. 11, 1978.
130257 Centralhatchee, town of (Heard County).	July 8, 1977.
130292 Charlton County	May 14, 1976.
130036 Chattooga County	Mar. 26, 1976.
130418 Cleveland, city (White County)	Apr. 11, 1975.
130465 Coffee County*	Apr. 21, 1978.
130058 Colquitt County	May 19, 1978.
130135A Colquitt, city (Miller County)	July 23, 1976, Sept. 24, 1976.
130169 Coolidge, city (Thomas County)	Apr. 2, 1976.
130341 Corinth, town (Heard and Coweta Counties).	July 8, 1977.
130479 Danielsville, city of (Madison County).	Sept. 15, 1978.
130304 Dawson County	June 18, 1976.
130330 Demorest, town (Habersham County).	Apr. 4, 1975.
130446A Dillard, town of (Rabun County)	June 4, 1976.
130365 Eton, town (Murray County)	Nov. 25, 1977.
130359 Forsyth, city (Monroe County)	Apr. 11, 1975.
130428 Fort Oglethorpe, city of (Macon County).	Apr. 4, 1975.
130313 Franklin Springs, city (Franklin County).	Apr. 4, 1975.
130379 Georgetown, town (Quitman County).	Feb. 10, 1978.
130023A Girard, town of (Burke County)	Sept. 6, 1974, Jan. 23, 1976.
130419 Glenwood, city (Wheeler County)	Apr. 4, 1975.
130096A Grady County	June 17, 1977.
130325 Grayson, town (Gwinnett County)	July 11, 1975.
130456 Guyton, town of (Effingham County).	July 1, 1977.
130311A Hagan, city (Evans County)	Apr. 18, 1975, Jan. 23, 1976.

Georgia—Continued

Community No. and name	Hazard area identified
130466 Hall County*	June 23, 1978.
130338 Harris County	Apr. 16, 1976, Apr. 16, 1976.
130105 Heard County	Apr. 9, 1976.
130192A Helen, city of (White County)	Sept. 6, 1974, Oct. 17, 1975.
130385 Hiltonia, town (Screven County)	Apr. 11, 1975.
130221A Hiram, city of (Paulding County)	Oct. 18, 1974, Jan. 23, 1976.
130447A Hiwassee, town of (Towns County).	June 11, 1976.
130291 Homeland, town (Charlton County).	Apr. 11, 1975.
130271 Homer, town (Banks County)	Apr. 18, 1975.
130481 Ila, city of (Madison County)	Sept. 15, 1978.
130345 Jackson County	Apr. 23, 1976.
130375 Jasper, city (Pickens County)	Apr. 11, 1975.
130412 Jersey, town (Walton County)	July 23, 1976.
130434 Jones County	May 27, 1977.
130277 Kingston, city (Bartow County)	Apr. 18, 1975.
130462 Laurens County*	Feb. 17, 1978.
130409 Linwood, town (Walker County)	Apr. 4, 1975.
130441 Louisville, city (Jefferson County)	Aug. 15, 1975.
130469 Lowndes County*	May 5, 1978.
130354 Lumpkin County*	Apr. 2, 1976.
130470 Madison County*	Mar. 17, 1978.
130224 Madison, city of (Morgan County)	Feb. 21, 1975.
130392B Martin, town (Stephens County)	Apr. 4, 1975, May 28, 1976, Mar. 11, 1977.
130342 McDonough, city (Henry County)	Apr. 11, 1975.
130357 McDuffie County*	Mar. 26, 1976.
130421 McIntyre, town (Wilkinson County).	Apr. 11, 1975.
130473 Meriwether County*	July 14, 1978.
130134A Miller County*	June 10, 1977.
130438 Mitchell County	July 16, 1976.
130376 Molena, city (Pike County)	Apr. 11, 1975.
130138A Monroe County	Apr. 1, 1977.
130139 Montgomery County	Mar. 19, 1976.
130482 Montrose, town of (Laurens County).	Sept. 15, 1978.
130286 Mount Zion, town (Carroll County)	July 1, 1977.
130252A Mountain City, town (Rabun County).	Jan. 17, 1975, Oct. 22, 1976.
103315A Mountain Park, city (Fulton and Cherokee Counties).	Jan. 13, 1979
130366 Murray County	May 14, 1976.
130353 Naylor, town (Lowndes County)	Apr. 25, 1975.
130161A Newington, town of (Screven County).	Sept. 6, 1974.
130483 Nicholls, city of (Coffee County)	Sept. 29, 1978.
130368 North High Shoals, town (Oconee County).	Aug. 19, 1977.
130269 Oak Park, town (Emanuel County)	July 18, 1975.
130189A Odum, city (Wayne County)	Jan. 3, 1975, Dec. 19, 1975.
130370 Oglethorpe County	May 28, 1976.
130367 Oxford, town (Newton County)	Apr. 11, 1975.
130457 Patterson, town of (Pierce County).	June 10, 1977.
130149A Pickens County	Dec. 31, 1976.
130151 Pierce County*	Aug. 13, 1976.
130378 Pulaski County	June 17, 1977.
130284 Pulaski, town (Chandler County)	Apr. 4, 1975.
130327 Rest Haven, town (Gwinnett County).	Feb. 3, 1978.
130267 Riverside, town (Colquitt County)	July 18, 1975.
130162A Rocky Ford, town of (Screven County).	Sept. 6, 1974.
130274 Russell, municipality of (Barrow County).	July 21, 1978.
130363 Rutledge, town (Morgan County)	Aug. 8, 1975.
130439 Sale City, town (Mitchell County)	Apr. 4, 1975.
130168A Scotland, city of (Telfair and Wheeler Counties).	Aug. 30, 1974.
130301 Senoia, city (Coweta County)	Apr. 4, 1975.
130382 Shellman, city (Randolph County)	June 11, 1976.
130339 Shiloh, city (Harris County)	Apr. 4, 1975.
130349 Smithville, city (Lee and Sumter Counties).	May 27, 1977.
130388A Spalding County*	Mar. 25, 1977.
130393 Stewart County	May 14, 1976.
130308 Stillmore, town (Emanuel County)	Apr. 11, 1975.
130260A Stone Mountain, city of (Dekalb County).	May 12, 1974.
130486 Summer, city of (Worth County)	Sept. 22, 1978.
130389 Sunny Side, village (Spalding County).	Apr. 11, 1975.
130328 Suwanee, City (Gwinnett County)	Apr. 4, 1975.
130150A Talking Rock, town (Pickens County).	June 17, 1977.

Georgia—Continued

Community No. and name	Hazard area identified
130380 Tallulah Falls, city of (Habersham and Rabin Counties).	Apr. 25, 1975.
130471A Tattnell County*	Aug. 18, 1978.
130487 Taylorsville, city of (Bartow and Polk Counties).	Sept. 29, 1978.
130288 Temple, town (Carroll County)	Apr. 11, 1975.
130400 Terrell County*	July 18, 1978.
130460 Thunderbolt, municipality of (Chatham County).	May 26, 1978.
130381 Tiger, town (Rabun County)	July 11, 1975.
130173 Toombs County	Mar. 19, 1976.
130422 Toomsboro, town (Wilkinson County).	Apr. 4, 1975.
130489 Tunnell Hill, city of (Whitfield County).	Oct. 6, 1978.
130361 Uvalda, town (Montgomery County).	Apr. 25, 1975.
130413 Walnut Grove, town (Walton County).	Aug. 13, 1976.
130190 Wheeler County	Apr. 30, 1976.
130191 White County	June 11, 1976.
130297 Winterville, city (Clarke County)	Apr. 11, 1975.
130196 Worth County	June 2, 1976.
Total in the State 126	

*Unincorporated areas only.

Idaho

Community No. and name	Hazard area identified
160042 Albion, town (Cassia County)	Jan. 10, 1975.
160207A Boundary County*	Aug. 2, 1977.
160015A Chatcolet, city of (Benewah County).	Sept. 13, 1974, Feb. 27, 1976.
160005A Council, city of (Adams County)	May 3, 1974, Dec. 12, 1975.
160163 Craigmont, city (Lewis County)	June 25, 1976.
160165A Downey, city (Bannock County)	Jan. 9, 1976.
160212A Elmore County	July 4, 1978.
160137 Franklin, city (Franklin County)	Sept. 5, 1975.
160061A Fremont County	Dec. 6, 1977.
160241A Grand View, city of (Owyhee County).	Apr. 3, 1978.
160141 Hauser, city of (Kootenai County)	Oct. 8, 1976.
160228A Jerome County*	Oct. 25, 1977.
160224A Leadore, city (Lemhi County)	June 3, 1977.
160197A Malta, town of (Cassia County)	Dec. 13, 1974, Aug. 22, 1978.
160179 Menan City (Jefferson County)	Apr. 30, 1976.
160045B Oakley, town of (Cassia County)	Oct. 18, 1974, Nov. 19, 1976, Oct. 31, 1978.
160149 Plummer City (Benewah County)	Oct. 29, 1976.
160150 Ponderay, city (Bonner County)	Aug. 13, 1976.
160186 Preston City (Franklin County)	Aug. 29, 1975.
160153 St. Charles, city (Bear Lake County).	Mar. 19, 1976.
160230 Teton County*	Sept. 13, 1977.
160231A Twin Falls County*	Jan. 31, 1978.
Total in the State 22	

*Unincorporated areas only.

Illinois

Community No. and name	Hazard area identified
170835 Adeline, village (Ogle County)	July 11, 1975.
170941A Afona, village of (Knox County)	Sept. 29, 1978.
170844 Alvin, village of (Vermilion County).	Feb. 21, 1975.
170489 Anchor, village of (McLean County).	Dec. 6, 1974.
170657A Anna, city of (Union County)	Mar. 29, 1974, Apr. 30, 1976.
170942A Argenta, village of (Macon County).	Jan. 12, 1979.
170944 Auburn, city of (Sangamon County).	Mar. 2, 1979.
170923A Auiston, village of (Clinton County).	May 20, 1977.
170742A Avon, village of (Fulton County)	Oct. 18, 1974, Apr. 16, 1976.

Illinois—Continued

Community No. and name	Hazard area identified
170321A Batavia, city of (Kane County)	Sept. 10, 1976.
170845 Belgium, village of (Vermilion County).	Mar. 28, 1975.
170945A Biggsville, village of (Henderson County).	Sept. 29, 1978.
170946A Blue Mound, village of (Macon County).	Nov. 3, 1978.
170608A Bluffs, village of (Scott County)	June 7, 1974, Jan. 30, 1976.
170920 Bluford, village of (Jefferson County).	July 22, 1977.
170996 Bond County*	Feb. 16, 1979.
170848 Braidwood, city (Will County)	Apr. 11, 1975.
170468A Brookport, city of (Massac County).	June 7, 1974.
170989 Brown County*	Feb. 9, 1979.
170226 Browns, village of (Edwards County).	Nov. 15, 1974.
170747A Brussels, village of (Calhoun County).	Nov. 22, 1974, July 21, 1978.
170746 Bryant, village of (Fulton County)	Dec. 6, 1974.
170850 Bureau Junction, village of (Bureau County).	Mar. 28, 1975.
170471B Bushnell, city of (McDonough County).	June 7, 1974, April 2, 1976, Aug. 20, 1976.
170785A Camargo, village of (Douglas County).	Apr. 5, 1974.
170491A Carlock, village (McLean County).	Dec. 3, 1976.
170250A Carrollton, city of (Greene County).	June 7, 1974, Mar. 5, 1976.
170842 Cedarville, village (Stephenson County).	Apr. 11, 1975.
170926 Christain County*	Apr. 7, 1978.
170939 Crawford County*	Jan. 5, 1979.
170646B Creve Coeur, village of (Tazewell County).	Mar. 1, 1974, Apr. 30, 1976.
170987 Cumberland County*	Mar. 23, 1979.
170751A De Soto, village of (Jackson County).	Apr. 5, 1974, Apr. 2, 1976.
170647 Deer Creek, village of (Tazewell County).	June 28, 1974.
170948A Deer Grove, village of (Whiteside County).	Oct. 6, 1978.
170949A Divernon, village of (Sangamon County).	Sept. 8, 1978.
170658A Dongola, village of (Union County).	Mar. 8, 1974, July 2, 1976.
170950A Earlville, city of (LaSalle County)	Oct. 13, 1978.
170873 East Brooklyn, village of (Grundy County).	Mar. 21, 1975.
170985 Edgar County*	Mar. 2, 1979.
170937 Edwards County*	Oct. 27, 1978.
170441A Edwardsville, city of (Madison County).	Apr. 5, 1974, July 2, 1976.
170227 Effingham County*	Dec. 23, 1977.
170251A Eldred, village of (Greene County).	Dec. 17, 1973, Jan. 16, 1976.
170849 Elwood, village of (Will County)	Feb. 21, 1975.
170818 Farmer City, city of (De Witt County).	Mar. 21, 1975.
170952A Farmington, city of (Fulton County).	Oct. 20, 1978.
170232 Fayette County	Jan. 6, 1978.
170664 Fithian, village of (Vermilion County).	Aug. 1, 1975.
170991 Ford County*	Feb. 23, 1979.
170827 Forest City, village of (Mason County).	Mar. 28, 1975.
170899B Franklin County	Jan. 13, 1978, Aug. 17, 1979.
170953 Freemanspur, village of (Franklin and Williamson Counties).	Oct. 20, 1978.
170241 Fulton County	July 21, 1978, June 1, 1979.
170283A Galva, city of (Henry County)	June 14, 1974.
170049A Germantown, village of (Clinton County).	Mar. 29, 1974, July 30, 1976.
170234A Gibson City, city of (Ford County).	Mar. 29, 1974, Jan. 30, 1976.
170885 Golden Gate, village (Wayne County).	June 27, 1975.
170954 Gurham, village of (Jackson County).	Jan. 26, 1979.
170561 Hamletsburg, village of (Pope County).	July 30, 1976.
170267A Hancock County	Jan. 24, 1975, Feb. 20, 1976.
170465A Havana, city of (Mason County).	Apr. 5, 1974, Jan. 30, 1976.

Illinois—Continued

Community No. and name	Hazard area identified
170366A Hawthorn Woods, village (Lake County).	July 30, 1976, Dec.3, 1976.
170570 Hennepin, village (Putnam County).	Nov. 19, 1976.
170497A Heyworth, village of (McLean County).	June 14, 1974.
170956A Hill Crest, village of (Ogle County).	Sept. 15, 1978.
170253A Hillview, village of (Greene County).	Dec. 6, 1974, July 30, 1976.
170184A Hinckley, village of (Dekalb County).	Mar. 1, 1974, June 4, 1976.
170957 Indianola, village of (Vermilion County).	Jan. 5, 1979.
170927 Jackson County*	July 14, 1978, June 8, 1979.
170305A Jefferson County	Mar. 4, 1977.
170315B Jerseyville, city of (Jersey County).	June 7, 1974, June 4, 1976.
170757A Joppa, village of (Massac County).	Nov. 23, 1973, Apr. 23, 1976.
170826 Junction City, village of (Marion County).	Mar. 21, 1975.
170837 Kinderhook, village of (Pike County).	Mar. 21, 1975.
170760 La Prairie, town of (Adams County).	Apr. 25, 1975.
170457A Lacon, city of (Marshall County).	Nov. 30, 1973, Feb. 20, 1976.
170373A Lake Bluff (Lake County)	Feb. 1, 1974, Feb. 6, 1976.
170458 La Rose, village of (Marshall County).	Oct. 25, 1974.
170400 La Salle County	May 26, 1978.
170409 Lawrence County	Nov. 24, 1978.
170342 Lisbon, village of (Kendall County).	Nov. 1, 1974.
170929 Livingston County)	Mar. 31, 1978.
170794A Livingston, village of (Madison County).	Mar. 22, 1974, June 11, 1976.
170959 Mackinaw, village of (Tazewell County).	Nov. 10, 1978.
170930 Macoupin County*	Jan. 6, 1978.
170765 Maeystown, village (Monroe County).	Apr. 2, 1976.
170301A Makanda, village of (Jackson County).	Aug. 23, 1974, Dec. 26, 1975, Mar. 23, 1979.
170187A Malta, village of (De Kalb County).	June 7, 1974.
170549 Mansfield, village (Piatt County)	Jan. 3, 1975, June 9, 1978.
170836 Mapleton, village of (Peoria County).	Mar. 28, 1975.
170764 Marietta, village of (Marietta County).	Jan. 31, 1975.
170932 Marion County*	Mar. 24, 1978.
170650B Marquette Heights, city of (Tazewell County).	Mar. 8, 1974, Mar. 26, 1976, Sept. 28, 1979.
170994 Marshall County*	Mar. 2, 1979.
170041A Martinsville, city of (Clark County).	Nov. 23, 1973, Mar. 26, 1976.
170684 Maunie, village of (White County)	Jan. 9, 1974.
170960A Mechanicsburg, village of (Sangamon County).	Jan. 26, 1979.
170961 Menominee, village of (Jo Daviess County).	Jan. 12, 1979.
170685A Mill Shoals, village of (White County).	July 19,1974, July 2, 1976.
170963 Muncie, village of (Vermilion County).	Feb. 23, 1979.
170767 Nauvoo, city (Hancock County)	Oct. 10, 1975.
170853 New Bedford, village (Bureau County).	June 27, 1975.
170555A New Canton, town of (Pike County).	Aug. 16, 1974.
170769 Newman, village of (Douglas County).	Nov. 29, 1974.
170832 Oakford, village of (Menard County).	Mar. 21, 1975.
170831 Oakwood Hills, village (McHenry County).	Apr. 18, 1975.
170352A Oneida, city of (Knox County)	June 7, 1974.
170641A Orangeville, village of (Stephenson County).	Aug. 16, 1974, Mar. 26, 1976.
170964A Palmer, village of (Christian County).	Oct. 13, 1978.
170538 Perry County*	Dec. 13, 1974, May 26, 1978.
170272A Pontoosuc, village of (Hancock County).	Jan. 16, 1974, May 26, 1976.

Illinois—Continued

Community No. and name	Hazard area identified
170993 Putnam County*	Feb. 23, 1979.
170683 Reynolds, village (Rock Island County).	Apr. 18, 1975.
170150B Riverdale, village of (Cook County).	June 21, 1974, June 4, 1976.
170603A Riverton, village of (Sangamon County).	Nov. 16, 1973, Mar. 5, 1976.
170965A Rossville, village of (Vermilion County).	Sept. 8, 1978.
170600A Russellville, village of (Lawrence County).	Nov. 12, 1976.
170933 Shelby County*)	Feb. 24, 1978.
170669 Sherman, village of	Jan. 12, 1979.
170458A Sparland, village of (Marshall County).	Nov. 23, 1973, Mar. 5, 1976.
170613 Stark County	Apr. 2, 1976.
170580 Steeleville, village (Randolph County).	July 30, 1976.
170775 St. David, village of (Fulton County).	Dec. 6, 1974.
170801A St. Francisville, village of (Lawrence County).	Mar. 29, 1974.
170005A Tamms, village of (Alexander County).	May 10, 1974, June 11, 1976.
170778A Thomson, village (Carroll County).	Oct. 17, 1975, Mar. 23, 1979.
170670A Tilton, village of (Vermilion County).	Jan. 14, 1977.
170828 Topeka, town of (Mason County)	Mar. 21, 1975.
170972A Troy Grove, village of (La Salle County).	Jan. 25, 1979.
170973A Vergennes, village of (Jackson County).	Feb. 16, 1979.
170935 Vermilion County	Apr. 21, 1978.
170936 Wabash County*	Nov. 3, 1978.
170455A Wamac, city of (Washington, Marion & Clinton Counties).	June 28, 1974.
170974A Watson, village of (Effingham County).	Feb. 2, 1979.
170665 Wayne, village (Du Page County)	Aug. 15, 1975.
170906 White County*	Dec. 1, 1978.
170355A Williamsfield, village of (Knox County).	Dec. 3, 1976.
170934A Williamson County*	Mar. 31, 1978, Aug. 17, 1979.
170615 Wyoming, city (Stark County)	Mar. 10, 1978.
170240A Zeigler, city (Franklin County)	Feb. 25, 1977.
Total in the State 141	

* *Unincorporated areas only.

Indiana

Community No. and name	Hazard area identified
180031A Alton, town of (Crawford County).	Jan. 23, 1974, July 2, 1976.
180303 Amboy, town of (Miami County)	Nov. 29, 1974.
180097B Andrews, town of (Huntington County).	June 7, 1974.
180273A Boonville, city of (Warrick County).	Dec. 28, 1973, May 28, 1976.
180067B Brownsburg, town of (Hendricks County).	Nov. 23, 1973, June 18, 1976.
180258A Cayuga, town of (Vermillion County).	May 31, 1974, May 21, 1976.
180408 Clay County*	Nov. 25, 1977.
180433 Daviess County*	May 5, 1978.
180054 Dubois County*	Dec. 13, 1974, June 10, 1977.
180106 Dupont, town of (Jefferson County).	Nov. 29, 1974.
180052B Eaton, town of (Delaware County).	Nov. 23, 1973, Apr. 9, 1976.
180282C Fountain City, city of (Wayne County).	May 10, 1974, Apr. 16, 1976, Apr. 15, 1977, Mar. 23, 1979.
180064 Fountain County	Nov. 4, 1977.
180366 Francisco, town of (Gibson County).	Mar. 21, 1975.
180434 Gibson County*	Apr. 28, 1978.
180435 Grant County*	May 19, 1978.
180436 Greene County*	July 21, 1978.
180060 Hamilton County*	Dec. 13, 1974, Dec. 23, 1977.
180327A Hazleton, town of (Gibson County).	Nov. 23, 1973, Sept. 24, 1976.

Indiana—Continued

Community No. and name	Hazard area identified
180437 Henry County*	Jan. 27, 1978.
180225A Indian Village, town of (St. Joseph County).	Oct. 16, 1974.
180439 Jasper County*	May 12, 1978.
180440 Jay County*	Jan. 6, 1978.
180108 Jennings County*	Dec. 13, 1974, Aug. 19, 1977.
180193A Judson, town of (Parke County).	Dec. 17, 1973, June 11, 1976.
180090B Knightstown, town of (Henry County).	Nov. 30, 1973, Dec. 26, 1975, Nov. 19, 1976.
180172A Ladoga, town of (Montgomery County).	May 24, 1974, Dec. 26, 1975.
180125 Lagrange County	July 1, 1977.
180441 Lawrence County*	Sept. 29, 1978.
180035A Leavenworth, town of (Crawford County).	Nov. 30, 1973.
180398 Little York, town of (Washington County).	Mar. 21, 1975.
180442 Madison County*	June 23, 1978.
180458A Markleville, town of (Madison County).	Jan. 5, 1979.
180413 Merom, town (Sullivan County)	June 10, 1977.
180382 Milford, town of (Kosciusko County).	Mar. 21, 1975.
180445 Montgomery County*	Oct. 13, 1978.
180176 Morgan County*	Dec. 20, 1974, Jan. 20, 1978.
180463 New Pekin, town of (Washington County).	Mar. 9, 1979.
180337A Newberry, town of (Greene County).	Feb. 1, 1974.
180262A Newport, town of (Vermillion County).	May 31, 1974, May 21, 1976.
180250A Orland, town of (Steuben County).	May 31, 1974, Apr. 9, 1976.
180189A Paoli, town of (Orange County)	Nov. 23, 1973, Oct. 31, 1975.
180192 Parke County*	Dec. 20, 1974, Apr. 14, 1978.
180340A Patoka, town (Gibson County)	Nov. 23, 1973, July 23, 1976.
180388 Pines, town of (Porter County)	Mar. 21, 1975.
180213 Putnam County	Jan. 3, 1975, Feb. 24, 1978.
180096A Roanoke, town of (Huntington County).	Dec. 28, 1973, July 23, 1976.
180345A Salamonia, town of (Jay County)	Oct. 22, 1976.
180346A Spring Lake Park, town of (Hancock County).	Feb. 1, 1974.
180240 Starke County	Sept. 2, 1977.
180410 Sullivan County	Mar. 23, 1979.
180349A Sulphur Springs, town of (Henry County).	Feb. 1, 1074, Apr. 9, 1976.
180350A Tennyson, town of (Warrick County).	Feb. 1, 1974, June 18, 1976.
180475 Tipton County*	Mar. 16, 1979.
180411 Union County	Mar. 4, 1977.
180449 Vermillion County*	Nov. 24, 1978.
180448 Warren County*	Nov. 10, 1978.
180446 Washington County*	Apr. 21, 1978.
180175A Waynetown, town of (Montgomery County).	May 31, 1974, Apr. 9, 1976.
180471A Woodlawn, town of (Madison County).	Jan. 26, 1979.
Total in the State 60	

*Unincorporated areas only.

Iowa

Community No. and name	Hazard area identified
190386 Ackley, city of (Franklin and Hardin Counties).	July 16, 1976, Apr. 17, 1979.
190538 Afton, city of (Union County)	Sept. 26, 1975.
190525 Ainsworth, city of (Washington County).	Sept. 19, 1975.
190542 Albion, city of (Marshall County)	Apr. 23, 1976.
190138A Alden, city of (Hardin County)	June 21, 1974, Dec. 26, 1975.
190387 Alexander, city of (Franklin County).	Mar. 26, 1976.
190005A Allamakee County	June 3, 1977.
190544 Allison, city (Butler County)	July 16, 1976.
190935 Aplington, city of (Butler County)	June 25, 1976.
190092A Arion, city of (Crawford County).	Sept. 6, 1974, May 14, 1976.

Iowa—Continued

Community No. and name	Hazard area identified
190217 Ashton, city of (Osceola County)	July 11, 1975.
190548 Atkins, city (Benton County)	Aug. 22, 1975.
190697 Auburn, city of (Sac County)	July 30, 1976.
190549 Aurelia, city of (Cherokee County)	Apr. 16, 1976, Apr. 16, 1976.
190699 Ayrshire, city of (Palo Alto County).	Aug. 13, 1976.
190700 Bagley, city of (Guthrie County)	Aug. 13, 1976.
190528 Barnum, city of (Webster County).	Nov. 5, 1976.
190551 Batavia, city (Jefferson County)	Sept. 26, 1975.
190423 Battle Creek, city of (Ida County)	Sept. 26, 1975.
190452 Beacon, city of (Mahaska County)	Sept. 19, 1975.
190322 Beaver, city of (Boone County)	Oct. 29, 1976.
190303A Belmond, city of (Wright County)	May 3, 1974, Aug. 22, 1975.
190845A Benton County*	May 24, 1977.
190438 Bertram, city of (Linn County)	July 2, 1976.
190320 Blairstown, city of (Benton County).	Sept. 19, 1975.
190517 Blockton, city of (Taylor County)	Sept. 26, 1975.
190554 Blue Grass, city of (Scott County)	Aug. 13, 1976.
190846A Boone County*	May 9, 1978.
190708 Boxholm, city of (Boone County)	Mar. 26, 1976.
190420 Bradgate, city of (Humboldt County).	June 25, 1976.
190328 Brandon, city of (Buchanan County).	Oct. 29, 1976.
190847A Bremer County*	May 10, 1977.
190314 Bridgewater, city of (Adair County).	June 18, 1976.
190709 Bristow, city of (Butler County)	July 2, 1976.
190476 Brunsville, city of (Plymouth County).	July 2, 1976.
190848A Buchanan County*	June 7, 1977.
190093 Buck Grove, city of (Crawford County).	Nov. 29, 1974.
190494A Buena Vista County*	Nov. 15, 1977.
190850A Butler County*	Sept. 6, 1977.
190001 Carbon, city of (Adams County)	June 25, 1976.
190462 Castana, city of (Monona County)	Aug. 29, 1975.
190050A Cedar County	June 7, 1977.
190433 Center Junction, city of (Jones County).	June 25, 1976.
190853 Cerro Gordo County*	June 7, 1977.
190509A Chatsworth, city of (Sioux County).	Aug. 13, 1976, Sept. 19, 1978.
190854A Cherokee County*	May 6, 1977.
190855A Chickasaw County*	May 24, 1977.
190269 Chillicothe, city of (Wapello County).	Nov. 8, 1974.
190395 Churdan, city of (Greene County)	Aug. 29, 1975.
190714 Clare, city of (Webster County)	Oct. 29, 1976.
190857A Clay County*	June 7, 1977.
190201 Clemons, city of (Marshall County).	Nov. 5, 1976.
190374 Clermont, city of (Fayette County)	Nov. 5, 1976.
190839 Colo, city of (Story County)	Mar. 26, 1976.
190720 Columbus City, town of (Louisa County).	Oct. 29, 1976.
190401 Conrad, city of (Grundy County)	Apr. 16, 1976, Apr. 16, 1976.
190518 Conway, city of (Taylor County)	July 2, 1976.
190407 Corwith, city of (Hancock County)	Oct. 22, 1976.
190388 Coulter, city of (Franklin County)	Aug. 13, 1976.
190722 Crawfordsville, city of (Washington County).	May 28, 1976.
190519 Cromwell, city of (Union County)	June 25, 1976.
190724 Crystal Lake, city of (Hancock County).	Nov. 19, 1976.
190345 Cumberland, city of (Cass County).	Oct. 29, 1976.
190421 Dakota City, city of (Humboldt County).	Nov. 8, 1974.
190860A Dallas County*	Oct. 25, 1977.
190109 Davis City, city of (Decatur County).	July 18, 1975.
190358 Dawson, city of (Dallas County)	Aug. 13, 1976.
190565 Dayton, city of (Webster County)	Nov. 5, 1976.
190568 De Witt, city (Clinton County)	Oct. 22, 1976.
190532 Decorah, city (Winneshiek County).	Dec. 10, 1976.
190566 Delhi, city (Delaware County)	Mar. 19, 1976.
190113A Des Moines County	May 17, 1977.
190360 Dexter, city of (Dallas County)	Nov. 5, 1976.
190501 Diagonal, city of (Ringgold County).	Aug. 29, 1975.
190864A Dickinson County*	May 10, 1977.
190505 Donahue, city of (Scott County)	Mar. 19, 1976.
190305A Dows, city of (Wright County)	June 21, 1974, Dec. 26, 1975.
190571 Earlville, city (Delaware County)	Mar. 19, 1976.

Iowa—Continued

Community No. and name	Hazard area identified
190572A Early, city (Sac County)	Oct. 29, 1976, May 24, 1977.
190574 Eldridge, city (Scott County)	Aug. 6, 1976.
190440 Ely, city of (Linn County)	July 30, 1976.
190730 Farnhamville, city of (Calhoun County).	Mar. 26, 1976.
190866A Fayette County*	Aug. 16, 1977.
190437 Fenton, city of (Kossuth County)	Sept. 19, 1975.
190457 Ferguson, city of (Marshall County).	Sept. 26, 1975.
190127A Floyd County	June 3, 1977.
190382 Floyd, city of (Floyd County)	Mar. 19, 1976.
190483 Fonda, city of (Pocahontas County).	July 30, 1976.
190324 Fraser, city of (Boone County)	July 30, 1976.
190027 Frederika, city of (Bremer County)	Nov. 22, 1974.
190308 Fredonia, city of (Louisa County)	Feb. 14, 1975.
190581 Garner, city of (Hancock County)	Oct. 29, 1976.
190321 Garrison, city of (Benton County)	Aug. 6, 1975.
190924A Gillett Grove, town of (Clay County).	Apr. 10, 1979.
190584A Goldfield, city of (Wright County)	June 25, 1976, Sept. 5, 1978.
190279A Gowrie, city of (Webster County).	June 28, 1974 Feb. 6, 1976.
190585 Grand Junction, city of (Greene County).	July 30, 1976.
190466 Grant, city of (Montgomery County).	Nov. 19, 1976.
190318A Gray, city of (Audubon County)	July 19, 1977.
190159B Green Island, city of (Jackson County).	Oct. 25, 1974, Apr. 23, 1976, Sept. 19, 1978.
190869 Green County*	June 14, 1977.
190228 Grimes, city of (Polk County)	Mar. 5, 1977.
190403 Grundy Center, city of (Grundy County).	July 2, 1976.
190497 Guerney, city of (Poweshick County).	Apr. 30, 1976.
190871A Guthrie County*	Aug. 23, 1977.
190873A Hancock County*	Sept. 6, 1977.
190236A Hancock, city of (Pottawattamie County).	Aug. 30, 1974, Dec. 26, 1975.
190833 Hanlontown, city of (Worth County).	June 4, 1976.
190316 Harpers Ferry, city of (Allamakee County).	Oct. 29, 1976.
190741 Harper, city of (Keokuk County)	Nov. 19, 1976.
190589 Hartford, city of (Warren County)	Mar. 19, 1976.
190455 Harvey, city of (Marion County)	Mar. 19, 1976.
190204 Hastings, city of (Mills County)	Sept. 19, 1975.
190484 Havelock, city of (Pocahontas County).	Mar. 19, 1976.
190330 Hazelton, city of (Buchanan County).	May 28, 1976.
190592 Hendrick, city of (Keokuk County)	Mar. 19, 1976.
190404 Holland, town of (Grundy County).	July 2, 1976.
190364 Hopkinton, city of (Delaware County).	Oct. 29, 1976.
190411 Hubbard, city of (Hardin County)	July 2, 1976.
190596 Humeston, city of (Wayne County).	Oct. 29, 1976.
190391 Imogene, city of (Fremont County).	Oct. 29, 197.
190878A Iowa County*	Aug. 16, 1977.
190533 Jackson Jct., city of (Winneshiek County).	June 25, 1976.
190744 Jamaica, city of (Guthrie County)	Aug. 13, 1976.
190023B Janesville, city of (Black Hawk and Brewer Counties).	Dec. 28, 1973, Jan. 16, 1976, Oct. 31, 1978.
190880A Jasper County*	June 3, 1977.
190599 Jesup, city of (Buchanan County).	Oct. 29, 1976.
190600 Jewell, city of (Hamilton County)	Aug. 13, 1976.
190746 Joice, city of (Worth County)	Aug. 13, 1976.
190408 Kanawha, city of (Hancock County).	Oct. 29, 1976.
190748 Kelley, city of (Story County)	Nov. 19, 1976.
190749 Kensett, city of (Worth County)	Nov. 5, 1976.
190883A Keokuk County*	Aug. 23, 1977.
190750 Keswick, city of (Keokuk County)	May 21, 1976.
190436 Kinross, city of (Keokuk County)	Aug. 13, 1976.
190884A Kossuth County*	June 21, 1977.
190425 Ladora, city of (Iowa County)	Sept. 19, 1975.
190604 Lake Mills, city of (Winnebago County).	May 21, 1976.
190753 Lakota, city of (Kossuth County)	Mar. 19, 1976.
190331 Lamont, city of (Buchanan County).	Sept. 12, 1975.
190006A Lansing, city of (Allamakee County).	Nov. 22, 1977.

Iowa—Continued

Community No. and name	Hazard area identified
190353 Larrabee, city of (Cherokee County).	July 2, 1976.
190389 Latimer, city of (Franklin County)	Mar. 26, 1976.
190485 Laurens, city of (Pocahontas County).	July 30, 1976.
190311 Letts, city of (Louisa County)	Dec. 27, 1974.
190032A Linn, city of (Buena Vista County).	Aug. 16, 1974, Mar. 5, 1976.
190608 Livermore, city of (Humboldt County).	Oct. 29, 1976.
190610 Lone Tree, city of (Johnson County).	Aug. 13, 1976.
190764 Long Grove, city of (Scott County).	May 14, 1976.
190766 Low Moor, city of (Clinton County).	Mar. 19, 1976.
190767 Luana, city of (Clayton County)	Apr. 9, 1976.
190768 Luverne, city of (Kossuth and Humboldt Counties).	Sept. 19, 1975.
190886A Lyon County*	May 31, 1977.
190772 Macedonia, city of (Pottawattamie County).	Dec. 10, 1976.
190887 Madison County*	Jan. 17, 1978.
190773 Magnolia, city of (Harrison County).	Oct. 29, 1976.
190888A Mahaska County*	June 7, 1977.
190498 Malcom, city of (Poweshiek County).	Sept. 19, 1975.
190834 Manly, city of (Worth County)	July 9, 1976.
190383 Marble Rock, city of (Floyd County).	July 30, 1976.
190614 Marcus, city of (Cherokee County).	Mar. 19, 1976.
190889 Marion County*	Oct. 18, 1977.
190348 Marne, city of (Cass County)	Oct. 29, 1976.
190890A Marshall County*	June 3, 1977.
190775 Martelle, city of (Jones County)	Aug. 13, 1976.
190524 Martensdale, city of (Warren County).	Apr. 16, 1976, Apr. 16, 1976.
190456 Marysville, city of (Marion County)	July 2, 1976.
190365A Masonville, city of (Delaware County).	Aug. 13, 1976, Oct. 31, 1978.
190349 Massena, city of (Cass County)	May 21, 1976.
190512 Maurice, city of (Sioux County)	Mar. 19, 1976.
190458 McIntire, city of (Mitchell County)	Sept. 26, 1975.
190465 Melrose, city of (Monroe County)	July 2, 1976.
190478 Merrill, city of (Plymouth County)	July 2, 1976.
190777 Meservey, city of (Cerro Gordo County).	Oct. 29, 1976.
190779 Miles, city of (Jackson County)	Nov. 19, 1976.
190368 Milford, city of (Dickinson County)	July 16, 1976.
190891 Mills County*	Oct. 18, 1977.
190522 Milton, city of (Van Buren County)	Mar. 19, 1976.
190780 Minburn, city of (Dallas County)	July 23, 1976.
190781 Minden, city of (Pottawattamie County).	Oct. 29, 1976.
190166 Mingo, city of (Jasper County)	Sept. 5, 1975.
190892A Mitchell County*	June 7, 1977.
190459 Mitchell, city of (Mitchell County)	Nov. 5, 1976.
190161 Monmouth, city of (Jackson County).	Jan. 17, 1975.
190620 Monona, city of (Clayton County)	Feb. 21, 1975.
190782 Montour, city of (Tama County)	Sept. 5, 1975.
190784 Moorland, city of (Webster County).	Oct. 29, 1976.
190624 Moulton, city of (Appanoose County).	July 16, 1976.
190523 Mt. Sterling, city of (Van Buren County).	Aug. 13, 1976.
190493 Neola, city of (Pottawattamie County).	Sept. 19, 1975.
190384 Nora Springs, city of (Floyd County).	Sept. 26, 1975.
190082A North Buenavista, city of (Clayton County).	Oct. 18, 1974, Mar. 19, 1976.
190629 North English, city of (Iowa and Keokuk Counties).	Mar. 19, 1976.
190631 Norwalk, city of (Warren County)	Aug. 6, 1976.
190632 Norway, city of (Benton County)	Sept. 26, 1975.
190460 Orchard, city of (Mitchell County)	July 2, 1976.
190369 Orleans, city of (Dickinson County).	Dec. 17, 1976.
190636 Osage, city of (Mitchell County)	Dec. 3, 1976.
190637 Osceola, city of (Clarke County)	Apr. 23, 1976.
190638 Oskaloosa, city of (Mahaska County).	July 23, 1976.
190639 Ossian, city of (Winneshiek County).	Nov. 19, 1976.
190640 Otho, city of (Webster County)	Aug. 6, 1976.
190294A Oto, city of (Woodbury County)	Sept. 13, 1974, Jan. 23, 1976.
190172A Oxford, city of (Johnson County)	May 10, 1974, Feb. 6, 1976.
190479 Oyens, city of (Plymouth County)	July 16, 1976.
190793 Palmer, city of (Pocahontas County).	Aug. 13, 1976.
190898A Palo Alto County*	May 17, 1977.
190506A Panorama Park, city of (Scott County).	Dec. 10, 1976.
190405 Panora, city of (Guthrie County)	Aug. 6, 1976.
190337 Parkersburg, city of (Butler County).	July 2, 1976.
190367 Paton, city of (Greene County)	Sept. 19, 1975.
190837A Pella, city of (Marion County)	June 3, 1977.
190357 Peterson, city of (Clay County)	Mar. 26, 1976.
190326 Pilot Mound, city of (Boone County).	Nov. 5, 1976.
190151 Pisgah, city of (Harrison County)	Dec. 6, 1974.
190489A Pleasant Hill, city of (Polk County).	Feb. 4, 1977.
190838 Pleasantville, city of (Marion County).	Mar. 26, 1976.
190899A Plymouth County*	Oct. 25, 1977.
190061A Plymouth, city of (Cerro Gordo County).	Nov. 8, 1974, May 21, 1976.
190486 Pocahontas, city of (Pocahontas County).	July 30, 1976.
190341 Pomeroy, city of (Calhoun County).	Dec. 17, 1976.
190641 Postville, city of (Allamakee County).	Nov. 5, 1976.
190232A Pottawattamie County	Dec. 6, 1977.
190004 Prescott, city of (Adams County)	Nov. 5, 1976.
190431 Preston, city of (Jackson County)	Sept. 19, 1975.
190643 Primghar, city of (O'Brien County)	Oct. 29, 1976.
190419 Protivin, city of (Howard County)	Sept. 12, 1975.
190644 Radcliffe, city of (Hardin County)	June 25, 1976.
190530 Rake, city of (Winnebago County)	June 25, 1976.
190382 Randolph, city of (Fremont County).	Mar. 19, 1976.
190167A Reasnor, city of (Jasper County)	Nov. 1, 1974.
190646A Reinbeck, city of (Grundy County).	Dec. 10, 1976, May 24, 1977.
190480 Remsen, city of (Plymouth County).	Mar. 19, 1976.
190418 Riceville, city of (Howard County)	Mar. 19, 1976.
190100 Ricketts, city of (Crawford County).	Nov. 22, 1974.
190342 Rinard, city of (Calhoun County)	Oct. 29, 1976.
190373 Ringsted, city of (Emmet County)	Mar. 19, 1976.
190648 Riverside, city of (Washington County).	Aug. 13, 1976.
190393 Riverton, city of (Fremont County)	Aug. 13, 1976.
190351A Rock Falls, city of (Cerro Gordo County).	Jan. 14, 1977.
190343 Rockwell City, city of (Calhoun County).	Mar. 26, 1976.
190352 Rockwell, city of (Cerro Gordo County).	Mar. 26, 1976.
190513A Roland, city of (Story County)	Mar. 25, 1977.
190414 Rome, city of (Henry County)	July 9, 1976.
190799 Royal, city of (Clay County)	Oct. 29, 1976.
190385 Rudd, city of (Floyd County)	Apr. 23, 1976.
190800 Runnells, city of (Polk County)	Sept. 19, 1975.
190650 Ruthven, city of (Palo Alto County).	Aug. 13, 1976.
190422 Rutland, city of (Humboldt County).	Nov. 5, 1976.
190801 Ryan, city of (Delaware County)	Mar. 26, 1976.
190531 Scarville, city of (Winnebago County).	July 2, 1976.
190652 Schaller, city of (Sac County)	Nov. 5, 1976.
190653 Schleswig, city of (Crawford County).	Dec. 10, 1976.
190654 Scranton, city of (Greene County)	Nov. 12, 1976.
190499 Searsboro, city of (Poweshiek County).	Oct. 29, 1976.
190521 Shannon City, city of (Ringgold and Union Counties).	Aug. 13, 1976.
190132A Sheffield, city of (Franklin County).	June 28, 1974, June 4, 1976.
190338 Shell Rock, city of (Butler County)	Dec. 17, 1976.
190319 Shellsburg, city of (Benton County).	Oct. 29, 1976.
190832 Shueyville, city of (Johnson County).	Nov. 19, 1976.
190906A Sioux County*	Oct. 25, 1977.
190659 Slater, city of (Story County)	Mar. 26, 1976.
190805 Soldier, city of (Woodbury County).	Aug. 13, 1976.
190432 Solon, city of (Johnson County)	Aug. 13, 1976.
190344 Somers, city of (Calhoun County)	Oct. 29, 1976.
190285 Spillville, city of (Winneshick County).	Oct. 29, 1976.
190444A Springville, city of (Linn County)	Apr. 1, 1977.
190461 Stacyville, city of (Mitchell County).	Mar. 26, 1976.
190807 Stanhope, city of (Hamilton)	Aug. 13, 1976.
190333 Stanley, city of (Buchanan County).	June 25, 1976.
190660 State Center, city of (Marshall County).	Aug. 13, 1976.
190141 Steamboat Rock, city of (Hardin County).	Jan. 3, 1975.
190808 Stockport, city of (Van Buren County).	Mar. 26, 1976.
190469 Stockton, city of (Muscatine County).	Nov. 19, 1976.
190662 Strawberry Point, town of (Clayton County).	Apr. 16, 1976, Apr. 16, 1976.
190663 Stuart, city of (Adair-Guthrie Counties).	Mar. 26, 1976.
190802 St. Charles, city of (Madison County).	Dec. 10, 1976.
190609 Swaledale, city of (Cerro Gordo County).	Aug. 13, 1976.
190664 Swea City, city of (Kossuth County).	Sept. 19, 1975.
190810 Swisher, city of (Johnson County)	Aug. 13, 1976.
190665 Tabor, city of (Fremont-Mills Counties).	July 2, 1976.
190666 Thompson, city of (Winnebago County).	Sept. 19, 1975.
190813 Thor, town of (Humboldt County)	Sept. 13, 1977.
190667 Toledo, city of (Tama County)	Sept. 12, 1975.
190616 Treynor, city of (Pottawattamie County).	Mar. 26, 1976.
190669 Tripoli, city of (Bremer County)	Mar. 26, 1976.
190671A University Park, town of (Mahaska County).	Mar. 19, 1976.
190672 Urbana, city of (Benton County)	Nov. 19, 1976.
190484 Ute, city of (Monona County)	Mar. 19, 1976.
190673 Van Horne, city of (Benton County).	Mar. 26, 1976.
190362 Van Meter, city of (Dallas County)	Sept. 26, 1975.
190674 Ventura, city of (Cerro Gordo County).	Nov. 5, 1976.
190468 Villisca, city of (Montgomery County).	Aug. 13, 1976.
190360 Wadena, city of (Fayette County)	Aug. 13, 1976.
190675 Walcott, city of (Muscatine-Scott Counties).	July 9, 1976.
190620 Walford, city of (Benton County)	Aug. 13, 1976.
190445 Walker, city of (Linn County)	Oct. 29, 1976.
190676 Walnut, city of (Pottawattamie County).	Sept. 19, 1975.
190911A Wapello County*	Oct. 25, 1977.
190912A Warren County*	Feb. 7, 1978.
190317 Waterville, city of (Allamakee County).	April 16, 1976, Apr. 16, 1976.
190381 Waucoma, city of (Fayette County).	July 30, 1976.
190678 Waukee, city of (Dallas County)	Mar. 26, 1976.
190276 Wellman, city of (Washington County).	Apr. 30, 1976.
190680 Wellsburg, city of (Grundy County).	Oct. 8, 1976.
190681 Wesley, city of (Kossuth County)	Aug. 13, 1976.
190624 West Okoboji, city of (Dickinson County).	Oct. 29, 1976.
190482 Westfield, city of (Plymouth County).	Aug. 13, 1976.
190823 Westgate, city of (Fayette County).	Oct. 29, 1976.
190060B Wheatland, city of (Clinton County).	June 28, 1974, Apr. 2, 1976, June 7, 1977.
190684A Whiting, city of (Monona County).	July 2, 1976, Sept. 5, 1978.
190686 Wilton, city of (Muscatine County)	Oct. 22, 1976.
190915A Winnebago County*	July 26, 1977.
190690 Winthrop, city of (Buchanan County).	July 16, 1976.
190350 Wiota, city of (Cass County)	June 25, 1976.
190410 Woden, city of (Hancock County)	Apr. 30, 1976.
190070 Woodburn, city of (Clarke County)	Dec. 20, 1974.
190827A Woolstock, city of (Wright County).	June 25, 1976, Aug. 29, 1978.
190474 Yorktown, city of (Page County)	Oct. 8, 1976.
190371 Zwingle, city of (Dubuque County)	Nov. 5, 1976.
Total in the State	320

*Unincorporated areas only.

Kansas

Community No. and name	Hazard area identified
200380 Alta Vista, City (Wabaunsee County).	Mar. 19, 1976.
200381 Alton, City (Osborne County)	Mar. 19, 1976.
200382 Altoona, City (Wilson County)	July 30, 1976.
200569A Anderson County*	Dec. 13, 1977.
200384 Arcadia, City (Crawford County)	Aug. 15, 1975.
200464 Arlington, City (Reno County)	Sept. 26, 1975.
200465 Arma, City (Crawford County)	Mar. 26, 1976.
200009A Atchison County	May 31, 1977.
200387A Axtell, City (Marshall County)	Mar. 26, 1976, Aug. 20, 1976.
200388 Barnes, City (Washington County)	Aug. 22, 1975.
200016A Barton County	Aug. 2, 1977.
200389 Beattie, City (Marshall County)	Aug. 29, 1975.
200467 Bennington, City (Ottawa County).	Mar. 26, 1976.
200469 Bird City, City (Cheyenne County).	July 30, 1976.
200391 Bison, City of (Rush County)	Aug. 29, 1975.
200470 Blue Rapids, City (Marshall County).	Mar. 26, 1976.
200022A Bourbon County	Oct. 25, 1977.
200392A Brewster, City of (Thomas County).	July 16, 1976, Dec. 24, 1976.
200393 Bronson, City of (Bourbon County).	July 18, 1975.
200026A Brown County	May 17, 1977.
200396 Burdett, City (Pawnee County)	Mar. 26, 1976.
200249A Burlingame, City of (Osage County).	Dec. 24, 1976.
200397 Burns, City (Marion County)	Mar. 26, 1976.
200474 Caldwell, City (Sumner County)	Sept. 19, 1975.
200475 Canton, City (McPherson County).	Apr. 23, 1976.
200478 Cheney, City (Sedgwick County)	Mar. 26, 1976.
200044A Cherokee County	May 10, 1977.
200479 Cherokee, City (Crawford County)	Mar. 26, 1976.
200058A Cloud County	Aug. 23, 1977.
200062A Coffey County	Aug. 23, 1977.
200004 Colony, City of (Anderson County).	Dec. 20, 1974.
200486 Cottonwood Falls, City (Chase County).	Mar. 26, 1976.
200399 Courtland, City of (Republic County).	May 21, 1976.
200403 Dearing, City (Montgomery County).	July 25, 1975.
200405 Dorrance, City (Russell County)	Aug. 13, 1976.
200489 Douglas, City (Butler County)	July 18, 1975.
200490 Downs, City (Osborne County)	Nov. 28, 1976.
200235 Dunlap, City (Morris County)	Jan. 3, 1975.
200406 Dwight, City (Morris County)	Sept. 19, 1975.
200491 Eastborough, City (Sedgwick County).	Sept. 19, 1975.
200408 Elk City, City of (Montgomery County).	Oct. 29, 1976.
200236A Elkhart, City of (Sedwick and Sumner Counties).	May 24, 1974, Dec. 5, 1975.
200271 Emmett, City of (Miami County)	Dec. 20, 1974.
200050 Englewood, City (Clark County)	July 16, 1976.
200409 Ensign, City (Gray County)	Mar. 26, 1976.
200492 Enterprise, City (Dickinson County).	Apr. 23, 1976.
200410 Esbon, City (Jewell County)	Aug. 29, 1975.
200493 Eskridge, City (Wabaunsee County).	Aug. 22, 1975.
200099A Finney County	Feb. 28, 1978.
200101A Ford County	Dec. 6, 1977.
200411 Ford, City (Ford County)	Mar. 26, 1976.
200495 Fowler, City (Meade County)	July 30, 1976.
200496 Frontenac, City (Crawford County).	July 30, 1976.
200024 Fulton, City (Bourbon County)	Jan. 10, 1975.
200412 Garfield, City (Pawnee County)	June 4, 1976.
200342 Gaylord, City of (Smith County)	Dec. 27, 1974.
200413 Geneseo, City (Rice County)	Apr. 23, 1976.
200414 Geuda Springs, City (Cowley and Sumner Counties).	Sept. 12, 1975.
200227 Glen Elder, City of (Mitchell County).	Dec. 27, 1974.
200206 Goessel, City of (Marion County)	Nov. 22, 1974.
200239A Goff, City of (Nemaha County)	Nov. 8, 1974, Dec. 26, 1975.
200006A Greeley, City of (Anderson County).	Nov. 22, 1974, Mar. 20, 1979.
200501 Greenburg, City of (Kiowa County).	July 30, 1976.
200418 Grenola, City (Elk County)	Sept. 26, 1975.
200064 Gridley, City of (Coffey County)	Nov. 22, 1974.
200355 Haddam, City of (Washington County).	Dec. 27, 1974.
200029 Hamlin, City (Brown County)	Sept. 19, 1975.
200421 Hardtner, City (Barber County)	Aug. 15, 1975.
200504 Haviland, City (Kiowa County)	Aug. 22, 1975.

Kansas—Continued

Community No. and name	Hazard area identified
200081 Highland, City of (Doniphan County).	Apr. 23, 1976.
200508 Hoxie, City (Sheridan County)	June 18, 1976.
200002B Humboldt, City of (Allen County)	Dec. 7, 1973, Sept. 5, 1975.
200118 Ingalls, City of (Gray County)	Dec. 20, 1974.
200619A Jackson County*	May 31, 1977.
200426 Jamestown, City (Cloud County)	Apr. 30, 1976.
200147A Jefferson County	Aug. 16, 1977.
200588A Kearny County*	July 12, 1977.
200512 Kensington, City (Smith County)	Aug. 22, 1975.
200007 Kincaid, City of (Anderson County).	Nov. 22, 1974.
200589 Kingman County*	Oct. 18, 1977.
200329 Kismet, City of (Seward County)	Nov. 22, 1974.
200196A La Cygne, City of (Linn County)	Mar. 15, 1974, Dec. 26, 1975.
200103A Lane, City of (Franklin County)	Dec. 27, 1974, Sept. 19, 1978.
200065 Lebo, City of (Coffey County)	Apr. 23, 1976.
200247 Lenora, City (Norton County)	Nov. 19, 1976.
200516 Leon, City (Butler County)	Mar. 26, 1976.
200517 Leoti, City (Wichita County)	Nov. 5, 1976.
200066B Leroy, City of (Coffey County)	Dec. 28, 1973, Oct. 24, 1975. Jan. 30, 1979.
200518 Lewis, City (Edwards County)	Mar. 26, 1976.
200431 Linn, City (Washington County)	Sept. 5, 1975.
200272 Louisville, City of (Pottawatomie County).	Dec. 6, 1974.
200519 Lucas, City (Russell County)	July 2, 1976.
200433 Luray, City (Russell County)	July 2, 1976.
200520 Maize, City (Sedgwick County)	Oct. 29, 1976.
200593A Marion County*	Aug. 22, 1978.
200116A Marland, City of (Graham County).	Mar. 11, 1977.
200210A Marshall County	June 28, 1977.
200310 McCracken, City of (Rush County).	Nov. 22, 1974.
200437 Melvern, City of (Osage County)	July 30, 1976.
200220A Miami County	June 7, 1977.
200537 Miltonvale, City (Cloud County)	May 7, 1976.
200538 Minneapolis, City (Ottawa County)	Aug. 6, 1976.
200595 Montgomery County*	Oct. 18, 1977.
200540 Moran, City (Allen County)	Mar. 26, 1976.
200055 Morganville, City of (Clay County).	Dec. 20, 1974.
200032 Morrill, City of (Brown County)	Nov. 22, 1974.
200356 Morrowville, City of (Washington County).	Dec. 6, 1974.
200197A Mound City, City of (Linn Coounty).	Mar. 1, 1974, Nov. 21, 1975. Apr. 16, 1976.
200440 Mullinville, City (Kiowa County)	Aug. 29, 1975.
200014A Muscotah, City of (Atchison County).	Nov. 22, 1974, July 9, 1976.
200598A Neosho County*	Nov. 1, 1977.
200360 Neosho Falls, City of (Woodson County).	Jan. 31, 1975.
200204 Neosho Rapids, City (Lyon County).	Jan. 3, 1975.
200543 Oakley, City (Logan County)	July 2, 1976.
200444 Olpe, City (Lyon County)	Sept. 26, 1975.
200544 Onaga, City (Pottawatomie County).	Aug. 13, 1976.
200601 Osage County*	Aug. 9, 1977.
200545 Oswego, City (Labette County)	Sept. 19, 1975.
200547 Oxford, City (Sumner County)	Aug. 8, 1975.
200357 Palmer, City of (Washington County).	Dec. 20, 1974.
200198 Parker, City of (Linn County)	Feb. 7, 1975.
200446 Partridge, City (Reno County)	Dec. 17, 1976.
200566A Pawnee County*	Oct. 25, 1977.
200447 Peru, City (Chautauqua County)	Sept. 26, 1975.
200199 Pleasanton, City (Linn County)	July 2, 1976.
200105A Pomona, City of (Franklin County).	Feb. 8, 1974, Dec. 26, 1975.
200448 Potwin, City (Butler County)	Sept. 26, 1975.
200200 Prescott, City (Linn County)	Apr. 23, 1976.
200449 Preston, City (Pratt County)	Oct. 29, 1976.
200106 Princeton, City (Franklin County)	May 28, 1976.
200550 Protection, City of (Comanche County).	July 2, 1976.
200522 Quinter, City (Gove County)	Dec. 24, 1976.
200450 Ransom, City (Ness County)	Nov. 12, 1976.
200288 Republic, City of (Republic County).	December 6, 1974.
200453 Rolla, City (Morton County)	March 26, 1976.
200315B Russell, City of (Russell County)	February 8, 1974, November 8, 1974.

Kansas—Continued

Community No. and name	Hazard area identified
200455 Scammon, City (Cherokee County).	September 19, 1975.
200097 Schoenchen, City (Ellis County)	January 17, 1975.
200528 Sedan, City (Chautauqua County)	August 22, 1975.
200457A Severy, City (Greenwood County).	September 26, 1975, June 11, 1976.
200606 Seward County*	September 13, 1977.
200458 Sharon, City (Barber County)	August 22, 1975.
200459 South Haven, City (Sumner County).	September 19, 1975.
200531 Spearville, City (Ford County)	September 19, 1975.
200532 Stafford, City (Stafford County)	March 26, 1976.
200524 St. Francis, City (Cheyenne County).	September 19, 1975.
200274 St. George, City (Pottawatomie County).	January 3, 1975.
200460 Summerfield, City (Marshall County).	July 2, 1976.
200365 Thayer, City (Neosho County)	July 2, 1976.
200367 Toronto, City (Woodson County)	September 19, 1975.
200368 Treece, City (Cherokee County)	March 26, 1976.
200370 Tyro, City (Montgomery County)	July 25, 1975.
200551 Ulysses, City (Grant County)	November 5, 1976.
200556 Waterville, City (Marshall County)	August 29, 1975.
200557 Weir, City (Cherokee County)	September 19, 1975.
200558 West Plains, City (Meade County)	June 18, 1976.
200008 Westphalia, City (Anderson County).	December 20, 1974.
200617A Wilson County*	June 7, 1977.
200379 Woodston, City (Rooks County)	September 26, 1975.
Total in the State 159	

* Unincorporated areas only.

Kentucky

Community No. and name	Hazard area identified
210353 Adairville (Logan County)	September 8, 1978.
210267 Allen County	June 24, 1977.
210268A Ballard County	April 8, 1977.
210334 Barren County*	August 19, 1977.
210008A Bath County	April 1, 1977.
210106A Berry, Town of (Harrison County).	August 16, 1974, February 20, 1976.
210187A Booneville, City of (Owsley County).	February 1, 1974, February 20, 1976.
210021 Bracken County	June 10, 1977.
210161A Bradfordsville, City of (Marion County).	May 10, 1974, February 20, 1976.
210025 Breckenridge County	October 21, 1977.
210201A Brodhead, City of (Rock Castle County).	May 17, 1974, February 27, 1976.
210238 Brownsville, City (Edmonson County).	October 8, 1976.
210273A Bullitt County	May 20, 1977.
210354 Cadiz, City of (Trigg County)	September 29, 1978.
210313 Calloway County*	December 2, 1977.
210042 Carlisle County*	October 10, 1974, July 19, 1977.
210045A Carroll County	February 25, 1977.
210053 Casey County*	December 13, 1974, June 3, 1977.
210355A Cederville, City of (Pike County).	September 29, 1978.
210277 Christian County	June 24, 1977.

Kentucky—Continued

Community No. and name	Hazard area identified
210057 Clay County*	December 27, 1974, July 15, 1977.
210327 Clinton County	July 15, 1977.
210254 Crittenden County	December 23, 1977.
210060 Cumberland County	January 3, 1975, December 16, 1977.
210317 Dexter, City of (Calloway County)	October 1, 1976.
210038B Fort Thomas, City of (Campbell County).	January 25, 1974, June 25, 1976.
210249A Fort Wright, City of (Kenton County).	January 17, 1975, August 12, 1977.
210272A Foster, City (Bracken County)	August 1, 1975, June 3, 1977.
210336 Fulton County*	December 23, 1977.
210281 Gallatin County	September 3, 1976.
210081 Garrard County*	October 18, 1974, June 3, 1977.
210251 Gilbertsville, City (Marshall County).	July 25, 1975.
210078A Glencoe, City of (Gallatin County).	February 1, 1974, June 4, 1976.
210282 Graves County	November 4, 1977.
210330 Grayson County*	November 25, 1977.
210303A Hardin, City of (Marshall County)	June 14, 1974, August 13, 1976.
210329 Harrison County*	August 26, 1977.
210257 Hart County	July 8, 1977.
210357 Hartford, City of (Ohio County)	September 15, 1978.
210266 Henderson County	June 24, 1977.
210338 Hickman County*	March 3, 1978.
210112A Hopkins County*	October 18, 1974, April 23, 1976.
210358 Jeffersonville, City of (Montgomery County).	September 8, 1978.
210340 Knott County*	November 4, 1977.
210134 Laurel County*	December 27, 1974, November 25, 1977.
210085A Leitchfield, Town of (Grayson County).	May 10, 1974, September 3, 1976.
210324 Leslie County*	July 29, 1977.
210289 Letcher County	September 2, 1977.
210341 Logan County*	September 9, 1977.
210342 Madison County*	August 26, 1977.
210160 Marion County	June 10, 1977.
210252 Marshall County	March 17, 1978.
210259 Mason County	December 31, 1976.
210343 McCreary County*	November 25, 1977.
210233A McHenry, Town of (Ohio County).	October 25, 1974.
210169A Meade County	May 13, 1977.
210326A Montgomery County*	October 21, 1977, September 22, 1978.
210293A Muhlenberg County	May 13, 1977.
210183 Ohio County	December 2, 1977.
210186 Owen County*	October 18, 1974, May 27, 1977.
210296 Owsley County	June 17, 1977.
210297 Pendleton County*	July 30, 1976.
210197 Pulaski County	July 22, 1977.
210200A Robertson County	March 25, 1977.
210245A Rockport, Town of (Ohio County).	February 1, 1974.
210205 Russell County	July 15, 1977.
210260 Sadieville, City (Scott County)	January 3, 1975.
210209 Shelby County*	October 18, 1974, July 15, 1977.

Kentucky—Continued

Community No. and name	Hazard area identified
210294 South Carrollton, City (Muhlenberg County).	July 25, 1975.
210276 Southgate, City (Campbell County).	August 1, 1975.
210320 St. Charles, Town of (Hopkins County).	August 13, 1976.
210212 Taylor County*	October 18, 1974, June 3, 1977.
210315 Trigg County*	August 26, 1977.
210300A Trimble County	January 14, 1977.
210218A Uniontown, Town of (Union County).	May 17, 1974.
210270 Union, Town (Boone County)	August 1, 1975.
210231 Versailles, City (Woodford County).	July 29, 1977.
210096A Vine Grove, City of (Hardin County).	May 17, 1974, March 5, 1976.
210348 Wayne County*	January 6, 1978.
210248A Wheat Croft, Town of (Webster County).	February 15, 1974, March 5, 1976.
210307 Winston Park, Town of (Kenton County).	January 23, 1974.
Total in the State 81	

* Unincorporated areas only.

Louisiana

Community No. and name	Hazard area identified
220114A Albany, Village of (Livingston Parish).	Apr. 12, 1974, Oct. 15, 1976.
220231 Angie, Village (Washington Parish).	Jan. 3, 1975.
220354 Athens, Village of (Claiborne Parish).	Feb. 21, 1975.
220374A Belcher, Village of (Caddo Parish).	June 27, 1978.
220316 Bonita Vil (Morehouse Parish)	Aug. 22, 1975.
220361 Caddo Parish*	Mar. 7, 1978.
220318 Chatham Town (Jackson Parish)	Sept. 19, 1975.
220320 Clarks Vil (Caldwell Parish)	Aug. 15, 1975.
220363 De Soto Parish*	Jan. 10, 1978.
220323A Dubach Town (Lincoln Parish)	Apr. 1, 1977.
220324 Elizabeth Town (Allen Parish)	July 25, 1979.
220326 Florien Vil. (Sabine Parish)	July 25, 1975.
220285 Folsom Vil. (St. Tammany Parish)	July 18, 1975.
220117B French Settlement, Village of (Livingston Parish).	Oct. 25, 1974 Mar. 12, 1976.
220290 Goldonna Vil (Natchitoches Parish).	Sept. 19, 1975.
220294 Hessmer, Village (Avoyelles Parish).	Nov. 19, 1976.
220331 Hodge Vil (Jackson Parish)	July 11, 1975.
220332 Hornbeck Vil (Vernon Parish)	Aug. 15, 1975.
220334 Jena Town (La Salle Parish)	Dec. 24, 1976.
220335 Junction City, City (Claiborne-Union Parish).	July 18, 1975.
220390A Lillie, Village of (Union Parish)	Apr. 3, 1979.
220366A Lincoln Parish*	Nov. 29, 1977.
220336A Logansport Town (Desoto Parish).	Aug. 15, 1975, Sept. 5, 1978.
220339 Mooringsport Town (Caddo Parish).	June 25, 1976.
220367A Morehouse Parish*	Aug. 5, 1978.
220340 Newllano, Village (Vernon Parish).	Apr. 9, 1976.
220307 Reeves Vil (Allen Parish)	Aug. 15, 1975.
220368A Sabine Parish	January 24, 1978.
220309 Saline Vil (Bionville Parish)	June 25, 1976.
220258 Sibley, Village of (Webster Parish)	Feb. 7, 1975.
220259 Slaughter, Town (E. Feliciana Parish).	Sept. 19, 1975.
220205A Sun, Village of (St. Tammany Parish).	Aug. 30, 1974, Apr. 16, 1976.
220069A Turkey Creek, Village of (Evangeline Parish).	August 30, 1974 Oct. 31, 1975.
220397A Urania, Town of (Lasalle Parish)	Apr. 3, 1979.
220234A Vamado, Village of (Washington Parish).	Oct. 25, 1974, Apr. 30, 1976.
220228A Vernon Parish	July 26, 1977.
Total in the State 37	

*Unincorporated areas only.

Maine

Community No. and name	Hazard area identified
230083 Alna, Town (Lincoln County)	Jan. 3, 1975.
230272 Amherst, Town (Hancock County)	Jan. 24, 1975.
230206 Arrowsic, Town (Sagadahoc County).	Jan. 17, 1975.
230345A Avon, Town (Franklin County)	Jan. 14, 1977.
230200A Baldwin, Town of (Cumberland County).	Feb. 14, 1975, Dec. 13, 1977.
230252 Belmont, Town (Waldo County)	Mar. 14, 1975.
230144A Berwick, Town of (York County)	Aug. 9, 1974, July 30, 1976.
230119A Bowdoinham, Town of (Sagadahoc County).	Dec. 3, 1976.
230913 Bowdoin, Town of (Sagadahoc County).	Dec. 17, 1976.
230275 Brooklin, Town (Hancock County)	Dec. 24, 1976.
230374 Burlington, Town of (Penobscot County).	Feb. 7, 1975.
230375 Carmel, Town of (Penobscot County).	February 28, 1975.
230376 Charleston, Town of (Penobscot County).	February 21, 1975.
230437 Charlotte, Town (Washington County).	Dec. 17, 1976.
230378 Clifton, Town of (Penobscot County).	Feb. 7, 1975.
230307 Columbia, Town of (Washington County).	Feb. 14, 1975.
230380 Corinth, Town (Penobscot County).	Feb. 21, 1975.
230309 Crawford, Town (Washington County).	Jan. 17, 1975.
230148A Dayton, Town of (York County)	June 28, 1974, July 30, 1976.
230279 Dedham, Town (Hancock County)	Apr. 18, 1975.
230813 East Machias, Town of (Washington County).	Feb. 11, 1977.
230217B Edgecomb, Town (Lincoln County).	Jan. 3, 1975, Apr. 23, 1976, July 18, 1978.
230237 Fayette, Town of (Kennebec County).	Nov. 29, 1974.
230156 Gilead, Town of (Oxford County)	Feb. 7, 1975.
230368 Greenfield, Town of (Penobscot County).	Feb. 21, 1975.
230425 Hersey, Town of (Aroostook County).	Dec. 20, 1974.
230315 Jonesboro, Town of (Washington County).	Feb. 14, 1975.
230393 Lagrange, Town of (Penobscot County).	Feb. 28, 1975.
230912A La Vanie, Town of (Penobscot County).	Apr. 29, 1977.
230193 Lebanon, Town of (York County)	Feb. 7, 1975.
230426 Littleton, Town of (Aroostook county).	Mar. 21, 1975.
230395 Lowell, Town of (Penobscot County).	Feb. 31, 1975.
230429 Ludlow, Town of (Aroostook County).	Feb. 21, 1975.
230286 Marlaville, Town (Hancock County).	Mar. 14, 1975.
230261A Montville, Town of (Waldo County).	Feb. 21, 1975, Feb. 18, 1977.
230363 Moose River, Town (Somerset County).	Jan. 17, 1975.
230218A Newcastle, Town of (Lincoln County).	Feb. 21, 1975, May 17, 1977.
230318 Northfield, Town of (Washington County).	Feb. 14, 1975.
230180 Orrington, Town of (Penobscot County).	Feb. 7, 1975.
230288A Otis, Town (Hancock County)	Apr. 18, 1975, July 26, 1977.
230412 Parkman, Town of (Piscataquis County).	Feb. 14, 1975.
230143A Pembroke, Town of (Washington County).	Oct. 18, 1974, Oct. 29, 1976.
230030 Perham, Town (Aroostook County).	Apr. 18, 1975.
230389A Plymouth, Town (Penobscot County).	Apr. 29, 1977.
230284 Prospect, Town of (Waldo County).	Feb. 14, 1975.
230414 Sebec, Town (Piscataquis County).	Dec. 10, 1976.
230415A Shirley, Town (Piscataquis County).	Jan. 24, 1975, Nov. 29, 1977.
230400 Springfield, Town (Penobscot County).	Jan. 24, 1975.
230323 Steuben, Town of (Washington County).	Feb. 21, 1975.

Maine—Continued

Community No. and name	Hazard area identified
230035 Stockholm, Town (Aroostoook County).	Jan. 10, 1975.
230914 Talmadge, Town of (Washington County).	Dec. 17, 1976.
230324 Topsfield, Town (Washington County).	Mar. 14, 1975.
230248 Vassalborough, Town of (Kennebec County).	Feb. 7, 1975.
230300 Verona, Town of (Hancock County).	Nov. 26, 1976.
230439 Wales, Town of (Androscoggin County.	Feb. 21, 1975.
230082A Washington, Town of (Knox County).	Sept. 6, 1974, Oct. 22, 1976.
230039 Weston, Town of (Aroostook County).	Feb. 21, 1975.
230222A Westport, Town (Lincoln County).	Jan. 3, 1975, May 31, 1977.
230087A Whitefield, Town of (Lincoln County).	July 26, 1974, Feb. 18, 1977.
230329A Whitneyville, Town (Washington County).	June 7, 1977.
230404 Winn, Town (Penobscot County)...	Jan. 24, 1975.
230223A Wiscasset, Town (Lincoln County).	May 24, 1977.
Total in the State..... 62	

*Unincorporated areas only.

Maryland

Community No. and name	Hazard area identified
240102A Deer Park, town of (Garrett County).	Nov. 8, 1974.
240108 Galestown, town (Dorchester County).	July 11, 1975.
240037A Loch Lynn Heights, town of (Garrett County).	June 28, 1974.
240006B Midland, town of (Allegany County).	Aug. 9, 1974, Feb. 20, 1976.
240059A Queen Anne, town of (Queen Anne County).	Aug. 9, 1974.
240124A Smithburg, town (Washington County).	Jan. 14, 1977.
240082A Willards, town (Wicomico County).	Jan. 21, 1977.
Total in the State..... 7	

Massachusetts

Community No. and name	Hazard area identified
250048A Acushnet, town of (Bristol County).	Sept. 6, 1974, Oct. 15, 1976.
250178A Ashby, town (Middlesex County)	Apr. 29, 1977.
250134A Blandford, town of (Hampden County).	July 26, 1974, Apr. 1, 1977.
250135A Brimfield, town of (Hampden County).	July 19, 1974, Jan. 21, 1977.
250136A Chester, town of (Hampden County).	July 19, 1974, Nov. 19, 1976.
250068 Chilmark, town of (Dukes County)	Dec. 6, 1974.
250191A Dunstable, town of (Middlesex County).	Nov. 29, 1974, July 16, 1976.
250160B East Hampton, town of (Hampshire County).	June 21, 1974, Jan. 14, 1977.
250023 Florida, town (Berkshire County)...	Nov. 12, 1976.
250139A Granville, town of (Hampden County).	Aug. 30, 1974, Oct. 22, 1976.
250163B Hadley, town of (Hampshire County).	Dec. 20, 1974, Oct. 29, 1976.
250084 Hamilton, town (Essex County).....	Nov. 26, 1976.
250212A Holbrook, town of (Norfolk County).	Apr. 28, 1972.
250311A Hubbardston, town of (Worcester County).	Sept. 6, 1974, Dec. 24, 1976.
250121 Leyden, town of (Franklin County)	Feb. 7, 1975.
250143B Longmeadow, town of (Hampden County).	Mar. 11, 1977.
250146 Montgomery, town of (Hampden County).	Nov. 22, 1974.
250032 New Ashford, town of (Berkshire County).	Nov. 22, 1974.

Massachusetts—Continued

Community No. and name	Hazard area identified
250324A Oakham, town of (Worcester County).	Aug. 2, 1974, Aug. 20, 1976.
250125A Orange, town of (Franklin County).	May 27, 1977.
250326A Paxton, town of (Worcester County).	July 26, 1974, July 30, 1976.
250168A Pelham, town of (Hampshire County).	June 28, 1974, Dec. 10, 1976.
250036A Peru, town of (Berkshire County).	Nov. 1, 1974, Feb. 25, 1977.
250169A Plainfield, town of (Hampshire County).	Nov. 1, 1974, Nov. 5, 1976.
250126 Rowe, town (Franklin County).....	Aug. 20, 1976.
250101A Rowley, town of (Essex County).	July 26, 1974, Nov. 12, 1976.
250128 Shutesbury, town of (Franklin County).	Feb. 21, 1975.
250151 Tolland, town (Hampden County).	Apr. 4, 1975.
250043 Tyringham, town of (Berkshire County).	Nov. 29, 1974.
250130B Warwick, town (Franklin County)	Jan. 24, 1975.
250044A Washington, town of (Berkshire County).	Nov. 1, 1974, Oct. 8, 1976.
250131 Wendell, town (Franklin County)...	Jan. 17, 1975.
250047 Windsor, town of (Berkshire County).	Nov. 22, 1974.
Total in the State..... 33	

Michigan

Community No. and name	Hazard area identified
260342A Autrain, township (Alger County)	Mar. 25, 1977.
260210A Bangor, township (Van Buren County).	Jan. 10, 1975, Jan. 9, 1976.
260352 Baraga, township (Baraga County).	May 26, 1976.
260551 Baraga, village (Baraga County)....	Oct. 31, 1975.
260583 Barryton, village (Mecosta County).	May 20, 1977.
260374 Bay Mills, township (Chippewa County).	June 17, 1977.
260357 Beaver, township (Bay County).....	Aug. 5, 1977.
260481 Benona, township (Oceana County).	Oct. 15, 1976.
260192A Berlin, township of (St. Clair County).	Aug. 23, 1974, Aug. 6, 1976.
260465A Big Prairie, township (Newaygo County).	Jan. 14, 1977.
260027A Blaine, township of (Benzie County).	Sept. 20, 1974, July 9, 1976.
260430 Boardman, township (Kalaska County).	Aug. 5, 1977.
260371 Boyne Falls, village (Charlevoix County).	Oct. 22, 1976.
260530 Breedsville, village (Van Buren County).	Sept. 26, 1975.
260390 Brietung, township (Dickinson County).	Mar. 11, 1977.
260505 Brockway, township (St. Clair County).	Oct. 24, 1975.
260335 Brooklyn, village (Jackson County).	Oct. 8, 1976.
260375 Bruce, township (Chippewa County).	June 3, 1977.
260555 Buchanan, township (Berrien County).	Oct. 8, 1976.
260601 Byron, village of (Shiawassee County).	Sept. 19, 1975.
260597 Caro, village (Tuscola County).....	Oct. 24, 1975.
260506 Casco, township (St. Clair County).	Mar. 4, 1977.
260677 Caseville, village of (Huron County).	Aug. 5, 1977.
260659B Cedarville, township of (Menominee County).	May 26, 1976.
260599 Chelsea, village (Washtenaw County).	Oct. 3, 1975.
260500 Chesaning, township (Saginaw County).	Oct. 8, 1976.
260591 Chesaning, village (Saginaw County).	Mar. 11, 1977.
260482 Claybanks, township (Oceana County).	Nov. 26, 1976.
260663 Clayton, township of (Genesee County).	Nov. 11, 1977.
260579 Clifford, village (Lapeer County)....	Oct. 24, 1975.
260437A Clinton, village (Lenawee County).	Apr. 18, 1975, Oct. 1, 1976.

Michigan—Continued

Community No. and name	Hazard area identified
260667 Clio, city of (Genesee County).....	Aug. 5, 1977.
260195A Clyde, township of (St. Clair County).	July 26, 1974, June 4, 1976.
260433 Columbiaville, village (Lapeer County).	July 11, 1975.
260531 Columbia, township (Van Buren County).	Sept. 5, 1975.
260491 Coopersville, village of (Ottawa County).	Sept. 26, 1975.
260468 Croton, township (Newaygo County).	Mar. 10, 1976.
260454 Custer, village (Mason County).....	Sept. 26, 1975.
260350 Deep River, township (Arenac County).	June 24, 1977.
260434A Deerfield, township (Lapeer County).	May 13, 1977.
260600 Dexter, village of (Washtenaw County).	Oct. 17, 1975.
260553 Elberta, village (Benzie County)....	Sept. 19, 1975.
260569 Elkton, village of (Huron County)..	Oct. 3, 1975.
260349 Ellsworth, village (Antrim County).	Apr. 11, 1975.
260449 Ely, township (Marquette County).	May 20, 1977.
260327A Evart, city (Osceola County).....	Apr. 25, 1975, Feb. 6, 1976.
260516 Evergreen, township (Sanilac County).	Oct. 22, 1976.
260586A Exeter, township (Monroe County).	Oct. 3, 1975, July 30, 1976.
260405A Fife Lake, township (Grand Traverse County).	Jan. 14, 1977.
260406 Fife Lake, village (Grand Traverse County).	July 11, 1975.
260396 Flushing, township (Genesee County).	Dec. 10, 1976.
260062A Ford River, township (Delta County).	Dec. 3, 1976.
260373 Forest, township (Cheboygan County).	Mar. 4, 1977.
260450A Forsyth, township (Marquette County).	Mar. 25, 1977.
260657 Fraser, township of (Bay County).	May 26, 1976.
260576 Galesburg, city (Kalamazoo County).	Oct. 24, 1975.
260360 Gilead, township (Branch County)	Nov. 26, 1976.
260525 Gilford, township (Tuscola County).	Sept. 19, 1975.
260440A Green Oak, township (Livingston County).	May 27, 1977.
260570 Harbor Beach, city of (Huron County).	Jan. 30, 1976.
260532 Hartford, city (Van Buren County).	July 11, 1975.
260347 Heath, township (Allegan County)	Aug. 22, 1975.
260489 Hersey, village (Osceola County)..	July 11, 1975.
260485 Hesperia, village (Oceana County).	July 11, 1975.
260137A Hinton, township of (Mecosta County).	Sept. 6, 1974, July 23, 1976.
260462 Holland, township (Missaukee County).	Aug. 1, 1975.
260474 Holly, township (Oakland County).	June 24, 1977.
260457A Holmes, township (Menominee County).	Apr. 1, 1977.
260568A Houghton, city of (Houghton County).	June 10, 1977.
260365A Howard, township of (Cass County).	Mar. 18, 1977.
260418 Hubbardston, village (Ionia and Clinton Counties).	Sept. 26, 1975.
260493 Hudsonville, city (Ottawa County).	Sept. 5, 1975.
260415 Huron, township (Huron County)...	Nov. 5, 1976.
260545 Huron, township (Wayne County).	June 30, 1976.
260475A Independence, township (Oakland County).	May 13, 1977.
260526 Indianfields, township (Tuscola County).	Mar. 4, 1977.
260660B Ingallston, township of (Menominee County).	Feb. 17, 1976.
260354A Irving, township (Barry County)...	Apr. 15, 1977.
260133 Ishpeming, city (Marquette County).	Nov. 12, 1976.
260408 Jonesville, village (Hillsdale County).	Sept. 26, 1975.
260463A Lakeview, village (Montcalm County).	July 11, 1975, Oct. 1, 1976.
260496 Lake, township (Roscommon County).	Nov. 26, 1976.
260435A Lapeer, township (Lapeer County).	Apr. 15, 1977.
260533A Lawton, village (Van Buren County).	Sept. 26, 1975, June 3, 1977.
260014 Lincoln, township of (Arenac County).	June 14, 1974.

Michigan—Continued

Community No. and name	Hazard area identified
260398 Linden, village (Genesee County).	Sept. 26, 1975.
260715 Lockport, township of (St. Joseph County).	Nov. 3, 1978.
260149 London, township of (Monroe County).	Aug. 20, 1976.
260353 L'Anse, township of (Baraga County).	Feb. 24, 1978.
260675 Mackinaw, village of (Cheboygan County).	Aug. 12, 1977.
260348 Manlius, township (Allegan County).	Nov. 26, 1976.
260609 Marathon, township of (Lapeer County).	Oct. 24, 1975.
260367 Marcellus, township (Cass County).	Nov. 26, 1976.
260328 Marion, village (Osceola County).	Apr. 25, 1975.
260687B Masonville, township of (Delta County).	Jan. 20, 1978.
260436 Mayfield, township (LaPeer County).	May 19, 1978.
260487 McMillan, township (Onionagon County).	Oct. 3, 1975.
260584 Mecosta, village of (Mecosta County).	Oct. 10, 1975.
260513A Mendon, township (St. Joseph County).	Mar. 25, 1977.
260702A Menominee, township of (Menominee County).	Aug. 31, 1978.
260356 Middleville, village (Barry County).	July 18, 1975.
260486 Mills, township (Ogemaw County).	July 25, 1975.
260358 Monitor, township (Bay County).	July 25, 1975, Aug. 12, 1977.
260517 Moore, township (Sanilac County)	May 27, 1977.
260443A Moran, township (Mackinac County).	Mar. 25, 1977.
260521 New Haven, township (Shiawassee County).	July 25, 1975.
260340 Newaygo, city (Newaygo County).	Sept. 12, 1975.
260338 North Branch, village (Lapeer County).	Sept. 12, 1975.
260420 North Plains, township (Ionia County).	June 17, 1977.
260424 Norvell, township (Jackson County).	Nov. 5, 1976.
260332 Norway, city (Dickinson County)	July 11, 1975.
260476A Oakland, township (Oakland County).	Apr. 1, 1977.
260502 Oakley, village (Saginaw County).	Sept. 26, 1975.
260622A Omer, city of (Arenac County)	Oct. 28, 1977.
260413 Osceola, township (Houghton County).	Sept. 26, 1975.
260362 Ovid, township (Branch County)	Nov. 5, 1976.
260376 Pickford, township (Chippewa County).	May 20, 1977.
260704 Pinckney, village of (Livington County).	Aug. 19, 1977.
260534 Pine Grove, township (Van Buren County).	July 25, 1975.
260368 Pokagon, township (Cass County)	May 27, 1977.
260618 Port Austin, village of (Huron County).	Jan. 30, 1976.
260672 Port Huron, township of (St. Clair County).	Oct. 29, 1976.
260460 Powers, village (Menominee County).	July 11, 1975.
260464 Ravenna, village (Muskegon County).	Sept. 26, 1975.
260410 Reading, township (Hillsdale County).	Oct. 28, 1977.
260453 Republic, township (Marquette County).	May 12, 1978.
260402 Richfield, township (Genesee County).	July 11, 1975.
260422 Rolland, township (Isabella County).	Mar. 4, 1977.
260497A Roscommon, township (Roscommon County).	Mar. 18, 1977.
260377 Rudyard, township (Chippewa County).	Oct. 15, 1976.
260537 Scio, township (Washtenaw County).	Nov. 26, 1976.
260538 Sharon, township (Washtenaw County).	Oct. 15, 1976.
260523 Shiawassee, township (Shiawassee County).	Oct. 10, 1975.
260378 Soo, township (Chippewa County)	Nov. 26, 1976.
260336 Sparta, village (Kent County)	Oct. 15, 1976.
260557 Stevensville, village (Berrien County).	Sept. 26, 1975.
260444 St. Ignace, township (Mackinac County).	July 29, 1977.
260379 Sugar Island, township (Chippewa County).	June 17, 1977.

Michigan—Continued

Community No. and name	Hazard area identified
260380 Superior, township (Chippewa County).	June 17, 1977.
260540 Superior, township (Washtenaw County).	June 17, 1977.
260494 Talmadge, township (Ottawa County).	June 10, 1977.
260683 Thetford, township of (Genesee County).	Feb. 10, 1978.
260504 Tittabawassee, township (Saginaw County).	Aug. 15, 1975.
260708 Torch Lake, township of (Houghton County).	Aug. 12, 1977.
260351 Turner, township (Arenac County)	July 18, 1975.
260550 Turner, village (Arenac County)	Mar. 4, 1977.
260527 Tuscola, township (Tuscola County).	Mar. 4, 1977.
260334 Ubly, village of (Huron County)	Apr. 11, 1975.
260546A Van Buren, township (Wayne County).	Apr. 8, 1977.
260524 Vernon, village (Shiawasee County).	July 11, 1975.
260508 Wales, township (St. Clair County).	Aug. 8, 1975.
260447 Washington, township (Macomb County).	Nov. 5, 1976.
260404A Watersmeet, township (Gogebic County).	Mar. 18, 1977.
260049A Weesaw, township of (Berrien County).	June 28, 1974, Sept. 3, 1976.
260388A Wells, township (Delta County)	June 10, 1977.
260479 White Lake, township (Oakland County).	May 27, 1977.
260417 White Oak, township (Ingham County).	Oct. 10, 1975.
260547 Wilber, township (Iosco County)	Nov. 26, 1976.
260495A Wright, township (Ottawa County).	May 27, 1977.
260329 Yale, city (St. Clair County)	Apr. 11, 1975.
260432 Yates, township (Lake County)	Aug. 15, 1975.
260541 York, township (Washtenaw County).	July 18, 1975.
Total in the State	162

Minnesota

Community No. and name	Hazard area identified
270492 Aldrich, city of (Wadena County)	Feb. 7, 1975, Sept. 8, 1978.
270691A Arco, city of (Lincoln County)	Apr. 15, 1977.
270345A Askov, city of (Pine County)	Oct. 25, 1974, Aug. 29, 1975.
270417A Aurora, city of (St. Louis County).	Apr. 5, 1974, June 25, 1976.
270552 Avoca, city (Murray County)	Jan. 10, 1975.
270554 Baudette, city of (Lake of the Woods County).	Dec. 27, 1974.
270710 Becker, city of (Sherburne County).	Mar. 30, 1979.
270555A Bejou, city (Mahnomen County)	Jan. 3, 1975, May 14, 1976.
270711 Bemidji, city of (Beltrami County)	Nov. 10, 1978.
270261 Biscay, city of (McLeod County)	Nov. 15, 1974.
270556 Blackduck, city of (Beltrami County).	Aug. 1, 1975.
270293A Bowlus, city of (Morrison County).	Oct. 25, 1974, Sept. 15, 1978.
270057A Boy River, city (Cass County)	June 10, 1977.
270070A Branch, city of (Chisago County)	Aug. 30, 1974, Oct. 1, 1976.
270319 Brewster, city (Nobles County)	Apr. 25, 1975.
270557 Brook Park, city of (Pine County)	Oct. 25, 1974.
270386B Brooks, city of (Red Lake County).	Aug. 9, 1974.
270262A Brownton, city of (McLeod County).	May 3, 1974.
270294A Buckman, city of (Morrison County).	Aug. 9, 1974.
270712 Caledonia, city of (Houston County).	Oct. 13, 1978.
270281 Cedar Mills, city of (Meeker County).	Feb. 14, 1975.
270312A Chandler, city of (Murray County).	Aug. 9, 1974, Nov. 21, 1975.
270125 Chatfield, city (Fillmore County)	Aug. 13, 1976.
270058 Chickamaw Bch, City (Cass County).	Oct. 15, 1976.
270464A Chokio, city of (Stevens County)	May 3, 1974.

Minnesota—Continued

Community No. and name	Hazard area identified
270664A Clear Lake, city (Sherburne County).	Jan. 3, 1975, Sept. 12, 1975.
270363A Climax, city of (Polk County)	Sept. 20, 1974, June 11, 1975.
270468A Clontarf, city of (Swift County)	July 19, 1974.
270561 Cobden city of (Brown County)	Nov. 1, 1974.
270562 Cologne, city of (Carver County)	Nov. 1, 1974.
270035A Comfrey, city of (Brown County).	Sept. 20, 1974, Dec. 26, 1975.
270025A Correll, city of (Big Stone County).	Jan. 24, 1975, Apr. 15, 1977.
270282A Cosmos, city of (Meeker County).	May 17, 1974.
270314A Courtland, city of (Nicollet County).	July 19, 1974.
270313A Currie, city of (Murray County)	Aug. 2, 1974, July 16, 1976.
270469A Danvers, city of (Swift County)	Aug. 9, 1974.
270334A Deer Creek, city of (Otter Tail County).	Aug. 16, 1974, June 4, 1976.
270470A Degraff, city of (Swift County)	Aug. 9, 1974, Sept. 10, 1976.
270563 Delhi, city of (Redwood County)	Oct. 25, 1974.
270348 Denham, city (Pine County)	Jan. 24, 1975.
270566A Dover, city of (Olmstead County).	Nov. 1, 1974, Oct. 17, 1975.
270059A East Gull Lake, city of (Cass County).	Dec. 20, 1974, Oct. 10, 1975.
270118 Easton, city (Faribault County)	July 30, 1976.
270283A Eden Valley, city of (Stearns County).	May 3, 1974, Aug. 13, 1976.
270320A Elleworth, city of (Nobles County).	May 3, 1974.
270295A Elmdale, city of (Morrison County).	Aug. 9, 1974.
270336A Erhard, city of (Otter Tail County).	Aug. 9, 1974.
270422A Eveleth, city of (St. Louis County).	June 7, 1974, July 16, 1976.
270329A Eyota, city of (Olmstead County)	Apr. 12, 1974.
270276A Fairmont, city of (Martin County)	June 7, 1974, Dec. 12, 1975.
270060 Federal Dam, city (Cass County)	Oct. 8, 19776.
270368A Fisher, city of (Polk County)	Aug. 2, 1974.
270693 Forest Lake, city of (Washington County).	Dec. 16, 1977, Feb. 16, 1979.
270570 Frazee, city of (Becker County)	Nov. 15, 1974.
270446A Freeport, city of (Stearns County).	May 3, 1974, Aug. 8, 1975.
270571 Funkley, city of (Beltrami County)	July 11, 1975.
270296 Genola, city of (Morrison County)	Feb. 7, 1975.
270439A Gibbon, city of (Sibley County)	June 21, 1974.
270068B Gonvick, city of (Clearwater County).	Aug. 23, 1974, June 4, 1976, Feb. 16, 1979.
270142B Goodhue, city of (Goodhue County).	May 24, 1974, Apr. 23, 1976.
270277A Granada, city of (Martin County)	Aug. 2, 1974.
270215A Grasston, city of (Kanabec County).	Dec. 10, 1976.
270447A Greenwald, city of (Stearns County).	Aug. 23, 1974, June 11, 1976.
270061A Hackensack, city of (Cass County).	Sept. 20, 1974.
270573 Hadley, city (Murray County)	Apr. 11, 1975.
270574 Hanley Falls, city (Yellow Medicine County).	July 11, 1975.
270071A Harris, city of (Chisago County)	Sept. 20, 1974, Oct. 24, 1975, Mar. 30, 1979.
270355 Hatfield, city of (Pipestone County).	Jan. 31, 1975.
270396 Hector, city of (Renville County)	Aug. 27, 1976.
270701A Heidelberg, city of (Le Sueur County).	July 22, 1977.
270338A Henning, city of (Otter Trail County).	May 3, 1974, Oct. 31, 1975.
270706 Hermantown, city of (St. Louis County).	Oct. 13, 1978.
270002A Hill City, city of (Aitkin County)	Nov. 8, 1974.
270409A Hills, city of (Rock County)	Apr. 12, 1974.
270578A Hoffman, city of (Grant County)	Jan. 31, 1975.
270448A Holdingford, city of (Stearns County).	May 17, 1974.
270356A Holland, city of (Pipestone County).	Aug. 30, 1974, Dec. 5, 1975.
270471A Holloway, city of (Swift County)	Sept. 6, 1974
270357A Ihlen, city of (Pipestone County).	Aug. 2, 1974, July 2, 1976.
270235A International Falls, city of (Koochiching County).	June 7, 1974, Mar. 26, 1976.
270579 Iona, city of (Murray County)	Dec. 20, 1974.

Minnesota—Continued

Community No. and name	Hazard area identified
270580 Iron Junction, city of (St. Louis County).	Oct. 25, 1974.
270098A Jenkins, city of (Crow Wing County).	Aug. 23, 1974, July 9, 1976.
270655A Kellogg, city of (Wabasha County).	Jan. 31, 1975, Sept. 8, 1978.
270523 Kent, city (Wilkin County)	Aug. 1, 1975.
270143A Kenyon, city of (Goodhue County).	May 24, 1974, July 16, 1976.
270206A La Prairie, city of (Itasca County).	Aug. 23, 1974, Oct. 17, 1975.
270692B Lake Benton, city of (Lincoln County).	Apr. 1, 1977, Dec. 15, 1978.
270517A Madelia, city of (Watonwan County).	Apr. 12, 1974, May 28, 1976.
270585A Mantorville, city of (Dodge County).	June 3, 1977.
270667 Maple Lake, city (Wright County)	Jan. 10, 1975.
270243A Marietta, city of (Lac Gui Parle County).	Sept. 6, 1974, July 9, 1976.
270053A Mayer, city of (Carver County)	Nov. 23, 1973.
270587 Maynard, city of (Chippewa County).	Nov. 15, 1974.
270487B Mazeppa, city of (Wabasha County).	July 19, 1974, June 25, 1976, Apr. 20, 1979.
270588 Mcintosh, city of (Polk County)	Nov. 29, 1974.
270493B Menahga, city of (Wadena County).	Apr. 12, 1974, Aug. 29, 1975, Jan. 30, 1976.
270367A Mentor, city of (Polk County)	Dec. 20, 1974, July 2, 1976.
270270A Middle River, city of (Marshall County).	July 19, 1974.
270589 Milan, city (Chippewa County)	July 15, 1977.
270488A Millville, city of (Wabasha County).	Aug. 2, 1974, Mar. 26, 1976.
270489 Minneiska, city of (Wabasha County).	July 11, 1975.
270122A Minnesota Lake, city of (Faribault County).	May 17, 1974.
270405A Morristown, city of (Rice County).	Mar. 29, 1974, Sept. 12, 1975.
270300A Motley, city of (Cass and Morrison Counties).	Aug. 2, 1974, Dec. 19, 1975, Sept. 8, 1978.
270424A Mountain Iron, city of (St. Louis County).	May 24, 1974, Nov. 26, 1976, Feb. 23, 1979.
270451 New Munich, city of (Stearns County).	Oct. 25, 1974.
270497A New Richland, city of (Waseca County).	Apr. 12, 1974.
270590 Nielsville, city of (Polk County)	Nov. 1, 1974.
270591 Nimrod, city (Wadena County)	Apr. 18, 1975.
270592 Norcross, city of (Grant County)	Dec. 13, 1974.
270072A North Branch, city of (Chisago County).	May 10, 1974, Apr. 9, 1976.
270512A Oak Park Heights, city of (Washington County).	Mar. 22, 1974, Apr. 16, 1976.
270594 Odin, city of (Watowan County)	Dec. 13, 1974.
270595 Okabena, city of (Jackson County).	Dec. 27, 1974.
270648 Orr, City of (St. Louis County)	Dec. 13, 1974.
270004A Palisade, city of (Aitkin County)	Aug. 2, 1974, June 11, 1976.
270063A Pillager, city of (Cass County)	July 19, 1974.
270704 Pine County*	Dec. 23, 1977.
270697A Pine Springs, city of (Washington County).	July 22, 1977.
270596 Plato, city of (McLeod County)	Nov. 1, 1974.
270218A Quamba, city of (Kannabec County).	Aug. 9, 1974.
270223A Regal, city of (Kandiyohi County).	Jan. 31, 1975, Feb. 13, 1976.
270065 Remer, city (Cass County)	July 11, 1975.
270565A Revere, city (Redwood County)	Apr. 11, 1975, Apr. 20, 1979.
270597 Rice, city (Benton County)	Jan. 17, 1975.
270453B Richmond, city of (Stearns County).	Mar. 29, 1974.
270341 Richville, city of (Otter Tail County).	Oct. 25, 1974.
270021 Ronneby, city (Benton County)	July 11, 1975.
270455A Roscoe, city of (Stearns County)	Aug. 2, 1974, June 4, 1976.
270073A Rush City, city of (Chisago County).	May 10, 1974, Mar. 19, 1976.
270131 Rushford Village, city of (Fillmore County).	Aug. 27, 1976.
270360A Ruthton, city of (Pipestone County).	Aug. 9, 1974.
270350A Rutledge, city of (Pine County)	Aug. 9, 1974, Aug. 20, 1976.
270402A Sacred Heart, city of (Renville County).	May 3, 1974.
270046A Scanlon, city of (Carlton County)	Nov. 2, 1973, July 9, 1976.
270602 Seaforth, city of (Redwood County).	Dec. 13, 1974.
270494B Sebeka, city of (Wadena County).	Apr. 12, 1974, July 11, 1975, May 28, 1976.
270662 Silver Lake, city (McLeod County)	January 24, 1975.
270672 Skyline, city (Blue Earth County)	June 27, 1975.
270038B Springfield, city of (Brown County).	Nov. 30, 1973, Mar. 19, 1976.
270208 Squaw Lake, city (Itasca County)	Aug. 1, 1975.
270717 Staples, city of (Todd County)	Nov. 10, 1978.
270352 Sturgeon Lake, city of (Pine County).	Oct. 25, 1974.
270601 St. Anthony, city of (Sterns County).	July 11, 1975.
270033A St. Clair, city of (Blue Earth County).	Aug. 23, 1974.
270457 St. Joseph, city (Stearns County)	Aug. 27, 1976.
270458A St. Stephen, city of (Stearns County).	Aug. 23, 1974.
270660B S. International Falls, city (Koochiching County).	Jan. 17, 1975, Sept. 12, 1975 July 30, 1976.
270209 Taconite, city (Itasca County)	July 23, 1976.
270260A Taunton, city of (Lyon County)	July 19, 1974, Nov. 14, 1975.
270047A Thomson, city of (Carlton County).	Aug. 2, 1974, June 4, 1976.
270605 Tower, city of (St. Louis County)	Dec. 13, 1974, Aug. 11, 1978.
270361A Trosky, city of (Pipestone County).	Aug. 9, 1974, July 16, 1976.
270606 Turtle River, city (Beltrami County).	Aug. 1, 1975.
270306 Upsala, city of (Morrison County)	Oct. 25, 1974.
270607 Verndale, city of (Wadena County).	Oct. 25, 1974.
270608 Vernon Center, city (Blue Earth County).	Jan. 3, 1975.
270609 Vesta, City (Redwood County)	Jan. 10, 1975.
270498 Waldorf, city of (Waseca County)	Aug. 9, 1974.
270718A Walnut Grove, city of (Redwood County).	Sept. 29, 1978.
270147A Wanamingo, city of (Goodhue County).	May 10, 1974, Aug. 29, 1975.
270210A Warba, city of (Itasca County)	Sept. 13, 1974, Dec. 26, 1975.
270286A Watkins, city of (Meeker County).	Apr. 12, 1974, July 2, 1976.
270666 Waverly, city (Wright County)	Jan. 17, 1975.
270279A Welcome, city of (Martin County).	May 10, 1974, July 16, 1976.
270695A Willernie, city of (Washington	May 27, 1977.
270612 Williams, city of (Lake of the Woods County).	Nov. 29, 1974.
270703 Willmar, city of (Kandiyohi County).	July 29, 1977.
270719 Wilton, city of (Beltrami County)	Nov. 10, 1978.
270613 Winger, city of (Polk County)	Jan. 31, 1975.
270427A Winton, city of (St. Louis County).	Aug. 2, 1974, July 2, 1976.
270524A Wolverton, city of (Wilkin County).	Aug. 9, 1974, Dec. 19, 1975.
270615 Wood Lake, city (Yellow Medicine County).	Jan. 17, 1975.
270048A Wright, city of (Carlton County)	Sept. 13, 1974.
270211 Zemple, city (Itasca County)	June 27, 1975.
Total in the State 176	

Mississippi

Community No. and name	Hazard area identified
280309 Abbeville, town of (Lafayette County).	Sept. 29, 1978.
280267 Alcorn County*	Apr. 7, 1978.
280268 Amite County	Feb. 24, 1978.
280089 Bassfield, town (Jefferson Davis County).	July 30, 1976.
280087 Bay Springs, town (Jasper County).	Aug. 1, 1975.
280287 Belmont, town of (Tishomingo County).	July 9, 1976.
280156A Braxton, village of (Simpson County).	July 19, 1974, July 16, 1976.
280269 Chickasaw County	June 3, 1977.
280313 Cruger, town of (Holmes County)	Oct. 27, 1978.
280017 Duncan, town of (Bolivar County)	Nov. 5, 1976.
280188 Eden, village of (Yazoo County)	July 19, 1974.
280270 Franklin County	Nov. 4, 1977.
280117A Gattman, village of (Monroe County).	July 19, 1974, Aug. 13, 1976.
280045A Georgetown, town of (Copiah County).	Aug. 2, 1974.
280290 Itawamba County*	May 12, 1978.
280302 Jasper County*	Feb. 24, 1978.
280303 Jefferson Davis County*	Mar. 31, 1978.
280093 Lafayette County*	Dec. 27, 1974, Mar. 17, 1978.
280315A Learned, town of (Hinds County)	Nov. 10, 1978.
280204 Lena, town (Leake County)	Oct. 25, 1974.
280273 Lincoln County	Feb. 17, 1978.
280316 Louin, town of (Jasper County)	Oct. 27, 1978.
280274 Marshall County	Oct. 28, 1977.
280008 McCool, village of (Attala County)	Jan. 31, 1975.
280048A Mt. Olive, town (Covington County).	Aug. 31, 1975, Dec. 8, 1978.
280317 Newhebron, town of (Lawrence County).	Nov. 3, 1978.
280094B Oxford, city of (Lafayette County).	June 7, 1974, Feb. 27, 1976.
280129 Pearl River County	Nov. 25, 1977.
280278A Pike County	June 10, 1977.
280279A Prentiss County	Sept. 16, 1977 July 21, 1978.
280147A Puckett, town of (Rankin County).	Aug. 23, 1974, July 2, 1976.
280318 Purvis, town of (Lamar County)	Nov. 3, 1978.
280320 Raymond, town of (Hinds County)	Nov. 3, 1978.
280321 Richton, town of (Perry County)	Nov. 17, 1978.
280322A Rienzi, town of (Alcorn County)	Nov. 17, 1978.
280049 Seminary, village of (Covington County).	Aug. 1, 1975.
280324A Shuqualak, town of (Noxubee County).	Dec. 8, 1978.
280226 Silver Creek, town of (Lawrence County).	July 11, 1975.
280306 Smith County*	Apr. 21, 1978.
280325 Smithville, town of (Monroe County).	Feb. 16, 1979.
280300 Stone County*	Sept. 9, 1977.
280282 Tippah County	Aug. 26, 1977.
280283 Tishomingo County	May 12, 1978.
280263A Toccopola, town of (Pototoc County).	Dec. 13, 1974, July 27, 1979.
280237A Union County*	Dec. 13, 1974, Apr. 8, 1977.
280327 Vardaman, town of (Calhoun County).	Jan. 19, 1979.
280098A Walnut Grove, town of (Leake County).	June 28, 1974, July 16, 1976.
280328 Walnut, town of (Tippah County)	Jan. 12, 1979.
280307 Walthall County*	Feb. 24, 1978.
280238 Wayne County*	Dec. 20, 1974, Jan. 13, 1978.
Total in the State 50	

*Unincorporated areas only.

Missouri

Community No. and name	Hazard area identified
290761 Airport Drive, village of (Jasper)	Feb. 14, 1975.
290005A Amazonia, town of (Andrew County).	Aug. 16, 1974, Feb. 6, 1976.
290217A Anderson, city of (McDonald County).	May 17, 1974, Dec. 26, 1975.
290281 Appleton, city of (St. Clair County)	Feb. 7, 1975.
290461 Aug.a, village of (St. Charles County).	Dec. 6, 1974.
290199C Aurora, city of (Lawrence County).	May 10, 1974, Nov. 28, 1975.
290767 Bakersfield, village (Ozark County).	April 25, 1975.
290331 Bellerive, town (St. Louis County)	Sept. 10, 1976.
290770A Bellflower, city (Montgomery County).	May 17, 1977.
290756 Bevier, city of (Macon)	Feb. 14, 1975.
290757 Billings, city (Christian County)	June 27, 1975.

Missouri—Continued

Community No. and name	Hazard area identified
290006 Bolokow, town (Andrew County)	April 30, 1976.
290274A Bragg City, city of (Pemiscot County).	Feb. 7, 1978.
290616 Brashear, city of (Adair)	Feb. 14, 1975.
290759 Braymer, city (Caldwell County)	April 25, 1975.
290618 Bronaugh, city (Vernon County)	June 25, 1976.
290111 Bunceton, city of (Cooper County)	April 25, 1975.
290850 Caledonia, village of (Washington County).	Nov. 5, 1976.
290624 Camden, city (Ray County)	May 28, 1976.
290248 Canalou, town (New Madrid County).	June 11, 1976.
290022B Cassville, city of (Barry County)	Aug. 16, 1974, Nov. 28, 1975.
290249 Catron, town (New Madrid County).	May 28, 1976.
290601 Cobalt City, village (Madison County).	March 26, 1976.
290196A Conway, town of (Laclede County).	May 10, 1974, Nov. 21, 1975.
290159 Corning, town of (Holt County)	Feb. 6, 1976.
290605 Cowgill, town (Caldwell County)	April 18, 1975.
290610 Cross Timbers, village of (Hickory County).	Feb. 21, 1975.
290345A Crystal Lake Park, town (St. Louis County).	May 13, 1977.
290464 Dalton, village of (Chariton County).	Dec. 13, 1974.
290747 Deepwater, city (Henry County)	Sept. 26, 1975.
290055 Delta, city of (Cape Girardeau County).	Dec. 6, 1974.
290613 Des Arc, village (Iron County)	April 18, 1975.
290465A Dewitt, city of (Carroll County)	Sept. 6, 1974, April 2, 1976.
290219 Elmer, city of (Macon County)	Dec. 6, 1974.
290730 Esther, city of (St. Francois County).	Feb. 21, 1975.
290593 Frankford, city (Pike County)	Jan. 7, 1977.
290477 Fremont, village of (Carter County).	Feb. 21, 1975.
290431A Galena, city of (Stone County)	Aug. 30, 1974, Oct. 31, 1975.
290733 Gallatin, city of (Daviess)	Feb. 14, 1975.
290734 Gerald, city (Franklin County)	June 4, 1976.
290737A Grain Valley, city (Jackson County).	July 16, 1976.
290460 Grandin, city of (Carter County)	Nov. 8, 1974.
290572 Hermitage, city (Hickory County)	April 25, 1975.
290573 Hillsboro, city (Jefferson County)	Oct. 22, 1976.
290714 Holden, city (Johnson County)	April 9, 1976.
290093 Holt, town (Clay and Clinton Counties).	July 2, 1976.
290576A Houston Lake, village (Platte County).	June 21, 1977.
290575 Houstonia, city (Pettis County)	Sept. 19, 1975.
290715A Humansville, city (Polk County)	July 11, 1975, Feb. 18, 1977.
290577 Hume, city of (Bates County)	Feb. 21, 1975.
290359 Huntleigh, town (St. Louis County).	June 25, 1976.
290580 Iron Gates, village (Jasper County).	Feb. 14, 1975.
290446A Irondale, town (Washington County).	May 13, 1977.
290724 Knob Noster, city (Johnson County).	June 27, 1975.
290698 Lake Ozark, city (Camden County).	July 26, 1977.
290558 Lake Winnebago, village (Cass County).	Feb. 25, 1977.
290559 Lanagan, city (McDonald County)	June 4, 1976.
290705 Lawson, city (Clay County)	June 4, 1976.
290707 Lexington, city (Lafayette County)	July 25, 1975.
290053A Linn Creek, city of (Camden County).	Oct. 25, 1974, Nov. 28, 1975.
290115 Lock Springs, town (Daviess County).	July 11, 1975.
290031A Lutesville, city of (Bollinger County).	May 10, 1974, Dec. 19, 1975.
290565 Marquand, city (Madison County)	April 18, 1975.
290444A Marthasville, village of (Warren County).	Sept. 13, 1974.
290271A Meta, town of (Osage County)	Sept. 13, 1974, Nov. 28, 1975.
290568 Middletown, city (Montgomery County).	Aug. 6, 1976.
290499 Mill Spring, village of (Wayne County).	Dec. 13, 1974.
290571 Mineral Point, village (Washington County).	Aug. 8, 1975.
290690 Montrose, city (Henry County)	April 18, 1975.

Missouri—Continued

Community No. and name	Hazard area identified
290549 New Cambria, city (Macon County).	July 25, 1975.
290692 New Florence, city (Montgomery County).	Nov. 5, 1976.
290550 New Hampton, city (Harrison County).	Aug. 8, 1975.
290059A Norborne, city of (Carroll County).	April 5, 1974.
290554A Oak Grove, village (Franklin County).	June 3, 1977.
290671 Osage Beach, city (Miller and Camden).	July 30, 1976.
290672 Osceola, city (St. Clair County)	April 2, 1976.
290203A Pierce City, city of (Lawrence County).	May 17, 1974, June 11, 1976.
290535 Pineville, city (McDonald County)	April 18, 1975.
290537 Pleasant Hope, village (Polk County).	Oct. 29, 1976.
290243B Rhineland, town (Montgomery County).	Jan. 21, 1977, Aug. 16, 1977.
290655 Rich Hill, city of (Bates)	Feb. 14, 1975.
290657 Richmond, city (Ray County)	Oct. 22, 1976.
290485 Ritchey, town (Newton County)	Jan. 10, 1975.
290438 Rockaway Beach, town (Taney County).	Jan. 10, 1975.
290518 Rockville, city of (Bates County)	Feb. 21, 1975.
290008 Rosendale, city of (Andrew County).	Feb. 14, 1975.
290665 Shelbina, city (Shelby County)	Apr. 25, 1975.
290527B South Gorin, city (Scotland County).	Nov 5, 1976.
290149A Springfield, city of (Greene County).	Oct. 25, 1974.
290488 Stella, city of (Newton County)	Feb. 21, 1975.
290667 Stockton, city (Cedar County)	July 2, 1976.
290039 Sturgeon, town of (Boone County).	Apr 23, 1976.
290076 Sumner, town (Charleston County).	Jan. 10, 1975.
290508 Sunnyvale, city (Newton County)	Nov. 5, 1976.
290509 Tarsney Lakes, village (Jackson County).	Oct. 22, 1976.
290641 Troy, city (Lincoln County)	Oct. 29, 1976.
290228A Tuscumbia, village of (Miller County).	Oct. 25, 1974, Nov. 21, 1975.
290514 Urbana, village (Dallas County)	June 27, 1975.
290857 Velda Village Hills, village of (St. Louis County).	July 2, 1976.
290645 Verona, city (Lawrence County)	Oct. 15, 1976.
290646 Viburnum, city of (Iron County)	Feb. 21, 1975.
290648 Warrenton, city of (Warren County).	Feb. 7, 1975.
290483 Wentworth, town (Newton County).	Jan. 10, 1975.
290635 Westboro, village (Atchison County).	July 11, 1975.
290396 Westwood, town (St. Louis County).	May 29, 1976.
290653 Willard, city (Greene County)	Nov 5, 1976.
290452A Williamsville, city of (Wayne County).	Oct. 18, 1974, Mar 5, 1976.
290167B Willow Springs, city of (Howell County).	May 24, 1974, Dec. 5, 1975.
290639 Woods Heights, village (Ray County).	Nov 5, 1976.
290033A Zalma, village of (Bollinger County).	Oct. 25, 1974, Nov 7, 1975.
Total in the State 110	

Montana

Community No. and name	Hazard area identified
300066A Bainville, town (Roosevelt County).	Jan. 3, 1975, Oct. 10, 1978.
300009A Belt, city of (Cascade County)	Mar. 15, 1974, Sept. 19, 1975.
300090 Brockton, town (Roosevelt County).	June 27, 1975.
300091 Clyde Park, town (Park County)	Jan. 3, 1975.
300016A Deer Lodge County*	June 7, 1977.
300092 Dutton, town (Teton County)	Apr. 25, 1975.
300111 Ekalaka, town of (Carter County)	July 18, 1976.
300070A Forsyth, city of (Rosebud County).	Mar 8, 1974, Jan. 16, 1976.
300018A Fort Benton, city of (Chouteau County).	May 10, 1974, Nov. 26, 1975.
300150A Garfield County*	Mar 20, 1979.

Montana—Continued

Community No. and name	Hazard area identified
300151 Glacier County*	Dec. 27, 1977.
300021 Grass Range, town of (Fergus County).	Dec. 27, 1974.
300095 Hingham, town (Hill County)	July 11, 1975.
300154A Jefferson County*	Jan. 24, 1978.
300116A Jordan, town (Garfield County)	June 27, 1975, Jan. 14, 1977.
300096 Kevin, town (Toole County)	June 27, 1975.
300031 Lavina, town (Golden Valley County).	Jan. 24, 1975.
300153 Mineral County*	Feb. 14, 1978.
300119 Polson, city (Lake County)	Sept. 26, 1975.
300122 Ronan, city (Lake County)	Apr. 25, 1975.
300093B Rosebud County*	Aug. 2, 1974, Nov. 22, 1977, Sept. 26, 1978.
300072B Sanders County	Dec. 27, 1977, Mar. 13, 1979.
300125 Shelby, city (Toole County)	Apr. 2, 1976.
300126 Sheridan, town (Madison County)	Sept. 19, 1975.
300076A Silver Bow County*	June 17, 1977.
300127 Sunburst, town (Toole County)	Jan. 10, 1975.
300130 Thompson Falls, town of (Sanders County).	Feb. 7, 1975.
300047A White Sulphur Springs, city of (Meagher County).	May 24, 1974, Jan. 16, 1976.
300052 Winnett, town of (Petroleum County).	Dec. 27, 1974.
Total in the State 29	

*Unincorporated areas only.

Nebraska

Community No. and name	Hazard area identified
310411 Adams County*	Oct. 18, 1977.
310243 Alexandria, village (Thayer County).	Sept. 12, 1975.
310412 Antelope County*	Dec. 27, 1977.
310342 Arnold, village (Custer County)	Aug. 15, 1975.
310006 Arthur, village (Arthur County)	Jan. 10, 1975.
310246 Ashton, village (Sherman County)	July 11, 1975.
310243 Atkinson, city (Holt County)	Nov. 5, 1976.
310249 Belgrade, village (Nance County)	May 2, 1975.
310226 Bellwood, village of (Butler County).	Nov. 22, 1974.
310250 Benedict, village (York County)	Apr. 18, 1975.
310068 Big Springs, village of (Deuel County).	Dec. 20, 1974.
310252 Bladen, village (Webster County)	July 11, 1975.
310251 Bloomfield, city (Knox County)	July 16, 1976.
310416A Box Butte County*	Aug. 23, 1977.
310253 Bruning, village of (Thayer County).	Jan. 31, 1975.
310254 Brunswick, village (Antelope County).	Apr. 2, 1976.
310419A Buffalo County*	Apr. 17, 1979.
310169 Burchard, village of (Pawnee County).	Nov. 8, 1974
310161 Burr, village of (Otoe County)	Dec. 6, 1974.
310420A Burt County*	Nov. 22, 1977.
310354 Burwell, city (Garfield County)	Apr. 23, 1976.
310255 Bushnell, village (Kimball County)	Mar. 26, 1976.
310256 Campbell, village (Franklin County).	Aug. 22, 1975.
310228 Cedar Rapids, village (Boone County).	Jan. 10, 1975.
310057 Chadron, city (Dawes County)	Sept. 24, 1976.
310260 Chapman, village (Merrick County).	Mar. 26, 1976.
310261 Chester, village (Thayer County)	Aug. 6, 1976.
310263 Cody, village (Cherry County)	Mar. 26, 1976.
310360 Creighton, city (Knox County)	Nov. 12, 1976.
310427A Cuming County*	Aug. 16, 1977.
310066 Curtis, city (Frontier County)	Apr. 2, 1976.
310428 Custer County*	Mar. 14, 1978.
310058 Dawson County	Oct. 18, 1977.
310430A Deuel County*	Nov. 1, 1977.
310269 Dillar, village (Jefferson County)	Aug. 29, 1975.
310270 Dix, village (Kimball County)	Sept. 26, 1975.
310271 Dorchester, village (Saline County).	Mar. 26, 1976.
310272 Duncan, village (Platte County)	Feb. 18, 1977.
310276 Eustis, village (Frontier County)	Sept. 19, 1975.
310061A Farnam, village of (Dawson County).	Nov. 8, 1974, Dec. 5, 1975.
310066A Gage County	Aug. 9, 1977.
310373 Greeley, village (Greeley County)	July 11, 1975

Nebraska—Continued

Community No. and name	Hazard area identified
310375 Gretna, city of (Sarpy County)	August 6, 1976.
310234 Guide Rock, village (Webster County).	July 9, 1976.
310283 Hardy, village (Nuckolls County)	Nov. 19, 1976.
310213A Hay Springs, city of (Sheridan County).	Mar. 22, 1974, Nov. 7, 1975.
310286 Hildreth, village (Franklin County).	July 30, 1976.
310288 Holstein, village (Adams County)	July 18, 1975.
310381B Humphrey, village (Platte County).	July 11, 1975, Oct. 3, 1975, Sept. 26, 1978.
310447A Jefferson County*	June 21, 1977.
310487A Keith County*	Nov. 15, 1977.
310385B Laurel, village (Cedar County)	Nov. 5, 1976.
310452 Lincoln County)	Apr. 11, 1978.
310085 Maywood, village of (Frontier County).	Dec. 20, 1974.
310303 Milligan, village (Fillmore County)	July 9, 1976.
310083 Naponee, village (Franklin County).	Aug. 13, 1976.
310159 Oak, village of (Nuckolls County)	Nov. 15, 1974.
310081 Ohiowa, village of (Fillmore County).	Nov. 8, 1974.
310394 Orleans, city (Harlan County)	July 9, 1976.
310465A Phelps County*	Aug. 16, 1977.
310175 Plainview, city of (Pierce County)	July 2, 1976.
310467A Platte County*	Aug. 16, 1977.
310310 Polk, village (Polk County)	June 27, 1975.
310469 Red Willow County*	Dec. 27, 1977.
310084 Riverton, village (Franklin County)	Oct. 29, 1976.
310214A Rushville, city of (Sheridan County).	May 3, 1974, Apr. 2, 1976.
310316 Scotia, village (Greeley County)	May 2, 1975.
310473A Scots Bluff County*	Feb. 7, 1978.
310474A Seward County*	June 7, 1977.
310475A Sheridan County*	Nov. 22, 1977.
310171 Steinauer, village of (Pawnee County).	Nov. 22, 1974.
310106 Stockham, village of (Hamilton County).	Dec. 6, 1974.
310172A Table Rock, village of (Pawnee County).	Nov. 1, 1974, Sept. 25, 1979.
310326 Thedford, village (Thomas County).	July 11, 1975.
310404 Wakefield, city (Dixon-Wayne Counties).	Aug. 29, 1975.
310333 Western, village (Saline County)	Nov. 19, 1976.
310205A Weston, village of (Saunders County).	Oct. 18, 1974, Feb. 20, 1976.
310335 Wilsonville, village (Furnas County).	Dec. 3, 1976.
310486 York County*	Nov. 1, 1977.
Total in the State 79	

Nevada

Community No. and name	Hazard area identified
320030B Churchill County*	Dec. 27, 1977, June 12, 1979.
320029A Lyon County	Jan. 31, 1978.
320033A Storey County*	Jan. 10, 1978.
320012 Winnemucca, city of (Humboldt County).	Apr. 23, 1976.
Total in the State 4	

New Hampshire

Community No. and name	Hazard area identified
330152A Acworth, town of (Sullivan County).	Sept. 13, 1974, Feb. 18, 1977.
330174 Albany, town (Carroll County)	Jan. 17, 1975.
330041A Alexandria, town of (Grafton County).	Feb. 21, 1975, Apr. 1, 1977, Sept. 21, 1979.
330175A Atkinson, town (Rockingham County).	Jan. 3, 1975, Nov. 29, 1977.
330180 Brookline, town (Hillsborough County).	Apr. 4, 1975.
330126A Candia, town of (Rockingham County).	Feb. 21, 1975, Nov. 19, 1976.
330181A Chatham, town (Carroll County)	Jan. 3, 1975, Dec. 10, 1976.

New Hampshire—Continued

Community No. and name	Hazard area identified
330183A Chesterfield, town (Cheshire County).	Dec. 13, 1977.
330182 Chester, town of (Rockingham County).	Feb. 21, 1975.
330109B Chichester, town of (Merrimack County).	Apr. 5, 1974, Dec. 24, 1976.
330184 Clarksville, town (Coos County)	Jan. 3, 1975.
330111A Danbury, town (Merrimack County).	June 14, 1977.
330199 Danville, town (Rockingham County).	Jan. 17, 1975.
330050 Dorchester, town (Grafton County).	Mar. 14, 1975.
330201 Dummer, town (Coos County)	Jan. 17, 1975.
330202 Dunbarton, town (Merrimack County).	Jan. 17, 1975.
330204A Eaton, town (Carroll County)	Jan. 17, 1975, Oct. 1, 1976.
330012 Effingham, town (Carroll County)	Jan. 17, 1975.
330206 Errol, town (Coos County)	Jan. 17, 1975.
330207 Fitzwilliam, town (Cheshire County).	Nov. 26, 1976.
330013A Freedom, town of (Carroll County).	Aug. 30, 1974, Aug. 13, 1976.
330131B Fremont, town of (Rockingham County).	Aug. 9, 1974, Oct. 29, 1976, Aug. 17, 1979.
330208A Gilmanton, town (Belknap County).	Jan. 17, 1975, Sept. 21, 1979.
330054 Grafton, town (Grafton County)	Jan. 17, 1975.
330212 Harrisville, town (Cheshire County).	Jan. 24, 1975.
330216A Kensington, town of (Rockingham County).	Sept. 6, 1977.
330217A Kingston, town (Rockingham County).	Jan. 17, 1975, Mar. 6, 1979.
330060B Landaff, town of (Grafton County).	Dec. 6, 1974, Nov. 19, 1976, Sept. 7, 1979.
330159 Langdon, town (Sullivan County)	Jan. 3, 1975.
330160A Lempster, town of (Sullivan County).	Jan. 31, 1975, May 18, 1979.
330062B Lincoln, town of (Grafton County).	Feb. 21, 1975, Mar. 11, 1977, Sept. 7, 1979.
330117A Loudon, town of (Merrimack County).	Aug. 2, 1974, May 31, 1977, Sept. 28, 1979.
330218A Lyndeborough, town of (Hillsborough County).	Feb. 21, 1975, Nov. 29, 1977.
330219 Madbury, town (Strafford County)	Jan. 17, 1975.
330220A Madison, town (Carroll County)	Jan. 17, 1975, Nov. 29, 1977.
330221 Mason, town of (Hillsborough County).	Feb. 21, 1975.
330222A Middleton, town of (Strafford County).	Jan. 31, 1975, Jan. 10, 1978.
330035 Milan, town of (Coos County)	June 28, 1974.
330149A Milton, town of (Strafford County).	Feb. 7, 1975, Feb. 18, 1977.
330068 Monroe, town of (Grafton County)	Nov. 29, 1974.
330015A Moultonbourgh, town of (Carroll County).	Feb. 11, 1977.
330224 Mount Vernon, town (Hillsborough County).	Jan. 17, 1975.
330229 Newington, town of (Rockingham County).	Feb. 21, 1975.
330069 Orange, town (Grafton County)	Jan. 10, 1975.
330186A Pittsburg, town of (Coos County)	Jan. 31, 1975, Jan. 7, 1977.
330187 Randolph, town (Coos County)	Jan. 3, 1975.
330188 Richmond, town (Cheshire County).	Jan. 3, 1975, Dec. 27, 1977.
330172 Roxbury, town of (Cheshire County).	Feb. 14, 1975.
330073B Rumney, town of (Grafton County).	Mar. 15, 1974, Mar. 11, 1977, Sept. 28, 1979.
330191 Sandown, town (Rockingham County).	Jan. 3, 1975.
330193 South Hampton, town of (Rockingham County).	Feb. 28, 1975.
330163A Springfield, town (Sullivan County).	Nov. 8, 1977.
330194 Stewartstown, town (Coos County).	Jan. 10, 1975.
330195A Stoddard, town (Cheshire County).	Jan. 17, 1975, May 17, 1977.
330170B Surry, town (Cheshire County)	Jan. 3, 1975, Sept. 3, 1976, Sept. 28, 1979.
330173A Troy, town (Cheshire County)	Jan. 3, 1975, July 23, 1976.

New Hampshire—Continued

Community No. and name	Hazard area identified
330165A Unity, town of (Sullivan County)	May 31, 1974, Nov. 26, 1976.
330168B Warren, town of (Grafton County).	Sept. 13, 1974, May 18, 1979.
330166B Washington, town of (Sullivan County).	Dec. 27, 1974, Aug. 27, 1976, June 21, 1977.
330235A Weare, town of (Hillsborough County).	Feb. 14, 1975, Feb. 11, 1977.
330040B Whitefield, town of (Coos County).	July 26, 1974, Nov. 26, 1976, Sept. 21, 1979.
330124A Wilmot, town of (Merrimack County).	Aug. 16, 1974, Nov. 19, 1976.
Total in the State 62	

New Jersey

Community No. and Name	Hazard area identified
340540 Mendham, Borough of (Morris County).	Jan. 31, 1975.
340556A Mine Hill, Township of	Jan. 7, 1977.
340549 Newfield, Borough of (Gloucester County).	July 1, 1977.
340111 Pemberton, Boro (Burlington County).	Aug. 20, 1976, Dec. 10, 1976.
340421A Pittsgrove, Twp (Salem County)	Dec. 3, 1976.
340455 Sandyston, Twp (Sussex County)	Oct. 21, 1977.
340212A South Harrison, Township of (Gloucester County).	June 28, 1974, July 2, 1976.
340533 Tabernacle, Township of (Burlington County).	Feb. 7, 1975
340479B Winfield, Township of (Union County).	Mar. 8, 1974, Oct. 17, 1975.
Total in the State 9	

New Mexico

Community No. and Name	Hazard area identified
350098 Capitan, village (Lincoln County)	June 25, 1976.
350017A Carlsbad, city of (Eddy County)	Mar. 15, 1974, Jan. 2, 1976.
350110 Carrizozo, town (Lincoln County)	Aug. 22, 1975.
350050A Chama, village of (Rio Arriba County).	Aug. 16, 1974, Dec. 12, 1975.
350125A Chaves County*	June 13, 1978.
350127A Curry County*	Feb. 7, 1978.
350112A Dexter, town (Chaves County)	May 2, 1975, Sept. 17, 1976.
350121A Grant County	Aug. 9, 1977.
350122 Lincoln County	Mar. 28, 1978.
350114 Loving, village (Eddy County)	Aug. 8, 1975.
350076A Magdalena, village of (Socorro County).	Aug. 2, 1974, Feb. 20, 1976.
350106 Maxwell, village (Colfax County)	Sept. 19, 1975.
350039A McKinley County	July 4, 1978.
350116 Questa, village (Taos County)	Jan. 17, 1975.
350108 Roy, village (Harding County)	July 16, 1976.
350132A San Miguel County*	Aug. 16, 1977.
350055A Sandoval County	Nov. 29, 1977.
350032A Tatum, town of (Lea County)	June 21, 1974, Jan. 16, 1976.
350133 Torrance County*	Apr. 11, 1978.
Total in the State 19	

*Unincorporated areas only.

New York

Community No. and Name	Hazard area identified
361361 Allen, town of (Alleghany County)	Jan. 31, 1975.
361379 Altona, town (Clinton County)	Jan. 3, 1975.
361260 Amboy, town of (Oswego County)	Nov. 15, 1974.
361095 Angelica, town of (Allegany County).	Sept. 10, 1976.
361518A Ava, town of (Oneida County)	June 28, 1974, Sept. 10, 1976.
361392 Bellmont, town (Franklin County)	Jan. 17, 1975.
361362 Birdsall, town (Allegany County)	Jan. 3, 1975.

New York—Continued

Community No. and Name	Hazard area identified
361097A Bolivar, town (Allegany County)	Oct. 29, 1976.
361415 Boylston, town (Oswego County)	Jan. 3, 1975.
360521A Bridgewater, town of (Oneida County).	Sept. 6, 1974, July 16, 1976.
361128A Broadalbin, town of (Fulton County).	Sept. 20, 1974, Aug. 6, 1976.
361480 Brushton, village of (Franklin County).	Nov. 15, 1974.
361394 Burke, town (Franklin County)	Feb. 17, 1978.
361098 Burns, town of (Allegany County)	Nov. 8, 1974.
361445 Butler, town of (Wayne County)	Nov. 29, 1974.
361208 Cameron, town (Steuben County).	Jan. 10, 1975.
360328C Champion, town of (Jefferson County).	May 31, 1974, Feb. 7, 1975.
361314 Chatham, town (Columbia County).	June 10, 1977.
361107 Cherry Creek, town of (Chautauqua County).	May 12, 1978.
361422 Clare, town (St. Lawrence County).	Jan. 3, 1975.
360524A Clayville, village of (Oneida County).	May 24, 1974, July 30, 1976.
361380 Clinton, town (Clinton County)	Jan. 24, 1975.
360360B Constableville, village of (Lewis County).	Aug. 9, 1974, May 28, 1976.
361441 Courtland, city of (Cortland County).	Feb. 14, 1975.
360300A Danube, town of (Herkimer County).	Apr. 5, 1974, June 18, 1976.
360364A Diana, town of (Lewis County)	Sept. 13, 1974, June 11, 1976.
361122A Dickinson, town of (Franklin County).	Nov. 8, 1974, Jan. 9, 1976.
360745 Dix, town of (Schuyler County)	Sept. 3, 1976.
360956 Dresden, village (Yates County)	Feb. 20, 1976, Feb. 20, 1976.
360414A East Rochester, village (Monroe County).	Jan. 14, 1977.
361176A Edwards, town (St. Lawrence County).	Jan. 24, 1975, Feb. 6, 1976.
361463A Edwards, village of (St. Lawrence County).	Nov. 15, 1974, Feb. 6, 1976.
361382 Ellenburg, town (Clinton County)	Mar. 14, 1975.
361397 Franklin, town (Franklin County)	July 18, 1975.
361325 Freetown, town (Cortland County)	Jan. 17, 1975.
361100 Friendship, town (Allegany County).	Jan. 3, 1975.
361452A Geneseo, village of (Livingston County).	Nov. 15, 1974, Nov. 14, 1975.
361587 German, Town of (Chenangeo County).	July 29, 1977.
361455 Gilbertsville, village (Otsego County).	July 16, 1976.
361178 Gouverneur, Town (St. Lawrence County).	Jan. 24, 1975.
360616B Greenwood Lake, village of (Orange County).	May 3, 1974, July 23, 1976.
361210 Greenwood, Town (Steuben County).	Jan. 3, 1975.
360291 Halcott, Town of (Green County)	Feb. 14, 1975.
360651 Hannibal, Town (Oswego County)	Oct. 1, 1976.
361451B Harrisville, village of (Lewis County).	Nov. 15, 1974, May 28, 1976.
361234 Hartford, Town of (Washington County).	Dec. 27, 1974.
361179 Hopkinton, Town of (St. Lawrence County).	Nov. 15, 1974.
361434 Howard, Town of (Steuben County).	Dec. 27, 1974.
360078A Humphrey, Town of (Cattaraugus County).	Aug. 30, 1974, July 16, 1976.
361008A Independence, Town of (Allegany County).	Sept. 6, 1974, June 11, 1976.
361113A Indian Lake, Town (Hamilton County).	Dec. 10, 1976.
360958A Italy, Town of (Yates County)	June 28, 1974, Aug. 20, 1976.
361212A Jasper, Town of (Steuben County).	Nov. 1, 1974, July 2, 1976.
361196 Jefferson, Town (Schoharie County).	Aug. 12, 1977.
361114 Jewett, Town of	Dec. 23, 1977.
361131A Johnstown, Town of (Fulton County).	Oct. 25, 1974, Mar. 18, 1977.
360266A Keeseville, village of (Essex County).	May 31, 1974, May 21, 1976.
360011 Knox Townshp(Albany County)	Oct. 22, 1976.
361456 Leicester, Village (Livingston County).	Jan. 10, 1975.
360080A Leon, Town of (Cattaraugus County).	May 31, 1974, June 18, 1976.

New York—Continued

Community No. and Name	Hazard area identified
361152 Lewis, Town of (Essex County)	Nov. 29, 1974.
360368A Lewis, Town of (Lewis County)	June 28, 1974, July 9, 1976.
361457A Lima, village (Livingston County)	Jan. 16, 1976.
360309A Litchfield, Town of (Herkimer County).	Mar. 15, 1974, Apr. 9, 1976.
361406 Long Lake, Town (Hamilton County).	July 25, 1975, May 19, 1978.
360083A Lyndon, Town of (Cattaraugus County).	Aug. 9, 1974.
360371A Lyonsdale, Town of (Lewis County).	Aug. 16, 1974, July 16, 1976.
360084A Machias, Town of (Cattaraugus County).	Oct. 18, 1974, Aug. 27, 1976.
361153A Minerva, Town of (Essex County).	Dec. 20, 1974, July 9, 1976.
361125 Moira, Town of (Franklin County)	Nov. 15, 1974.
361488 Mooers, village (Clinton County)	Jan. 3, 1975.
361389 Moriah, town of (Essex County)	Nov. 22, 1974.
360706B Morristown, Town of (St. Lawrence County).	Sept. 6, 1974, July 16, 1976, July 1, 1977.
361019A Nelsonville, village (Putnam County).	Dec. 16, 1977.
361400A Northampton, Town of (Fulton County).	Jan. 31, 1975, Aug. 6, 1976.
361408 Ohio, Town (Herkimer County)	Jan. 3, 1975.
361526A Oneida Castle, village (Oneida County).	Nov. 26, 1976.
361134A Oppenheim, Town of (Fulton County).	Nov. 8, 1974, June 18, 1976.
361263 Palermo, Town of (Oswego County).	Feb. 7, 1975.
360896 Palmyra, village (Wayne County)	July 29, 1977.
361425 Parishville, town (St. Lawrence County).	Jan. 17, 1975.
361426 Pierrefield, town of (St. Lawrence County).	Jan. 31, 1975.
360375A Pinckney, town of (Lewis County).	Sept. 6, 1974.
361184 Pitcairn, town (St. Lawrence County).	Mar. 31, 1978.
361356A Prospect, village of (Oneida County).	Nov. 15, 1974.
361190A Providence, town of (Saratoga County).	Nov. 15, 1974, Aug. 6, 1976.
360781A Rathbone, town of (Steuben County).	Aug. 2, 1974, Sept. 17, 1976.
361346 Ravena, village (Albany County)	Oct. 22, 1976.
361548 Red Creek, village (Wayne County).	Jan. 10, 1975.
361366 Red House, Town of (Cattaraqus County).	Feb. 28, 1975, Dec. 30, 1977.
361265 Redfield, town of (Oswego County).	Nov. 22, 1974.
360541A Remsen, village (Oneida County).	Mar. 4, 1977.
361486A Rensselaer Falls, village (St. Lawerence County).	June 3, 1977.
361467 Richville, village (St. Lawrence County).	Jan. 10, 1975.
361186A Rossie, Town of (St. Lawrence County).	Nov. 1, 1974, Mar. 26, 1976.
361121A Russia, Town of (Herkimer County).	Nov. 1, 1974, June 18, 1976.
360098A Salamanca, Town of	June 3, 1977.
360317A Salisbury, Town of (Herkimer County).	June 7, 1974, July 16, 1976.
361229A Savannah, Town of (Wayne County).	Dec. 20, 1974, June 25, 1976.
361505 Savannah, village (Wayne County).	Aug. 27, 1976.
361058 Schagh-Icoke, village of (Rensselaer County).	Jan.23, 1976.
361040A Smithville, Town of (Chenango County).	June 10, 1977.
360100A South Valley, Town of (Cattaraugus County).	Sept. 6, 1974, Sept. 24, 1976, June 10, 1977.
361288A Sparta, Town of (Livingston County).	Nov. 8, 1974, June 11, 1976.
360555A Steuben, Town of (Oneida County).	June 28, 1974, July 9, 1976.
360880A Stony Creek, Town of (Warren County).	Dec. 17, 1976.
361136 Stratford, Town of (Fulton County).	Nov. 15, 1974.
361157A St. Armand, Town of (Essex County).	Oct. 25, 1974, July 2, 1976.
361201 Summit, Town (Schoharie County).	Mar. 31, 1978.
361213A Thurston, Town of (Steuben County).	Oct. 25, 1974, Aug. 13, 1976.

New York—Continued

Community No. and Name	Hazard area identified
361436 Troupsburg, Town of (Steuben County).	Feb. 21, 1975.
360733A Victory, village of (Saratoga County).	Apr. 5, 1974.
361228B Walworth, Town of (Wayne County).	Dec. 13, 1974, Oct. 10, 1975, May 28, 1976.
360563A Waterville, village of (Wyoming County).	June 14, 1974, June 18, 1976.
361112 Wells, Town of (Hamilton County)	Nov. 29, 1974.
361246 Wethersfield, town of (Wyoming County).	Dec. 13, 1974.
361267A Williamstown, Town of (Oswego County).	Nov. 1, 1974, July 2, 1976.
361161 Wilmington, Town (Essex County)	Jan. 17, 1975.
361401 Windham, Town of (Green County).	Nov. 4, 1977, Oct. 27, 1978.
Total in the State 119	

North Carolina

Community No. and name	Hazard area identified
370396 Alexander County*	June 9, 1978.
370004A Alleghany County	July 1, 1977.
370407 Arlington, Town of (Yadkin County).	Jan. 19, 1979.
370358 Autryville, Town (Sampson County).	July 25, 1975.
370162 Bakersville Town (Mitchell County).	May 27, 1977.
370288 Bath, Town (Beaufort County)	July 8, 1977.
370066 Battleboro, Town (Edgecombe County).	Aug. 15, 1975.
370183 Bayboro, Town (Pamlico County)	July 30, 1976.
370290 Bertie County	Sept. 29, 1978.
370394 Bolivia, Town of (Brunswick County).	June 10, 1977.
370395 Calabash, Town of (Brunswick County).	June 10, 1977.
370406 Casar, Town of (Cleveland County).	Nov. 17, 1978.
370300 Caswell County	Feb. 3, 1978.
370299 Chatham County	May 19, 1978.
370302 Cleveland County	June 16, 1978.
370321 Cramerton, Town (Gaston County).	July 11, 1975.
370287 Crossnore, Town (Avery County)	Aug. 5, 1977.
370322 Dallas, Town (Gaston County)	June 27, 1975.
370063 Duplin County	Feb. 24, 1978.
370359 East Laurinburg, Town (Scotland County).	July 11, 1975.
370225B Elkin, Town of (Surry County)	June 28, 1974, June 11, 1976.
370352A Faith, Town (Rowan County)	Oct. 17, 1975.
370377 Franklin County	Sept. 15, 1978.
375350A Franklin, Town of (Macon County).	Feb. 23, 1971.
370413 Gaston, Town of (Northampton County).	Dec. 15, 1978.
370325 Granville County	Apr. 21, 1978.
370378 Greene County	Dec. 2, 1977.
370130 Hertford County	June 2, 1978.
370405 High Shoals, City of (Gaston and Lincoln Counties).	Nov. 3, 1978.
370326 Hookerton, Town (Greene County).	Sept. 26, 1975.
370363 Jupiter, Town of (Buncombe County).	Oct. 29, 1976.
370399 Kenansville, Town of (Dublin County).	June 24, 1977.
370319A Kernersville, Town (Forsyth County).	May 27, 1977.
370364 Laurel Park, Town of (Henderson County).	June 11, 1976.
370303 Lawndale, Town (Cleveland County).	July 11, 1975.
370317A Leggett, Town (Edgecombe County).	July 1, 1977.
370144 Lenoir County*	Dec. 27, 1974, July 21, 1978.
370328 Lowell, Town (Gaston County	Aug. 15, 1975, Oct. 13, 1978.
370080A Macclesfield, Town of (Edgecombe County).	Jan. 9, 1974, June 11, 1976.
370150 Macon County	June 30, 1978.
370418 Minnesott Beach, Town of (Pamlico County).	March 2, 1979.
370309 Mocksville, Town (Davie County)	July 11, 1975.

North Carolina—Continued

Community No. and name	Hazard area identified
370336 Montgomery County	Oct. 13, 1978.
370419 Murfreesboro, Town of (Hertford County).	Nov. 10, 1978.
370257B North Wilkesboro, city of (Wilkes County).	Apr. 12, 1974, Aug. 13, 1976.
370349 Orrum, town (Robeson County)	Apr. 25, 1975.
370285 Peachland, town (Anson County)	Apr. 7, 1978.
370315 Perquimans County	July 28, 1978.
370346 Person County	Feb. 10, 1978.
370372 Pitt County	June 30, 1978.
370420 Pittsboro, town of (Chatham County).	Oct. 20, 1978.
370286 Polkton, town (Anson County)	Feb. 10, 1978.
370324 Ranlo, town (Gaston County)	June 27, 1975.
370341 Richlands, town (Onslow County)	July 11, 1975.
370348 Richmond County	July 28, 1978.
370106A Robbinsville, town of (Graham County).	June 14, 1974, Aug. 27, 1976.
370350 Rockingham County	June 16, 1978.
370347 Roxboro, city (Person County)	Jan. 13, 1978.
370355A Ruth, town (Rutherford County)	Apr. 1, 1977.
370220 Sampson County*	Dec. 20, 1974, Sept. 22, 1978.
370422A Severn, town of (Northampton County).	Nov. 3, 1978.
370423A Sims, town of (Wilson County)	Jan. 12, 1979.
370406 Spencer Mountain, town of (Gaston County).	July 14, 1978.
370371 Stantonsburg, town (Wilson County).	Oct. 3, 1975.
370362 Stokes County	Mar. 17, 1978.
370364 Surry County	Aug. 11, 1978.
370227 Swain County	Jan. 19, 1979.
370366 Vance County	Aug. 4, 1978.
370360 Wagram, town (Scotland County)	Aug. 8, 1975.
370396 Warren County*	Aug. 11, 1978.
370254 Wayne County*	Dec. 27, 1974, Aug. 4, 1978.
370281 Webster, town (Jackson County)	Feb. 10, 1978.
370370 Wilson County	Mar. 10, 1978.
370345 Winfall, town (Perquimans County).	July 25, 1975.
370365 Wingate, town (Union County)	Oct. 3, 1975.
370400 Yadkin County*	May 5, 1978.
Total in the State 76	

North Dakota

Community No. and name	Hazard area identified
380151 Abercrombie, city (Richland County).	Oct. 29, 1976.
380216 Bow Bells, city of (Burke County)	Feb. 7, 1975.
380121 Courtenay, city of (Stutsman County).	Dec. 27, 1974.
380039 Dawson, city of (Kidder County)	Dec. 6, 1974.
380222 Drake, city of (McHenry County)	Feb. 21, 1975.
380169 Flaxton, city of (Burke County)	Feb. 7, 1975.
380170A Fordville, city (Walsh County)	June 4, 1976, Sept. 19, 1978.
380171 Fortuna, city (Divide County)	July 25, 1975.
380173 Gladstone, city (Stark County)	Aug. 13, 1976.
380174 Glenburn, city of (Renville)	Feb. 14, 1975, Mar. 28, 1978.
380175 Golden Valley, city (Mercer County).	June 27, 1975, Jan. 17, 1978.
380099 Great Ben, city of (Richland County).	July 30, 1976.
380178 Hannaford, city (Griggs County)	Jan. 17, 1975.
380179A Hoople, city (Walsh County)	Aug. 13, 1976, Aug. 8, 1978.
380237 Lidgerwood, city of (Richland)	Feb. 14, 1975.
380037 Manvel, city (Grand Forks County).	Jan. 10, 1975.
380008 Maxbass, city of (Bottineau County).	Nov. 22, 1974.
380109 McClusky, city (Sheridan County)	Nov. 5, 1976, Jan. 17, 1978.
380124 Medina, city of (Stutsman County)	Dec. 20, 1974.
380125 Montpelier, city of (Stutsman County).	Nov. 15, 1974.
380242 New England, city (Hettinger County).	July 16, 1976.
380031A New Rockford, city of (Eddy County).	Nov. 23, 1973, Apr. 16, 1976.
380192 Osnabrock, city of (Cavalier County).	Feb. 21, 1975.
380195 Plaza, city (Mountrail County)	Aug. 13, 1976.

North Dakota—Continued

Community No. and name	Hazard area identified
380199 Reynolds, city of (Grand Forks & Trail Counties).	Oct. 29, 1976.
380248 Richardton, city (Stark County)	Aug. 6, 1976.
380318A Stanley, city of (Mountrail County).	July 19, 1977.
380250A Stanton, city (Mercer County)	Apr. 2, 1976, Nov. 7, 1978.
380208A Thompson, city of (Grand Forks).	Feb. 14, 1975, Oct. 31, 1978.
380210 Tower City, city (Barnes County)	Jan. 10, 1975.
380063A Washburn, city of (McLean County).	Mar. 22, 1974, Jan. 3, 1978.
380074 White Earth, city of (Mountrail County).	Dec. 20, 1974.
380319A Williston, city of (Williams County).	May 16, 1978.
Total in the State 33	

Ohio

Community No. and name	Hazard area identified
390684A Arcanum, village (Darke County)	Jan. 13, 1978.
390207A Arlington Heights, village of (Hamilton County).	Feb. 1, 1974, Dec. 5, 1975.
390759 Ashland County	Feb. 10, 1978.
390760 Athens County	Dec. 9, 1977.
390761 Auglaize County	May 12, 1978.
390348A Avon, city of (Lorain County)	Apr. 12, 1974, Mar. 28, 1975.
390159A Baltimore, village of (Fairfield County).	June 21, 1974, Apr. 16, 1976.
390805 Beloit, village of (Mahoning County).	Aug. 26, 1977.
390650A Berlin Heights, village of (Erie County).	Apr. 5, 1974.
390674 Bethesda, village of (Belmont County).	Feb. 7, 1975.
390074 Blanchester, village of (Clinton County).	Apr. 5, 1974.
390643 Bolivar, village of (Tuscarawas County).	Oct. 29, 1976.
390728 Buchtel, village of (Athens County).	Feb. 7, 1975.
390816A Buckland, village of (Auglaize County).	Feb. 2, 1979.
390753 Burbank, village (Wayne County)	Apr. 18, 1975.
390488A Burgoon, village of (Sandusky County).	Aug. 2, 1974, July 16, 1976.
390037 Butler County	Dec. 23, 1977.
390801 Cairo, village of (Allen County)	July 15, 1977.
390461A Camden, village of (Preble County).	May 10, 1974, Aug. 27, 1976.
390763 Carroll County*	Nov. 4, 1977.
390817A Carroll, village of (Fairfield County).	Sept. 22, 1978.
390685 Castine, village (Darke County)	July 15, 1977.
390607 Cedarville, village (Greene County).	Jan. 10, 1975.
390818A Chatfield, village of (Crawford County).	Oct. 27, 1978.
390819A Cherry Fork, village of (Adams County).	Sept. 22, 1978.
390820A Clarksville, village of (Clinton County).	Nov. 10, 1978.
390821A Clayton, village of (Montgomery County).	Nov. 10, 1978.
390678 Clifton, village of (Green & Clark Counties).	Aug. 8, 1975.
390822 Coolville, village of (Athens County).	Nov. 3, 1978.
390823 Cortland, town of (Trumbull County).	Oct. 6, 1978.
390555 Corwin, village of (Warren County).	July 16, 1976.
390811B Crawford County*	Jan. 20, 1978, Aug. 25, 1978.
390575A Creston, village of (Wayne County).	Feb. 1,1974, May 28, 1976.
390187 Crown City, village (Gallia County)	Jan. 10, 1975.
390824A Cumberland, village of (Guernsey County).	Sept. 15, 1978.
390712A Darbyville, village of (Pickaway County).	Feb. 7, 1975, Oct. 6, 1978.
390262 Deshler, village (Henry County)	July 23, 1976.
390826 Edgerton, village of (Williams County).	Sept. 29, 1978.
390827 Edon, village of (Williams County)	Oct. 6, 1978.

Ohio—Continued

Community No. and name	Hazard area identified
390656A Elida, village of (Allen County)	Mar. 29, 1974.
390828 Englewood, village of (Montgomery County).	Nov. 3, 1978.
390314 Fairport Harbor, village of (Lake County).	July 23, 1976.
390164 Fayette County	Dec. 9, 1977.
390788A Fayetteville, village (Brown County).	Aug. 5, 1977.
390829A Fayette, village of (Fulton County).	Sept. 15, 1978.
390830 Fort Laramie, village of (Shelby County).	Sept. 22, 1978.
390426A Frazeysburg, village of (Muskingum County).	Aug. 30, 1974, Feb. 23, 1979.
390804 Freeport, village of (Harrison County).	Oct. 26, 1977.
390182A Fulton County	Jan. 20, 1978.
390277A Glenmont, village of (Holmes County).	Oct. 29, 1976.
390264A Hamler, village of (Henry County).	Apr. 12, 1974, Apr. 15, 1977.
390767 Hancock County	Dec. 30, 1977.
390250A Hardin County	Jan. 3, 1975, Nov. 26, 1976.
390769 Highland County	Dec. 16, 1977.
390594B Hunting Valley, village of (Cuyahoga County).	Nov. 30, 1973, June 4, 1976.
390505A Jackson Center, village of (Shelby County).	May 31, 1974, July 9, 1976.
390246A Jenera, village of (Hancock County).	Aug. 9, 1974.
390834A Junction City, village of (Perry)	Jan. 5, 1979.
390306A Knox County*	Jan. 31, 1975, Nov. 11, 1977.
390806 La Grange, town of (Lorain County).	Dec. 23, 1977.
390803 Lafayette, village of (Allen County).	Jan. 20, 1978.
390835A Laura, village of (Miami County)	Oct. 6, 1978.
390270A Leesburg, village of (Highland County).	Apr. 5, 1974.
390050A Leesville, village of (Carroll County).	Sept. 20, 1974.
390836A Limaville, village of (Stark County).	Sept. 22, 1978.
390346A Lorain County	June 3, 1977.
390661B Lucas, village of (Richland County).	Apr. 5, 1974, Sept. 26, 1975, June 24, 1977.
390838A Ludlow Falls, village of (Miami County).	Sept. 29, 1978.
390839A Magnetic Spring, village of (Union County).	Oct. 6, 1978.
390756 Marseilles, village (Wyandot County).	Apr. 18, 1975.
390718 McArthur, village (Vinton County)	Nov. 26, 1976.
390254A McGuffey, village of (Hardin County).	May 10, 1974.
390840A Metamora, village of (Fulton County).	Sept. 29, 1978.
390799 Mifflin, village of (Ashland County).	July 8, 1977.
390689 Millersport, village of (Fairfield County).	Jan. 31, 1975.
390842 Mineral City, village of (Tuscarawas County).	Oct. 6, 1978.
390843 Monroe Falls, village of (Summit County).	Oct. 13, 1978.
390396A Montezuma, village of (Mercer County).	Aug. 9, 1974, May 28, 1976.
390581B Montpelier, village of (Williams County).	May 31, 1974, May 21, 1976, Apr. 6, 1979.
390746A Morral, village (Marion County)	Apr. 18, 1975, Aug. 27, 1976.
390868 Morrow County*	Aug. 4, 1978.
390621A Mount Orab, village (Brown County).	July 25, 1975, May 7, 1976.
390844 Mount Sterling, village of (Madison County).	Sept. 29, 1978.
390722A Nevada, village of (Wyandot)	Feb. 14, 1975, Nov. 19, 1976.
390847A New Concord, village of (Muskingum County).	Sept. 8, 1978.
390848A New Knoxville, village of (Auglaize County).	Oct. 6, 1978.
390849 New Vienna, village of (Clinton)	Jan. 12, 1979.
390850A Ney, village of (Defiance County).	Jan. 5, 1979.
390285A North Fairfield, village of (Huron County).	Mar. 15, 1974, Apr. 9, 1976.
390851A Philo, village of (Muskingum County).	Mar. 30, 1979.

Ohio—Continued

Community No. and name	Hazard area identified
390287A Plymouth, village of (Huron County).	May 3, 1974, May 21, 1976.
390852A Port William, village of (Clinton County).	Oct. 13, 1978.
390460 Preble County	Aug. 26, 1977.
390465 Putnam County	Aug. 12, 1977.
390853A Quaker, village of (Guernsey County).	Sept. 29, 1978.
390854 Quincy, village of (Logan County).	Oct. 6, 1978.
390802A Rendville, village of (Perry County).	Dec. 2, 1977.
390476 Richland County	Feb. 24, 1978.
390645A Rogers, village of (Columbiana County).	Mar. 22, 1974.
390627 Sabina, village (Clinton County)	July 25, 1975, c July 6, 1979.
390706 Sarahsville, village of (Noble County).	Mar. 28, 1975.
390789 Sardinia, village (Brown County)	Jan. 13, 1978.
390858A Sencecaville, village of (Guernsey County).	Oct. 6, 1978.
390859A Sherwood, village of (Defiance County).	Oct. 6, 1978.
390046 Somerville, village (Butler County)	July 25, 1975.
390485A South Salem, village of (Ross County).	Aug. 23, 1974, May 7, 1976, July 27, 1979.
390860 South Zanesville, village of (Muskingum County).	Oct. 20, 1978.
390862 Stryker, village of (Williams County).	Jan. 19, 1979.
390632 Swanton, village (Fulton County)	July 25, 1975.
390755 Tontogany, village (Wood County)	Apr. 18, 1975.
390064 Tremont City, village (Clark County).	May 19, 1978.
390716 Unionville Center, village (Union County).	Oct. 15, 1976.
390648A Van Buren, village of (Hancock County).	Mar. 22, 1974.
390475 Vaughnsville, town of (Putnam County).	Nov. 15, 1974.
390087A Washingtonville, village of (Columbiana & Mahoning).	Nov. 9, 1973, June 4, 1976.
390293A Wellston, city of (Jackson County).	Feb. 15, 1974, June 11, 1976.
390864A West Farmington, village of (Trumbull County).	Sept. 29, 1978.
*Unincorporated areas only.	
390638 West Jefferson, village (Madison County).	July 25, 1975.
390865 Wharton, village of (Wyandot County).	Jan. 12, 1979.
390072A Williamsburg, village of (Clermont County).	Mar. 29, 1974.
390867 Willshire, village of (Van Wert County).	Oct. 20, 1978.
390579A Wooster, city of (Wayne County)	Oct. 26, 1973.
390798 Yankee Lake, village of (Trumbull County).	July 29, 1977.
Total in the State 123	

Oklahoma

Community No. and name	Hazard area identified
400255 Achille, town (Bryan County)	Apr. 2, 1976.
400256 Adair, town (Mayes County)	Apr. 2, 1976.
400074A Addington, town of (Jefferson County).	Oct. 18, 1974, Apr. 16, 1976.
400259 Asher, town (Pottawatomie County).	June 4, 1976.
400260 Bennington, town of (Bryan County).	Aug. 13, 1976.
400261 Bessie, town (Washita County)	Aug. 15, 1975.
400346 Bethel Acres, town (Pottawatomie County).	Dec. 31, 1976.
400347 Billings, town (Noble County)	Aug. 13, 1976.
400468A Bowlegs, town of (Seminole County).	May 2, 1978.
400263 Bradley, town (Grady County)	Aug. 13, 1976.
400465A Bridgeport, town of (Caddo County).	Apr. 1, 1977.
400051A Bristow, city of (Creek County)	June 28, 1974, Dec. 26, 1975.
400482A Bryan County*	Dec. 6, 1977.
400149 Burbank, town (Osage County)	Jan. 10, 1975.
400266 Butler, town (Custer County)	Nov. 5, 1976.
400479 Caddo County*	Jan. 3, 1978.
400270 Camargo, town (Dewey County)	Sept. 19, 1975.
400273 Caney, town (Atoka County)	Apr. 9, 1976.
400355 Carmen, town (Alfalfa County)	Sept. 19, 1975.
400030 Carter County	July 5, 1977.
400276 Carter, town (Beckham County)	Apr. 2, 1976.
400278 Castle, town (Okfuskee County)	May 7, 1976.
400187A Chelsea, city of (Rogers County)	Dec. 28, 1973, Dec. 12, 1975.
400486A Cherokee County*	Jan. 10, 1978.
400281 Colcord, town (Delaware County)	Nov. 19, 1976.
400253 Colony, town of (Washita County)	Aug. 13, 1976.
400489A Comanche County*	June 20, 1978.
400156 Commerce, city (Ottawa County)	June 4, 1976.
400225 Corn, town (Washita County)	Jan. 10, 1975.
400122 Council Hill, town of (Muskogee County).	Dec. 13, 1974.
400363A Cowlington, town (Le Flore County).	Mar. 11, 1977.
400097 Coyle, town (Logan County)	Aug. 13, 1976.
400282 Cromwell, town (Seminole County).	Aug. 13, 1976.
400364 Cyril, town (Caddo County)	Apr. 2, 1976.
400226A Decoma, town of (Woods County).	Nov. 8, 1974, Dec. 12, 1975.
400367 Delaware, town (Nowata County)	Apr. 9, 1976.
400369 Dickson, town (Carter County)	July 30, 1976.
400377 Fairland, town (Ottawa County)	Apr. 9, 1976.
400379 Forest Park, town (Oklahoma County).	June 25, 1976.
400381 Geary, city of (Blaine & Canadian Counties).	Oct. 29, 1976.
400032 Gene Autry, town of (Carter County).	Nov. 8, 1974.
400383A Goodwell, town (Texas County)	Mar. 25, 1977.
400013A Greenfield, town of (Blaine County).	Aug. 30, 1974.
400243A Guymon, city (Texas County)	May 20, 1977.
400388 Helena, town (Alfalfa County)	Apr. 2, 1976.
*Unincorporated areas only.	
400467A Hughes County*	Aug. 9, 1977.
400024A Hydro, town of (Caddo County)	July 26, 1974, Dec. 5, 1975.
400288 Indianola, town (Pittsburg County)	Apr. 2, 1976.
400007 Jet, town of (Alfalfa County)	Dec. 6, 1974.
400290 Kansas, town (Delaware County)	Sept. 26, 1975.
400392 Keyes, town (Cimarron County)	Aug. 13, 1976.
400394 Kingston, town (Marshall County)	Apr. 2, 1976.
400168 Kiowa, town of (Pittsburgh County).	June 25, 1976.
400294 Lahoma, town (Garfield County)	Dec. 3, 1976.
400295 Lamont, town (Grant County)	Apr. 9, 1976.
400484A Le Flore County*	Jan. 10, 1978.
400299 Lehigh, city (Coal County)	Oct. 29, 1976.
400301 Lima, town of (Seminole County)	Dec. 10, 1976.
400096A Logan County*	Dec. 27, 1974, Aug. 2, 1977.
400083 Loyal, town (Kingfisher County)	Apr. 25, 1975.
400399 Mannford, town (Creek County)	Nov. 12, 1976.
400303 Mannsville, town (Johnston County).	Sept. 26, 1975.
400400 Marietta, city (Love County)	Oct. 29, 1976.
400305 Marland, town (Noble County)	Aug. 13, 1976.
400306 Marshall, town (Logan County)	Aug. 13, 1976.
400401 Maud, city (Pottawatomie County)	Apr. 2, 1976.
400458A Mayes County	Nov. 22, 1977.
400106A McCurtain County	July 11, 1978.
400308 Milburn, town (Johnston County)	Sept. 26, 1975.
400309 Mill Creek, town (Johnston County).	Aug. 13, 1976.
400406B Minco, town (Grady County)	Jan. 26, 1977, Dec. 5, 1978.
400406 Mounds, town (Creek County)	June 25, 1976.
400491 Muskogee County*	Mar. 14, 1978.
400311 Nash, town (Grant County)	July 2, 1976.
400312 New Prue, town (Osage County)	May 21, 1976.
400424 Nicoma Park, town (Oklahoma County).	Aug. 13, 1976.
400426 North Miami, town (Ottawa County).	Apr. 9, 1976.
400313 Oakland, town (Marshall County)	Oct. 29, 1976.
400314 Oaks, town (Delaware County)	Aug. 29, 1975.
400315 Ochelata, town (Washington County).	Apr. 9, 1976.
400427 Oilton, city (Creek County)	Nov. 12, 1976.
400492A Okmulgee County*	Feb. 7, 1978.
400316 Orlando, town (Logan County)	Aug. 13, 1976.
400154A Ottawa County	May 20, 1977.
400317 Paoli, town (Garvin County)	Nov. 5, 1976.
400158 Peoria, town of (Ottawa County)	Nov. 22, 1974.
400431 Perkins, town (Payne County)	Apr. 9, 1976.
400027A Piedmont, town (Canadian County).	July 19, 1977.
400433 Pond Creek, city (Grant County)	Nov. 12, 1976.
400458A Pototoc County*	Jan. 10, 1978.
400436 Quapaw, town (Ottawa County)	Aug. 13, 1976.
*Unincorporated areas only.	
400164A Ralston, town (Pawnee County)	Aug. 13, 1976.
400320 Ravia, town (Johnston County)	Aug. 13, 1976.
400322 Reydon, town (Roger Mills County).	Nov. 12, 1976.
400324A Ripley, town (Payne County)	June 21, 1977.
400118 Salina, town (Mayes County)	July 2, 1976.
400442 Sentinel, city (Washita County)	Nov. 12, 1976.
400231 Sharon, town (Woodward County)	Aug. 13, 1976.
400034 Springer, town of (Carter County)	Dec. 17, 1976.
400418 Temple, town (Cotton County)	July 16, 1976.
400333 Tupelo, city (Coal County)	Sept. 17, 1976.
400443 Tuttle, town (Grady County)	June 25, 1976.
400334A Union city, town (Canadian County).	Jan. 14, 1977.
400447 Velma, city of (Stephens County)	Feb. 11, 1977.
400335 Vera, town (Washington County)	July 16, 1976.
400448 Vici, town (Dewey County)	Nov. 5, 1976.
400105 Washington, town (McClain County).	July 9, 1976.
400338A Waukomis, town (Garfield County).	Feb. 4, 1977.
400451 Welch, town (Craig County)	July 16, 1976.
400452 Wellston, town (Lincoln County)	Apr. 9, 1976.
400339 West Siloam Springs, town (Delaware County).	Apr. 9, 1976.
400455 Yale, city (Payne County)	Aug. 22, 1975.
Total in the State 112	

Oregon

Community No. and name	Hazard area identified
410283 Durham, city (Washington County).	Nov. 12, 1976.
410004A Halfway, town (Baker County)	Sept. 26, 1975, Nov. 22, 1977.
410284A Millersburg, city of (Linn County)	Jan. 24, 1978.
410037A Prescott, city (Columbia County)	Jan. 10, 1975.
410273 Sherwood, town (Washington County).	Aug. 13, 1976.
410165 St. Paul, city of (Marion County)	Nov. 22, 1974.
Total in the State 6	

Pennsylvania

Community No. and name	Hazard area identified
422508 Addison, township (Somerset County).	Jan. 3, 1975.
422509 Allegheny, township (Somerset County).	Jan. 3, 1975.
422529 Allegheny, township (Venango County).	Jan. 17, 1975.
422361 Ashland, township (Clarion County).	Jan. 10, 1975.
421562A Athens, township (Crawford County).	Nov. 5, 1976.
422237 Atwood, borough of (Armstrong County).	Jan. 31, 1975.
422435 Banks, township (Indiana County)	Jan. 17, 1975.
422472 Bastress, township of (Lycoming County).	Feb. 7, 1975.
421547A Beaver, township of (Columbia County).	Nov. 1, 1974, July 9, 1976.
422362 Beaver, township (Clarion County).	Jan. 24, 1975.
421659 Belfast, township (Fulton County)	Dec. 20, 1974.
422185A Bell, township of (Westmoreland County).	Sept. 13, 1974, Sept. 24, 1976.
421749 Benton, township (Lackawanna County).	Jan. 10, 1975.
421332 Bloomfield, township of (Bedford County).	Jan. 31, 1975.
421515 Boggs, township of (Clearfield County).	Nov. 15, 1974.
421516 Bradford, township of (Clearfield County).	Dec. 6, 1974.
422511 Brothersvalley, township (Somerset County).	Jan. 10, 1975.
421650 Brush Creek, township of (Fulton County).	Mar. 28, 1975.

Pennsylvania—Continued

Community No. and name	Hazard area identified
421054A Burlington, township of (Bradford County).	Sept. 13, 1974, May 7, 1976.
422251 Chapman, borough of (Northampton County).	Nov. 15, 1974.
422545 Cherry Grove, township of (Warren County).	Dec. 27, 1974.
421519 Chest, township of (Clearfield County).	Nov. 15, 1974.
422604 Chest, township of (Cambria County).	Jan. 10, 1975.
421974A Clara, township of (Potter County).	Oct. 18, 1974, May 14, 1976.
422343 Clay, township (Butler County)	Jan. 17, 1975.
422077 Clifford, township of (Susquehanna County).	Dec. 27, 1974.
421751 Clifton, township (Lackawanna County).	Jan. 24, 1975.
421838 Cogan House, township (Lycoming County).	Apr. 4, 1975.
422470 Cold Spring, township (Lebanon County).	Apr. 4, 1975.
421334 Colerain, township (Bedford County).	Jan. 3, 1975.
421715 Conemaugh, township of (Indiana County).	Dec. 6, 1974.
422406 Conewago, township of (Dauphin County).	Dec. 27, 1974.
422387 Conneaut, township (Crawford County).	Jan. 10, 1975.
422404A Cooke, township (Cumberland County).	Jan. 28, 1977.
422186A Cook, township of (Westmoreland County).	Sept. 20, 1974, Nov. 19, 1976.
421319 Darlington, borough (Beaver County).	Jan. 24, 1975.
422476A Deer Creek, township (Mercer County).	Jan. 10, 1975, July 16, 1976.
421176A Deerfield, township of (Tioga County).	Aug. 30, 1974, May 21, 1976.
420690B Delaware Water Gap, borough of (Monroe County).	June 21, 1974, May 28, 1976, Feb. 11, 1977.
422187A Donegal, township of (Westmoreland County).	June 21, 1974, July 2, 1976.
421681A Dudley, borough of (Huntingdon County).	Nov. 8, 1974, Nov. 14, 1975.
422431 Dunkard, township (Greene County).	Jan. 10, 1975.
422527 Eagles Mere, borough (Sullivan County).	Jan. 24, 1975.
422268 East Carroll, township of (Cambria County).	Feb. 14, 1975.
422218 East Hopewell, township of (York County).	Dec. 27, 1974.
421357 East Springfield, borough of (Erie County).	Jan. 31, 1975.
422314 Eastvale, borough of (Beaver County).	Jan. 31, 1975.
421772A Eden, township of (Lancaster County).	Aug. 30, 1974, May 7, 1976.
422546 Eldred, township (Warren County)	Jan. 17, 1975.
422189A Fairfield, township of (Westmoreland County).	Sept. 6, 1974, May 21, 1976.
422049 Fairhope, township of (Somerset County).	Nov. 15, 1974.
422288 Franklin, township of (Chester County).	Nov. 29, 1974.
422432 Freeport, township (Greene County).	Jan. 3, 1975.
421537 Gallagher, township of (Clinton County).	Feb. 21, 1975.
422437 Glenn Campbell, borough (Indiana County).	Jan. 24, 1975.
421717 Grant, township of (Indiana County).	Jan. 31, 1975.
422456 Greenfield, township (Lackawanna County).	Jan. 10, 1975.
422512 Greenville, township (Somerset County).	Apr. 4, 1975.
422390 Greenwood, township (Crawford County).	Jan. 17, 1975.
421644 Green, township (Forest County)	Jan. 24, 1975.
421223A Hanover, township of (Beaver County).	Sept. 6, 1974, Oct. 1, 1976.
422528 Hartleton, borough of (Union County).	Dec. 27, 1974.
421399 Herrick, township (Bradford County).	Apr. 4, 1975.
422319 Hookstown, borough of (Beaver County).	Jan. 31, 1975.
421581 Hopewell, township of (Cumberland County).	Dec. 27, 1974.

Pennsylvania—Continued

Community No. and name	Hazard area identified
421610A Horton, township of (Elk County).	Sept. 13, 1974, Aug. 6, 1976.
421525 Huston, township of (Clearfield County).	Dec. 20, 1974.
420502A Jacksonville, borough of (Indiana County).	Dec. 13, 1974, May 21, 1976.
421552 Jackson, township of (Columbia County).	Dec. 13, 1974.
422601 Jackson, township of (Lycoming County).	Mar. 28, 1974.
421671A Jackson, township of (Greene County).	Dec. 20, 1974, June 4, 1976.
421593 Jackson, township of (Dauphin County).	Jan. 31, 1975.
421889 Jackson, township (Monroe County).	Jan. 3, 1975.
422457 Jefferson, township (Lackawanna County).	Jan. 3, 1975.
422383 Jordon, township (Clearfield County).	Jan. 17, 1975.
421981 Keating, township (Potter County)	Nov. 22, 1974.
421342 King, township of (Bedford County).	Jan. 31, 1975.
421307 Kittanning, township (Armstrong County).	Dec. 17, 1976.
422057 Laporte, borough of (Sullivan County).	Dec. 20, 1974.
422515 Larimer, township (Somerset County).	Jan. 10, 1975.
422085 Lathrop, township of (Susquehanna County).	Nov. 29, 1974.
421454 Lausanne, township (Carbon County).	Jan. 3, 1975.
422334 Le Raysville, borough (Bradford County).	Jan. 24, 1975.
422567 Lebanon, township (Wayne County).	Jan. 3, 1975.
422588 Limestone, township (Lycoming County).	Jan. 24, 1975.
421693 Lincoln, township (Huntingdon County).	Jan. 3, 1975, June 22, 1979.
421533 Loganton, borough of (Clinton County).	Nov. 8, 1974.
420309 Lumber City, borough (Clearfield County).	Feb. 14, 1975.
421755 Madison, township (Lackawanna County).	Jan. 3, 1975.
421554 Main, township of (Columbia County).	Feb. 28, 1975.
420219A Marion, township (Butler County).	June 2, 1974, July 2, 1976.
422606 Markleysburg, borough (Fayette County).	Oct. 15, 1976.
421935 McEwensville, borough of (Northumberland County).	Dec. 27, 1974.
421881 Menno, township of (Mifflin County).	Nov. 22, 1974.
422352 Mercer, township (Butler County)	Jan. 10, 1975.
421744 Monroe, township (Juniata County).	Jan. 10, 1975.
421696 Morris, township of (Huntingdon County).	Nov. 22, 1974, June 8, 1979.
421847A Muncy, township (Lycoming County).	Dec. 20, 1974, July 30, 1976.
422263 Munster, township of (Cambria County).	Nov. 22, 1974.
420889A New Alexandria, borough of (Westmoreland County).	June 28, 1974, Oct. 17, 1975.
420799 New Baltimore, borough of (Somerset County).	Nov. 8, 1974.
422012 New Castle, township of (Schuylkill County).	Dec. 27, 1974.
421615A Ohiopyle, borough of (Fayette County).	Jan. 31, 1975, Mar. 19, 1976.
421401 Orwell, township (Bradford County).	Jan. 24, 1975.
422568 Overfield, township of (Wyoming County).	Dec. 27, 1974.
421968 Palmyra, township of (Pike County).	Dec. 13, 1974.
421891 Paradise, township (Monroe County).	Apr. 11, 1975.
421530 Penn, township of (Clearfield County).	Nov. 29, 1974.
421190A Pike, township of (Clearfield County).	Sept. 6, 1974, Sept. 10, 1976.
421403A Pike, township of (Bradford County).	Nov. 1, 1974, Aug. 20, 1976.
422538 Pinegrove, township (Venango County).	Jan. 24, 1975, July 6, 1979.
421313A Plum Creek, township (Armstrong County).	Sept. 6, 1974, June 18, 1976.

Pennsylvania—Continued

Community No. and name	Hazard area identified
421985 Portage, township of (Potter County).	Dec. 13, 1974.
422355 Portersville, borough (Butler County).	Jan. 10, 1975.
421655 Quincy, township of (Franklin County).	Dec. 27, 1974.
420826 Roseville, borough of (Tioga County).	Dec. 13, 1974.
422192A Salem, township of (Westmoreland County).	Sept. 20, 1974, June 25, 1976.
422357 Saxonburg, borough of (Butler County).	Dec. 27, 1974.
421585A Shippensburg, township (Cumberland County).	Sept. 6, 1974, June 25, 1976.
421104 Smithfield, township of (Bradford County).	Oct. 29, 1976.
421350 South Woodbury, township (Bedford County).	Mar. 5, 1976, Sept. 2, 1977.
421351 Southampton, township of (Bedford County).	Feb. 7, 1975.
421677 Springhill, township (Greene County).	Apr. 11, 1975.
421407A Stevens, township of (Bradford County).	Nov. 1, 1974, June 25, 1976.
421328 St. Clairsville, borough of (Bedford County).	Jan. 31, 1975.
422549 Sugar Grove, township (Warren County).	Jan. 24, 1975.
422399 Summerhill, township of (Crawford County).	Jan. 31, 1975.
422056 Summit, township (Somerset County).	Jan. 3, 1975.
421469A Taylor, township of (Centre County).	Dec. 20, 1974, May 28, 1976.
420077 Thornburg, borough (Allegheny County).	Nov. 12, 1976.
421959 Toboyne, township (Perry County)	June 30, 1976.
422550 Triumph, township (Warren County).	Jan. 17, 1975.
420315 Troutville, borough of (Clearfield County).	Dec. 6, 1974.
421698 Tunkhannock, township of (Monroe County).	Jan. 31, 1975.
422584 Uniondale, borough (Susquehanna County).	Jan. 24, 1975.
421352 Union, township of (Bedford County).	Jan. 3, 1975.
421704 Union, township (Huntingdon County).	Dec. 6, 1974, Aug. 17, 1979.
421531A Union, township (Clearfield County).	Jan. 17, 1975, Oct. 22, 1976.
420316 Wallaceton, borough of (Clearfield County).	Nov. 8, 1974.
422378 Washington, township (Clarion County).	Jan. 17, 1975.
421722 Washington, township (Indiana County).	Dec. 22, 1974.
422027 Wayne, township of (Schuylkill County).	Nov. 29, 1974.
421679 Wayne, township of (Greene County).	Dec. 27, 1974.
421599 Wayne, township (Dauphin County).	Jan. 17, 1975.
422526 Wellersburg, borough of (Somerset County).	Jan. 31, 1975.
422565 West Finley, township of (Washington County).	Dec. 27, 1974.
421542 West Keating, township of (Clinton County).	Dec. 6, 1974.
421723 West Mahoning, township (Indiana County).	Jan. 24, 1975.
421861 Wetmore, township (McKean County).	July 25, 1975.
421355 Woodbury, township of (Bedford County).	Jan. 31, 1975.
Total in the State	150

South Carolina

Community No. and name	Hazard area identified
450227 Abbeville County*	Feb. 10, 1978.
450201 Allendale County*	Nov. 29, 1974, Dec. 2, 1977.
450203 Bamberg County*	Nov. 29, 1974, Aug. 26, 1977.
450204 Barnwell County*	Dec. 20, 1974, Sept. 2, 1977.
450116 Bethune, Town (Kershaw County)	July 18, 1975.

South Carolina—Continued

Community No. and name	Hazard area identified
450148A Blenheim, Town (Marlboro County).	Aug. 12, 1977.
450032 Cameron, Town (Calhoun County)	Jan. 3, 1975.
450236 Chapin, Town of (Lexington County).	Sept. 22, 1978.
450045 Cherokee County	June 9, 1978.
450228 Chesterfield County*	June 9, 1978.
450237 Chesterfield, Town of (Chesterfield County).	Sept. 22, 1978.
450238 Clemson, City of (Anderson County).	Dec. 15, 1978.
450124A Cross Hill, Town of (Laurens County).	Sept. 6, 1974, June 18, 1976.
450060 Darlington County*	Dec. 27, 1974, June 23, 1978.
450064 Dillon County	Dec. 9, 1977.
450065A Dillon, Town of (Dillon County)	May 17, 1974, June 18, 1976.
450068 Dorchester County	Dec. 23, 1977.
450229 Edgefield County*	Jan. 20, 1978.
450074A Edgefield, Town of (Edgefield County).	May 24, 1974, Mar. 5, 1976.
450022A Ehrhardt, Town of (Bamberg County).	July 19, 1974, June 18, 1976.
450010A Fairfax, Town of (Allendale County).	May 31, 1974, Apr. 23, 1976.
450132B Gilbert, Town of (Lexington County).	Oct. 25, 1974.
450210 Gray Court, Town of (Laurens County).	Dec. 13, 1974.
450037A Hollywood, Town of (Charleston County).	Sept. 6, 1974, Apr. 23, 1976.
450104 Horry County*	Oct. 20, 1978.
450063 Lamar, Town (Darlington County).	July 18, 1975.
450126 Lee County	Mar. 3, 1978.
450241 Lockhart, Town of (Union County)	Jan. 26, 1979.
450242A Luray, Town of (Hampton County).	Sept. 15, 1978.
450128 Lynchburg, Town (Lee County)	July 18, 1975.
450141 Marion County	Jan. 6, 1978.
450146 Marlboro County	Feb. 24, 1978.
450225 Mayesville, Town of (Sumter County).	Mar. 19, 1976.
450244 Ninety Six, Town of (Greenwood County).	Sept. 22, 1978.
450080A Olanta, Town of (Florence County).	May 24, 1974.
450081A Pamplico, Town of (Florence County).	May 10, 1974.
450135A Pelion, Town of (Lexington County).	Aug. 9, 1974, June 4, 1976.
450018 Pelzer, Town (Anderson County)	June 18, 1976.
450218 Reevesville, Town of (Dorchester County).	Dec. 27, 1974.
450165A Rowesville Town of (Orangeburg County).	Sept. 20, 1974.
450212 Salem, Town of (Oconee County)	Nov. 8, 1974.
450230 Salude County*	Jan. 20, 1978.
450145A Sellers, Town of (Marion County).	June 7, 1974, July 23, 1976.
450155 Silverstreet, Town (Newberry County).	Jan. 24, 1975.
450057A Smoaks, Town of (Colleton County).	Sept. 6, 1974, June 18, 1976.
450246 Society Hill, Town of (Darlington County).	Oct. 13, 1978.
450072 St. George, Town of (Dorchester County).	July 23, 1976.
450011 Sycamore, Town of (Allendale County).	Oct. 25, 1974, Aug. 11, 1978.
450185 Union County*	May 26, 1978.
450248 Ware Shoals, Town of (Anderson County).	Sept. 1, 1978.
Total in the State	50

*Unincorporated areas only.

South Dakota

Community No. and name	Hazard area identified
460153 Alexandria, city (Hanson County)	June 27, 1975.
460096 Alpena, town of (Jerauld County)	Sept. 26, 1975.
460098 Aurora, town of (Brookings County).	June 27, 1975.
460058 Baltic, town of (Minnehaha County).	Dec. 6, 1974.
460251A Beadle County*	Jan. 10, 1978.

South Dakota—Continued

Community No. and name	Hazard area identified
460156 Big Stone city (Grant County)	Nov. 12, 1976.
460099 Bison, town (Perkins County)	Nov 5, 1976.
460158 Bridgewater, city (McCook County).	Nov. 19, 1976.
460247 Buffalo Gap, town (Custer County).	Nov. 5, 1976.
460037 Buffalo, town (Harding County)	Nov. 5, 1976.
460236A Butte County	Dec. 20, 1977.
460162 Canistota, city (McCook County)	Aug. 13, 1976.
460102A Canova, town (Miner County)	May 20, 1977.
460163 Centerville, city (Turner County)	Aug. 13, 1976.
460257A Charles Mix County*	Jan. 10, 1978.
460013 Clark, town (Clark County)	Mar. 12, 1976.
460259 Clay County*	Oct. 18, 1977.
460166 Colton, city (Minnehaha County)	Aug. 13, 1976.
460008A Columbia, city of (Brown County).	Dec. 6, 1974.
460107 Cresbard, town (Faulk County)	July 16, 1975.
460020A Davison County	May 20, 1977.
460169 Dupree, city of (Ziebach County)	Apr. 25, 1975.
460170A Eagle Butte, town (Dewey County).	Nov. 12, 1976, Nov. 8, 1977.
460026A Edgemont, city of (Fall County)	Aug. 2, 1974, Jan. 16, 1976.
460173A Eureka, city (McPherson County).	July 16, 1976, Aug. 22, 1978.
460238A Fall River	Nov. 1, 1977.
460112 Gary, city of (Deuel County)	June 27, 1975.
460270A Hanson County*	Aug. 16, 1977.
460180 Hartford, city (Minnehaha County)	July 16, 1976.
460115 Hayti, town (Hamlin County)	June 27, 1975.
460230A Hermosa, town (Custer County)	Jan. 21, 1977.
460181B Herreid, city (Campbell County)	July 11, 1975.
460271A Hughes County*	Jan. 10, 1978.
460119 Hurley, city (Turner County)	July 16, 1976.
460041A Hutchinson County	June 3, 1977, Oct. 18, 1977.
460184B Ipswich, city (Edmunds County)	Nov. 5, 1976, Feb. 14, 1978. Sept. 5, 1978.
460185 Kadoka, city (Jackson County)	July 16, 1976.
460186 Kimball, city (Brule County)	Aug. 8, 1975.
460190 Lead, city of (Lawrence County)	Feb. 7, 1975.
460192B Lennox, city (Lincoln County)	Sept. 26, 1975, Nov. 12, 1976, Nov. 26, 1978.
460126 Letcher, town (Sanborn County)	Nov. 12, 1976.
460277A Lincoln County*	Oct. 25, 1977.
460197A Marion, city (Turner County)	July 2, 1976, Sept. 5, 1978.
460195 McIntosh, city (Corson County)	Sept. 19, 1975.
460200 Milbank, city (Grant County)	Aug. 13, 1976.
460206 Murdo, city (Jones County)	Sept. 19, 1975.
460209 Newell, city (Butte County)	July 18, 1975.
460245A Nisland, town (Butte County)	Feb. 4, 1977.
460128 Oacoma, town (Lyman County)	Jan. 7, 1977.
460211A Parker, city (Turner County)	June 27, 1975, Nov. 7, 1978.
460297A Presho, city of (Lyman County)	July 19, 1977.
460133 Pukwana, town (Brule County)	Sept. 19, 1975.
460286A Roberts County*	Sept. 12, 1978.
460214A Selby, city (Walworth County)	July 25, 1975, Nov. 7, 1978.
460140 Spencer, city (McCook County)	Nov. 12, 1976.
460138 St. Francis, town (Todd County)	Sept. 19, 1975.
460139 St. Lawrence, town (Hand County).	July 18, 1975.
460142 Tabor, town (Eon Homme County).	June 25, 1976.
460218 Timber Lake, city (Dewey County)	Nov. 12, 1976.
460082 Turton, town of (Spink County)	Dec. 20, 1974.
460224 Wagner, city (Charles Mix County).	Aug. 13, 1976.
460250 Wasta, town (Pennington County)	Dec. 24, 1976.
460147 Wessington, city (Beadle County)	Aug. 22, 1975.
460014B Willow Lake, town (Clark County).	May 20, 1977, July 11, 1978.
460150A Wolsey, town (Beadle County)	Aug. 13, 1976, Dec. 5, 1978.
Total in the State	65

Tennessee

Community No. and name	Hazard area identified
470234 Adair, town of (Madison County)	Feb. 7, 1975.
470292 Adamsville, town of (McNairy County).	May 26, 1976.

Tennessee—Continued

Community No. and name	Hazard area identified
470159 Adams, town of (Robertson County).	Nov. 15, 1974.
470245A Alamo, town (Crockett County)	Mar. 11, 1977.
470293 Ardmore, town of (Giles County)	Dec. 17, 1976.
470262 Arlington, town (Shelby County)	July 25, 1975.
470294 Baileytown, town of (Greene County).	Sept. 3, 1976.
470006 Bedford County	Dec. 23, 1977.
470220 Bells, town of (Crockett County)	Jan. 10, 1975.
470218 Benton County	Jan. 10, 1975, Aug. 13, 1977.
470128A Bethel Springs, town of (McNairy County).	June 28, 1974, Apr. 2, 1976.
470295 Big Sandy, town of (Benton County).	Sept. 24, 1976.
470219 Bledsoe County	Feb. 16, 1979.
470356 Blount County*	Aug. 25, 1977.
470296 Bluff City, town of (Sullivan County).	July 2, 1976.
470061 Bolivar, city (Hardeman County)	Nov. 12, 1976.
470357 Bradley County*	July 8, 1977.
470244 Bruceton, town (Carroll County)	July 2, 1976.
470373 Burlison, town of (Tipton County)	Oct. 13, 1978.
470368 Cannon County*	Jan. 5, 1979.
470222 Carroll County	Nov. 4, 1977.
470298 Caryville, town of (Campbell County).	Sept. 3, 1976.
470374 Centertown, town of (Warren County).	Sept. 22, 1978.
470120A Chapel Hill, town of (Marshall County).	June 14, 1974.
470348 Chester County*	Nov. 17, 1978.
470362A Clay County*	Mar. 30, 1979.
470200 Clifton, city (Wayne County)	Sept. 17, 1976.
470225 Coalmont, town (Grundy County)	Sept. 24, 1976.
470355 Coffee County*	Aug. 5, 1977.
470324 Collinwood, city of (Wayne County).	June 4, 1976.
470325 Cornersville, town of (Marshall County).	Sept. 17, 1976.
470363 Crockett County*	Jan. 12, 1979.
470375 Cumberland City, town of (Stewart County).	Nov. 8, 1978.
470037 Cumberland County	Sept. 2, 1977.
470326 Cumberland Gap, town of (Claiborne County).	May 28, 1976.
470041 Decatur County	Aug. 5, 1977, July 14, 1978.
470300 Decaturville, town of (Decatur County).	Sept. 24, 1976.
470369A Dekalb County*	Dec. 8, 1978.
470046 Dickson County*	Dec. 6, 1974, Dec. 16, 1977.
470335 Dickson, city of (Dickson County)	July 9, 1976.
470237 Dover, town (Stewart County)	Dec. 9, 1977.
470240A Dresden, town (Weakley County).	Dec. 10, 1976.
470376 East View, town of (McNairy County).	Nov. 10, 1978.
470064 Elkton, city (Giles County)	June 4, 1976.
470271A Englewood, city of (McMinn County).	May 17, 1974, July 2, 1976.
470028 Enville, town (Chester County)	Oct. 29, 1976.
470301 Ethridge, city of (Lawrence County).	July 2, 1976.
470242 Fairview, city (Williamson County)	April 11, 1975.
470343 Fentress County*	Dec. 9, 1977.
470129A Finger, town of (McNairy County).	Sept. 6, 1974.
470344 Franklin County*	Mar. 31, 1978.
470302 Friendsville, city of (Blount County).	June 11, 1976.
470221 Gadsden, town of (Crockett County).	Jan. 24, 1975.
470063 Giles County	Feb. 24, 1976.
470190A Gilt Edge, city of (Tipton County).	Sept. 13, 1974, July 2, 1976.
470068 Grainger County	Jan. 6, 1978.
470303 Greenback, city of (Loudon County).	Sept. 24, 1976.
470250A Grundy County*	Aug. 25, 1978.
470346 Hamblen County*	Nov. 11, 1977.
470226 Hancock County	Aug. 19, 1977, July 14, 1978.
470360 Hardeman County*	Jan. 20, 1978.
470065 Hawkins County	Oct. 21, 1977.
470227 Haywood County	Dec. 30, 1977.
470066 Henderson County*	Dec. 20, 1974, Dec. 23, 1977, July 14, 1978.
470256A Henning, town (Lauderdale County).	Jan. 3, 1975.

Tennessee—Continued

Community No. and name	Hazard area identified
470228 Henry County	Dec. 30, 1977.
470091 Hickman County	Dec. 22, 1978.
470304 Hohenwald, city of (Lewis County).	Sept. 24, 1976.
470305 Hollow Rock, city of (Carroll County).	June 25, 1976.
470288 Hornsby, town of (Hardeman County).	Mar. 5, 1976.
470347 Houston County	Aug. 19, 1977.
470229 Humphreys County	Aug. 26, 1977.
470055A Huntland, town of (Franklin County).	Jan. 28, 1977.
470101A Iron City, city of (Lawrence County).	June 14, 1974, June 25, 1976.
470370 Jackson County*	Mar. 23, 1979.
470097 Jefferson County	Sept. 2, 1977, July 14, 1978.
470224 Kenton, town of (Gibson County)	Dec. 27, 1974.
470289 Kingston Springs, city of (Cheatham County).	July 18, 1975.
470354 Lawrence County*	Nov. 25, 1977.
470103 Lewis County	Feb. 9, 1979.
470121A Lewisburg, city of (Marshall County).	Mar. 1, 1974, Aug. 6, 1976.
470104 Lincoln County	Oct. 28, 1977.
470146A Lobelville, town (Perry County)	Jan. 13, 1978.
470306 Loretto, city of (Lawrence County)	July 2, 1976.
470209 Luttrell, city (Union County)	Sept. 3, 1976.
470065 Lynnville, city of (Giles County)	June 14, 1974.
470371 Macon County*	Oct. 27, 1978.
470307 Madisonville, town of (Monroe County).	Dec. 10, 1976.
470119 Marshall County	Feb. 2, 1979.
470191 Mason, city (Tipton County)	Oct. 1, 1976.
470123 Maury County	Dec. 2, 1977.
470308 McEwen, town of (Humphreys County).	July 2, 1976.
470126 McMinn County	July 1, 1977.
470127 McNairy County	Oct. 21, 1977, May 12, 1978.
470133 Meigs County	Dec. 2, 19777.
470336 Michie, city of (McNairy County)	Oct. 1, 1976.
470130 Milledgeville, town (McNairy County).	July 2, 1976.
470066 Minor Hill, city (Giles County)	July 2, 1976.
470233 Monroe County	July 8, 1977.
470260 Moore County*	Nov. 10, 1978.
470139 Morgan County	Jan. 17, 1975, Sept. 1, 1978.
470310 Mosheim, town of (Greene County).	Sept. 3, 1976.
470385 New Market, town of (Jefferson County).	Sept. 22, 1978.
470312 Niota, city of (McMinn County)	May 28, 1976.
470313 Normandy, town of (Bedford County).	June 11, 1976.
470361 Obion County*	July 21, 1978.
470314 Orme, town of (Marion County)	July 2, 1976.
470362 Overton County*	Jan. 13, 1978.
470315 Parrottsville, town of (Cocke County).	July 2, 1976.
470316 Parsons, town of (Decatur County).	June 11, 1976.
470317 Paryear, town of (Henry County)	June 11, 1976.
470291 Pegram, town of (Cheatham County).	July 18, 1975.
470144 Perry County	Dec. 22, 1978.
470384 Pickett County*	Dec. 29, 1978.
470261 Polk County*	Jan. 26, 1979.
470149 Putnam County*	Sept. 13, 1974, Oct. 21, 1977.
470131 Ramer, town of (McNairy County)	Nov. 29, 1974.
470151 Rhea County	July 22, 1977.
470277A Richard City, city of (Marion County).	Feb. 1, 1974, Oct. 15, 1976.
470235 Rives, city of (Obion County)	Jan. 3, 1975.
470158 Robertson County	Jan. 6, 1978.
470320 Rockford, town of (Blount County).	Sept. 24, 1976.
470061A Rutherford, town of (Gibson County).	June 7, 1974, June 25, 1976.
470083A Saltillo, town of (Hardin County).	June 14, 1974, Aug. 6, 1976.
470379A Samburg, town of (Obion County).	Sept. 15, 1978.
470321 Sardis, town of (Henderson County).	Sept. 24, 1976.
470341 Scott County*	Dec. 23, 1977.
470322 Scotts Hill, town of (Coffee County).	July 2, 1976.
470171 Sequatchie County	Oct. 21, 1977.
470236 Sevier County	Nov. 25, 1977.

Tennessee—Continued

Community No. and name	Hazard area identified
470239A Spencer, town of (Van Buren County).	Mar. 25, 1977.
470328 Stantonville, town of (McNairy County).	June 11, 1976.
470256 Stanton, town (Haywood County)	Mar. 10, 1978.
470180 Stewart County*	Sept. 13, 1974, Feb. 24, 1978.
470327 St. Joseph, city of (Lawrence County).	June 25, 1976.
470280A Tellico Plains, city of (Monroe County).	Mar. 8, 1974, Aug. 13, 1976.
470337 Tennessee Ridge, city of (Houston County).	June 25, 1976.
470281 Townsend, city of (Blount County)	June 18, 1976.
470282A Tracy City, city of (Grundy County).	May 10, 1974, July 2, 1976.
470243A Trezevant, town (Carroll County)	Feb. 25, 1977.
470329 Tusculum, city of (Greene County).	July 2, 1976.
470238 Unicoi County	Sept. 16, 1977.
470194 Union County	Nov. 24, 1978.
470342 Van Buran County*	Dec. 1, 1978.
470330 Venore, town of (Monroe County)	Dec. 10, 1976.
470363 Warren County*	Nov. 25, 1977.
470009B Wartrace, town of (Bedford County).	June 14, 1974, Apr. 23, 1976.
470265 Washington County*	Mar. 25, 1977.
470331 Watauga, city of	May 28, 1976.
470380A Watertown, city of (Wilson County).	Sept. 15, 1978.
470199 Wayne County	Mar. 16, 1979.
470364 Weakley County*	Dec. 16, 1977.
470365 White County*	Dec. 2, 1977.
470118A Whitwell, city of (Marion County)	Feb. 15, 1974, Aug. 13, 1976.
470381 Woodland Mills, city of (Obion County).	Sept. 29, 1978.
470254 Yorkville, city of (Gibson County)	June 27, 1975.
Total in the State — 156	

*Unincorporated areas only.

Texas

Community No. and name	Hazard area identified
481089 Addison, Town (Collin and Dallas Counties).	Oct. 29, 1976.
480960 Adrian, City (Oldham County)	July 25, 1975.
481306A Aoltoga, City of (Collin County)	July 25, 1978.
480894 Amherst, City (Lamb County)	July 11, 1975.
480001A Anderson County	Jan. 24, 1978.
480006 Andrews, City (Andrews County)	Aug. 27, 1976.
480007B Angelina County*	Dec. 27, 1974, June 28, 1977, May 22, 1979.
480982 Annona, town (Red River County)	June 11, 1976.
481085 Appleby, city (Nacogdoches County).	Aug. 6, 1976.
480775 Argyle, city (Denton County)	Aug. 29, 1975.
480790 Asherton, city (Dimmit County)	July 2, 1976.
481093 Aspermont, town (Stonewall County).	Aug. 13, 1976.
480776 Aubrey, town (Denton County)	June 4, 1976.
480983 Avery, city of (Red River County)	Aug. 13, 1976.
480731 Avinger, town (Cass County)	Aug. 6, 1976.
480065A Baileys Prairie, town of (Brazoria County).	Nov. 8, 1974.
480808 Bailey, town of (Fannin County)	Nov. 5, 1976.
480722 Baird, town (Callahan County)	June 11, 1976.
480718 Bangs, town (Brown County)	Aug. 6, 1976.
481087 Bardwell, city (Ellis County)	July 30, 1976.
480951 Barry, city (Navarro County)	July 30, 1976.
480642 Barstow, town (Ward County)	June 25, 1976.
480830 Bells, town (Grayson County)	Oct. 29, 1976.
481095 Belville, city (Austin County)	Nov. 19, 1976.
480888 Benjamin, city (Knox County)	June 27, 1975.
481088 Blackwell, town (Coke and Nolan Counties).	Aug. 15, 1975.
480732 Bloomburg, town (Cass County)	Nov. 5, 1976.
480892 Blossom, town (Lamar County)	Aug. 13, 1976.
480350 Blum, city of (Hill County)	Nov. 1, 1974.
480984 Bogota, town (Red River County)	Aug. 6, 1976.
481194A Bowie County*	Aug. 15, 1978.
481195A Brazos County*	Oct. 18, 1977.
481096 Bremond, city (Robertson County)	Nov. 19, 1976.
480398A Briar Oaks, city of (Johnson County).	March 29, 1974, June 18, 1976.
480588 Briar, city of (Parker, Tarrant & Wise Counties).	July 23, 1976.

Texas—Continued

Community No. and name	Hazard area identified
480717A Brown County	Jan. 24, 1978.
480325 Brownsboro, city (Henderson County).	Dec. 10, 1976.
481302A Bruceville-Eddy, city of (McLennon County).	May 2, 1978.
480877 Bryson, city (Jack County)	July 11, 1975.
481138 Buffalo Gap, town (Taylor County).	Nov. 19, 1976.
480904 Buffalo, city (Leon County)	Aug. 20, 1976.
481169A Burleson County*	June 17, 1977
481209A Burnet County*	Nov. 22, 1977.
480649 Burton, city of (Washington County).	Dec. 20, 1974.
480490A Cactus, city of (Moore County)	June 14, 1974, March 20, 1976.
480364A Caddo Mills, city of (Hunt County).	June 28, 1974, Mar. 12, 1976.
481068 Cambellton, town (Atascosa County).	June 25, 1976.
480979 Camp Wood, city (Real County)	July 2, 1976.
481504A Campbell, town of (Hunt County).	Apr. 10, 1979.
480730 Cass County	July 5, 1977.
480737A Castro County	June 3, 1977.
481282A Cedar Park, city of	Nov. 15, 1977.
480365A Celeste, city of (Hunt County)	June 21, 1974, May 28, 1976.
480905 Centerville, city (Leon County)	Aug. 13, 1976.
480701 Charlotte, city (Atascosa County)	Aug. 6, 1976.
480739A Cherokee County	Dec. 27, 1977.
481140 Chester, town (Tyler County)	Aug. 13, 1976.
481053 Chico, city (Wise County)	Aug. 13, 1976.
481202 Chillicothe, city of (Hardeman County).	July 18, 1975.
480702 Christine, city (Atascosa County)	July 11, 1975.
480535A Clarksville, city of (Gregg County).	Nov. 7, 1975.
481098 Claude, city (Armstrong County)	Aug. 13, 1976.
481099 Coahoma, town of (Howard County).	June 4, 1976.
480169A Cockrell Hill, city of (Dallas County).	Dec. 7, 1973, June 11, 1976.
480130A Collin County	Dec. 6, 1977.
480144A Colorado County*	Oct. 25, 1974, Apr. 8, 1977.
480408 Combine, city of (Dallas County)	July 2, 1976.
480870 Como, town (Hopkins County)	Aug. 6, 1976.
480765 Cooke County	Oct. 18, 1977.
480911 Coolidge, town (Limestone County).	June 11, 1976.
480768A Coryell County	Dec. 6, 1977.
481511A Covington, city of (Hill County)	Apr. 17, 1979.
480409A Crandall, city of (Kaufman County).	Mar. 8, 1974, May 21, 1976.
480501 Crane, city of (Crane County)	July 16, 1976.
481512A Cranfills Gap (Bosque County)	Apr. 17, 1979.
480723 Cross Plains, town (Callahan County).	Aug. 6, 1976.
480871 Cumby, city (Hopkins County)	Aug. 6, 1976.
481279A Cut'N Shoot, city of (Montgomery County).	June 3, 1977.
481101 Daisetta, town (Liberty County)	July 2, 1976.
480985 Detroit, town (Red River County)	Dec. 24, 1976.
481171A Dewitt County	Aug. 16, 1977.
481497C Dickinson, city of (Galveston County).	Apr. 8, 1971.
480787 Dickens, City (Dickens County)	Aug. 6, 1976.
480789A Dimmit County	Jan. 24, 1978.
481309A Dorchester, town of (Grayson County).	July 4, 1976.
480733 Douglasville, town (Cass County)	Aug. 13, 1976.
480088A Early, city of (Brown County)	May 17, 1974, Jan. 30, 1976.
480895 Earth, city (Lamb County)	May 2, 1975.
480976 East Tawakoni, town (Rains County).	Nov. 5, 1976.
480793A Eastland County	Nov. 15, 1977.
481145 Easton, village (Gregg and Rusk Counties).	July 18, 1975.
480796A Ector County	Nov. 29, 1977.
480809 Ector, town (Fannin County)	July 11, 1975.
480763 Eden, village (Concho County)	May 2, 1975.
480635A Edgewood, city of (Van Zandt County).	June 14, 1974, Apr. 2, 1976.
481146 Edom, city (Van Zandt County)	Aug. 13, 1976.
481000 Eldorado, town (Schleicher County).	Aug. 13, 1976.
480710 Elmendorf, city (Bexar County)	June 11, 1976.
480977 Emory, town (Rains County)	Aug. 8, 1975.

Texas—Continued

Community No. and name	Hazard area identified
480218A Erath County	Dec. 27, 1977.
480277 Estelline, city of (Hall County)	Nov. 6, 1974.
480327 Eustace, city (Henderson County)	June 11, 1976.
480823 Fairfield, town (Freestone County)	Aug. 13, 1976.
480807A Fannin County	Nov. 8, 1977.
480544 Fate, city (Rockwall County)	Nov. 5, 1976.
480815A Fayette County	Jan. 31, 1978.
481147 Fayetteville, town (Fayette County).	Aug. 6, 1976.
481102 Fletonia, town (Fayette County)	July 30, 1976.
480817A Floyd County	May 17, 1977.
480226A Floydada, city of (Floyd County).	May 31, 1974, Jan. 9, 1976.
480228A Fort Bend County	July 9, 1976, Dec. 20, 1977.
480990 Franklin, town (Robertson County).	July 16, 1976.
480822 Freestone County	Jan. 3, 1978.
480523A Friona, city of (Parmer County)	Apr. 12, 1974.
480875 Fritch, city of (Hutchinson & Moore Counties).	July 16, 1976.
481041 Fruitvale, city (Van Zandt County)	July 16, 1976.
480949 Garrison, town (Nacagdoches County).	July 16, 1976.
481148 Gary, town (Panola County)	Nov. 19, 1976.
480435A Giddings, city (Lee County)	June 28, 1974, Jan. 16, 1976.
481265 Glenn Heights, city of (Dallas & Ellis Counties).	Nov. 19, 1976.
480880 Godley, town (Johnson County)	Aug. 22, 1975.
480828 Goliad, city (Goliad County)	July 16, 1976.
481310A Golinda, city of (Falls and McLennan Counties).	June 6, 1978.
481070 Goodrich, city (Polk County)	Nov. 19, 1976.
480953 Gordon, town (Palo Pinto County)	Oct. 22, 1976.
480964 Graford, town (Palo Pinto County)	July 11, 1975.
480873 Grapeland, town (Houston County).	Nov. 19, 1976.
480829A Grayson County	Dec. 20, 1977.
480261 Gregg County	Jan. 3, 1978.
480726 Groom, town (Carson County)	Dec. 3, 1976.
481032 Groveton, city (Trinity County)	Nov. 5, 1976.
481104 Gruver, city (Hansford County)	Nov. 5, 1976.
480328 Gun Barrel City, City of (Henderson County).	Nov. 8, 1974.
480832 Gunter, Town (Grayson County)	July 11, 1975.
481223 Hale County*	Jan. 3, 1978.
480848 Hallsville, City (Harrison County)	Apr. 30, 1976.
481011 Happy, City of (Randall and Swisher).	Feb. 14, 1975.
480847A Harrison County	Sept. 6, 1977.
480738 Hart, City (Castro County)	June 27, 1975.
480600 Haslet, City of (Tarrant County)	Nov. 1, 1974.
480885 Hawley, town (Jones County)	Nov. 19, 1976.
480321 Hays County	Mar. 21, 1978.
481045 Hempstead, town (Waller County)	July 30, 1976.
481174A Henderson County	Nov. 22, 1977.
481150 Hickory Creek, town (Denton County).	July 30, 1976.
480843 Hico, town (Hamilton County)	Aug. 22, 1975.
481106A Hill Country Village, town of (Bexar County).	Aug. 23, 1977.
480857A Hill County	Aug. 9, 1977.
480352A Hockley County	Oct. 25, 1977.
480699 Holliday, city (Archer County)	Apr. 18, 1975.
481277A Homer, town of (Angelina County).	June 3, 1977.
480869A Hopkins County	Dec. 27, 1977.
480872A Houston County	Nov. 1, 1977.
481227 Howard County*	Dec. 13, 1977.
480833 Howe, town (Grayson County)	Oct. 29, 1976.
480859 Hubbard, city (Hill County)	Oct. 29, 1976.
480734 Hughes Springs, town (Cass County).	Aug. 27, 1976.
480363A Hunt County	Aug. 22, 1978.
481077 Huntington, city (Angelina County)	July 30, 1976.
480373A Hutchinson County*	Feb. 7, 1975, Jan. 16, 1976.
481294A Impact, town of (Taylor County)	June 10, 1977.
480973 Iraan, town (Pecos County)	July 30, 1976.
481072 Iredell, town of (Bosque County)	Nov. 1, 1974.
481080A Jasper County	May 17, 1977.
480906 Jewett, town (Leon County)	Dec. 24, 1976.
480879A Johnson County	May 17, 1977.
480756 Josephine, town (Collin County)	May 28, 1976.
480882 Joshua, city (Johnson County)	June 27, 1975.
480703 Jourdanton, city (Atascosa County).	Aug. 13, 1976.
480778A Justin, town (Denton County)	June 3, 1977.
481175A Karnes County	June 7, 1977.
481107 Keene, city of (Johnson County)	June 4, 1976.

Texas—Continued

Community No. and name	Hazard area identified
480412 Kemp, city of (Kaufman County)	Apr. 23, 1976.
481230 Kenedy County*	Jan. 17, 1978.
480674A Kermit, city of (Winkler County)	May 24, 1974, July 23, 1976.
481176A Kinney County	Jan. 10, 1978.
480890A Knox City, city (Knox County)	Aug. 15, 1975, July 23, 1976.
481151 Kosse, town (Limestone County)	June 11, 1976.
480845 Kountze, city (Hardin County)	June 25, 1976.
481012 Kress, city of (Swisher County)	Feb. 21, 1975.
480475B Lacoste, city of (Medina County)	Jan. 9, 1974, Feb. 27, 1976.
480605 Lake Worth, city (Tarrant County)	Nov. 19, 1976.
480278B Lakeview, town of (Hall County)	Dec. 6, 1974.
480891A Lamar County	Nov. 29, 1977.
481178 Lavaca County*	Aug. 23, 1977.
481313A Lavon, town of (Collin County)	May 23, 1978.
481015 Lawn, town (Taylor County)	June 25, 1976.
480960A Leakey, city (Real County)	May 13, 1977.
481142 Leary, city (Bowie County)	Nov. 26, 1976.
480907 Leona, town (Leon County)	Nov. 19, 1976.
481314A Leroy, city of (McLennan County).	May 9, 1978.
480735 Linden, town (Cass County)	July 30, 1976.
481075 Lipan, village (Hood County)	Oct. 29, 1976.
481152 Little Elm, town (Denton County)	Aug. 13, 1976.
481234A Llano County*	Nov. 22, 1977.
480618 Lockney, town (Floyd County)	July 2, 1976.
480944 Lone Star, town (Morris County)	Aug. 6, 1976.
481109 Loraine, town of (Mitchell County)	June 27, 1975.
480928B Lorena, town (McLennan County).	June 21, 1977.
480606 Lott, city (Falls County)	July 9, 1976.
480674 Lovelady, city (Houston County)	Oct. 29, 1976.
480915A Lubbock County	Nov. 29, 1977.
480886 Lueders, city (Jones County)	Aug. 13, 1976.
481261A Magnolia, town of (Montgomery County).	May 17, 1977.
480861 Malone, town (Hill County)	July 9, 1976.
480736 Marietta, town (Cass County)	June 25, 1976.
480946 Matador, town (Motley County)	Nov. 5, 1976.
480470A Maverick County	Dec. 20, 1977.
480208 Maypearl, city of (Ellis County)	Nov. 29, 1974, Nov. 14, 1975.
480546 McLendon-Chisholm, City (Rockwall County).	Sept. 26, 1975.
481020 Meadow, town (Terry County)	Aug. 22, 1975.
480700 Megargel, town (Archer County)	Aug. 22, 1975.
480924 Melvin, town (McCulloch County)	Oct. 29, 1976.
481016 Merkel, city (Taylor County)	May 2, 1975.
480862 Martens, town (Hill County)	Nov. 5, 1976.
480376A Mertzon, city of (Irion County)	July 26, 1974, Feb. 27, 1976.
480601 Midlothian, city (Ellis County)	July 9, 1976.
480992 Miles, city (Runnels County)	Aug. 13, 1976.
480679A Mineola, city of (Wood County)	May 3, 1974, June 4, 1976.
480518 Mingus, city (Palo Pinto County)	May 2, 1975.
480644 Monahans, city (Ward County)	June 11, 1976.
481483 Montgomery, city of (Montgomery County).	Nov. 26, 1976.
480930 Moody, town (McLennan County)	July 9, 1976.
481123 Morgan, village (Bosque County)	Nov. 12, 1976.
480943A Morris County	Aug. 9, 1977.
480863 Mount Calm, city (Hill County)	Nov. 5, 1976.
480767 Muenster, city (Cooke County)	July 25, 1975.
481125 Mullin, town (Mills County)	June 11, 1976.
480330 Murchison, city (Henderson County).	June 11, 1976.
480947A Nacogdoches County	Dec. 27, 1977.
480950A Navarro County	Dec. 27, 1977.
481315A New Deal, city of (Lubbock County).	May 16, 1978.
480920 New Home, town (Lynn County)	Sept. 5, 1975.
481113 New London, city of (Rusk County).	Nov. 5, 1976.
481153 New Summerfield, city (Cherokee County).	Nov. 19, 1976.
481043 New Waverly, town (Walker County).	June 25, 1976.
481058 Newcastle, city (Young County)	Dec. 17, 1976.
480500A Newton, city of (Newton County)	June 7, 1974, June 4, 1976.
481297A Nome, city of (Jefferson County)	July 12, 1977.
481154 Nordheim, city (De Witt County)	June 4, 1976.
481083A North Cleveland, city (Liberty County).	May 6, 1977.
480752 Novice, city (Coleman County)	July 2, 1976.
480437A Oakwood, town of (Leon County).	May 24, 1974, Feb. 6, 1976.
480206B Odessa, city of (Ector County)	June 28, 1974.

Texas—Continued

Community No. and name	Hazard area identified
480769 Oglesby, city (Coryell County)	Nov. 12, 1976.
480696 Olton, city (Lamb County)	Oct. 1, 1976.
480495 Omaha, city of (Morris County)	Feb. 6, 1976.
480974 Onalaska, town (Polk County)	Nov. 26, 1976.
480994 Overton, city of (Rusk and Smith Counties).	Aug. 13, 1976.
481062 Ozona, city of (Crockett County)	Dec. 7, 1973.
480852 O'Brien, city (Haskell County)	July 25, 1975.
480521 O'Donnell, city of (Lynn and Dawson Counties).	Aug. 27, 1976.
480764 Paint Rock, town (Concho County).	Aug. 13, 1976.
480209 Palmer, city (Ellis County)	Aug. 13, 1976.
480486 Patton Village (Montgomery County).	Aug. 13, 1976.
480773 Pecan Gap, city (Delta County)	Aug. 20, 1976.
480664 Penelope, town (Hill County)	Apr. 23, 1976.
480745 Petrolia, town (Clay County)	Nov. 5, 1976.
480996 Pineland, town (Sabine County)	Oct. 22, 1976.
480116A Pittsburg, city of (Camp County).	Jan. 23, 1974, May 28, 1976.
481156 Point, city (Rains County)	Nov. 5, 1976.
480526 Polk County	Dec. 13, 1977.
481241A Potter County*	Dec. 6, 1977.
490141A Prosper, town of (Collin County).	June 21, 1974, Jan. 30, 1976.
480724 Putnam, town (Callahan County)	Aug. 13, 1976.
480645A Pyote, city of (Ward County)	Aug. 16, 1974.
481117 Queen City, town (Cass County)	Apr. 23, 1976.
480715 Quitaque, city (Briscoe County)	Oct. 22, 1976.
480975A Rains County	Oct. 18, 1977.
480628A Ranger, city of (Eastland County).	May 17, 1974, Apr. 23, 1976.
480628A Rankin, city of (Upton County)	May 10, 1974, Mar. 12, 1976.
481254 Reno, city of (Lamar County)	Aug. 13, 1976.
480969 Reno, town (Parker County)	Nov. 5, 1976.
481158 Retreat, town (Navarro County)	July 11, 1975.
480957 Rice, city (Navarro County)	Sept. 26, 1975.
480562A Richland Springs, city of (San Saba County).	Nov. 8, 1974, March 5, 1976.
480958 Richland, town (Navarro County)	July 25, 1975.
481316A Riesel, town of (McLennan County).	May 23, 1978.
481044 Riverside, town (Walker County)	Nov. 19, 1976.
480785 Roanoke, city (Denton County)	Sept. 5, 1975.
480749 Robert Lee, city (Coke County)	June 27, 1975.
480966A Robertson county	June 3, 1977.
480225A Roby, city of (Fisher County)	May 17, 1974.
481118 Rocksprings, town (Edwards County).	July 23, 1976
480543 Rockwall County	May 1931, 1977.
480577 Roma-Los Saenz, city (Starr County).	June 4, 1976.
481061A Rose City, city (Orange County)	July 12, 1977.
481119 Rosebud, city of (Falls County)	Oct. 29, 1976.
481317A Ross, city of (McClennan County).	May 30, 1978.
480616 Round Top, town (Fayette County).	Oct. 29, 1976.
481120 Runge, town (Karnes County)	Apr. 25, 1975.
480993A Rusk County	Dec. 20, 1977.
481039 Sabinal, (Uvalde County)	Sept. 25, 1975.
481160 Sadler, town (Grayson County)	July 2, 1976.
480553A San Jacinto County	Dec. 20, 1977.
481285 Sanctuary, town of (Parker County).	June 10, 1977.
480676 Sanford, town (Hutchinson County).	Aug. 13 1976.
480611 Sansom Park Village, city (Tarrant County).	Dec. 10, 1976.
480751 Santa Anna, town (Coleman County).	June 27, 1975.
480114A Santa Rosa, city of (Cameron County).	May 17, 1974, Apr. 2, 1976.
481134 Schulenburg, city (Fayette County).	June 25, 1976.
481290A Scotland, city of (Archer and Clay Counties).	June 14, 1977.
481161 Scottsville, town (Harrison County).	Dec. 10, 1976.
480564A Scurry County	May 10, 1977.
480332 Seven Points, city (Henderson County).	Nov. 5, 1976.
480656 Shamrock, city (Wheeler County)	Oct. 22, 1976.
481004 Shelby County	Aug. 1, 1978.
481136 Shiner, town (Lavaca County)	June 11, 1976.
480667 Smyer, town (Hockley County)	Aug. 13, 1976.
480090 Snook, city (Burleson County)	Nov. 5, 1976.
481264A Somerset, city of (Bexar County).	Aug. 9, 1977

Virginia—Continued

Community No. and name	Hazard area identified
481163 Southmayd, town (Grayson County).	Sept. 12, 1975.
480488A Splendora, city of (Montgomery County).	Aug. 30, 1974, Mar. 5, 1976.
480897 Springlake, town (Lamb County)	Oct. 22, 1976.
480788 Spur city (Dickens County)	Nov. 12, 1976.
480965 Strawn, city (Palo Pinto County)	July 16, 1976.
480825A Streetman, town (Freestone County).	May 6, 1977.
481318A St. Paul, town of	June 6, 1978.
481010 Swisher County	Dec. 13, 1977.
481024 Talco, city (Titus County)	Oct. 22, 1976.
480753 Talpa, town (Coleman County)	July 23, 1976.
480995 Tatum, city (Rusk County)	July 11, 1975.
481014A Taylor County	Nov. 29, 1977.
481006 Teneha, town (Shelby County)	July 30, 1976.
481019A Terry County	June 14, 1977.
480934 Thorndale, town (Milam County)	Aug. 13, 1976.
480646 Thorntonville, city (Ward County)	Aug. 13, 1976.
480914 Thornton, town (Limestone County).	Nov. 5, 1976.
481023A Titus County	June 3, 1977.
480868 Tolar, town (Hood County)	July 18, 1975.
481130 Trent, town (Taylor County)	July 23, 1976.
481017 Tuscola, town (Taylor County)	Aug. 29, 1975.
481018 Tye, city (Taylor County)	July 11, 1975.
481034 Tyler County	Nov. 8, 1977.
481036A Upshur County	May 31, 1977.
480629A Uvalde County	Jan. 24, 1978.
481040A Van Zandt County	Jan. 10, 1978.
480713 Walnut Springs, city (Bosque County).	Oct. 1, 1976.
481249A Ward County*	Oct. 25, 1977.
480840 Warren City, city of (Gregg and Upshsur Counties).	Aug. 13, 1976.
481188A Washington County	May 24, 1977.
480850 Waskom, city (Harrison County)	Oct. 29, 1976.
481059A Webb County	May 9, 1978.
481121A Weimar, city (Colorado County)	Apr. 29, 1977.
480855 Weinert, city (Haskell County)	Nov. 12, 1976.
480741 Wells, town (Cherokee County)	July 11, 1975.
480938 Westbrook, city (Mitchell County)	Nov. 12, 1976.
480614 Westlake, city (Tarrant County)	Dec. 10, 1976.
480758 Westminister, town (Collin County).	Nov. 5, 1976.
481324A Weston, town of (Collin County)	May 23, 1978.
480652B Wharton County*	Aug. 2, 1974, June 20, 1978, June 12, 1979.
480729 White Deer, town (Carson County).	July 2, 1976.
480841 White Oak, town (Gregg County)	Aug. 22, 1975.
480839 Whitewright, town (Grayson County).	Nov. 5, 1976.
481189 Wichita County	Aug. 1, 1978.
481079A Williamson County	Nov. 1, 1977.
480942 Willis, city (Montgomery County)	July 2, 1976.
480922 Wilson, town (Lynn County)	July 16, 1976.
481025 Winfield, town (Titus County)	Nov. 12, 1976.
480675A Wink, city of (Winkler County)	June 28, 1974, Aug. 13, 1976.
480573A Winona, city of (Smith County)	Nov. 1, 1974, Jan. 23, 1976.
481051A Wise County	June 7, 1977.
481055A Wood County	May 31, 1977.
480987 Woodsboro, town (Refugio County).	July 2, 1976.
481022 Woodson, city (Throckmorton County).	Oct. 22, 1976.
480826 Wortham, town (Freestone County).	Oct. 29, 1976.
481167 Yantis, town (Wood County)	July 9, 1976.
480434A Yoakum; city of (Lavaca County)	May 10, 1974, Oct. 15, 1976.
480687 Zapata County*	Aug. 2, 1974, Feb. 21, 1978.
Total in the state	369

*Unincorporated areas only.

Utah

Community No. and name	Hazard area identified
490066 Antimony, town (Garfield County).	April 2, 1976.
490194 Bear River, city (Box Elder County).	Sept. 5, 1975.
490002 Beaver, city of (Beaver County)	June 11, 1974.

Utah—Continued

Community No. and name	Hazard area identified
490196A Cleveland, town (Emery County)	July 12, 1977.
490015 Cornish, town (Cache County)	Apr. 2, 1976.
490236A Deweyville, (Box Elder County)	Apr. 29, 1977.
490007 Elwood, town (Box Elder County).	Jan. 24, 1975.
490169A Enterprise, city of (Washington County).	Aug. 16, 1974.
490198 Fielding, town (Box Elder County)	Aug. 8, 1975.
490114 Fountain Green, town (Sanpete County).	Apr. 2, 1976.
490199 Francis, town (Summit County)	July 25, 1975.
490154 Genola, town of (Utah County)	Feb. 7, 1975.
490155A Goshen, town of (Utah County)	Feb. 7, 1975, Apr. 15, 1977.
490171 Hilldale, town (Washington County).	June 4, 1976.
490188A Huntsville, town of (Weber County).	June 21, 1974.
490085 Kanab, city (Kane County)	Oct. 29, 1976.
490097A Kingston, town (Piute County)	Feb. 4, 1977.
490099 Laketown, town (Rich County)	Nov. 12, 1976.
490210A Lindon, City (Utah County)	June 21, 1977.
490185 Loa, town of (Wayne County)	Dec. 20, 1974.
490117 Mayfield, town (Sanpete County)	May 28, 1976.
490089 Meadow, town (Millard County)	July 2, 1976.
490021 Millville, town (Cache County)	Oct. 22, 1976.
490081A Mona, town (Juab County)	June 21, 1977.
490212 Monticello, city (San Juan County).	Dec. 24, 1976.
490056 Myton, town (Duchesne County)	Apr. 2, 1976.
490025 Paradise, town (Cache County)	Nov. 5, 1976.
490157B Payson, city (Utah County)	June 28, 1974, Dec. 5, 1975.
490203 Plymouth, town (Box Elder County).	Aug. 22, 1975.
490100A Randolph, town of (Rich County).	Aug. 16, 1974.
490215A Rush Valley, town of (Tooele County).	Oct. 25, 1977.
490179A Springdale, town (Washington County).	May 10, 1977.
490163B Springville, city of (Utah County)	Feb. 1, 1974, May 21, 1976.
490180 Toquerville, town (Washington County).	June 25, 1976.
490220 Tremonton, city (Box Elder County).	April 23, 1976.
490030 Trenton, town (Cache County)	June 27, 1975.
490146 Vernon, town (Tooele County)	June 4, 1976.
490168 Wallsburg, town (Wasatch County).	July 2, 1976.
Total in the State	38

Vermont

Community No. and name	Hazard area identified
500279 Athens, town of (Windham County).	Dec. 6, 1974.
500227 Belvidere, town of (Lamoille County).	Dec. 6, 1974.
500236B Brookfield, town of (Orange County).	Dec. 13, 1974, Oct. 15, 1976.
500245A Brownington, town of (Orleans County).	Dec. 13, 1974, Nov. 5, 1976.
500107A Cabot, village of (Washington County).	Sept. 6, 1974.
500083A Charleston, town of (Orleans County).	Aug. 9, 1974, Nov. 19, 1976.
500185 Danville, town (Caledonia County)	Jan. 17, 1975.
500249 Derby Center, village of (Orleans County).	Mar. 28, 1975.
500229 Eden, town of (Lamoille County)	Dec. 6, 1974.
500318 Elmore, town (Lamoille County)	Apr. 11, 1975.
500051 Enosburg, town of (Franklin County).	Aug. 9, 1974.
500035A Essex Jct., village of (Chittenden County).	June 28, 1974, July 30, 1976.
500210 Ferdinand, town of (Essex County).	Dec. 13, 1974.
500251A Glover, town of (Orleans County).	Dec. 20, 1974, July 12, 1977.
500211 Granby, town of (Essex County)	Dec. 13, 1974.
500003 Granville, town of (Addison County).	Jan. 24, 1975.
500187B Hardwick, village of (Caledonia County).	Dec. 20, 1974, Dec. 24, 1976, July 26, 1977.
500149 Hartland, town (Windsor County)	Dec. 24, 1976.

Vermont—Continued

Community No. and name	Hazard area identified
500313A Hubbardton, town of (Rutland County).	Dec. 13, 1974, Sept. 10, 1976.
500252A Irasburg, town of (Orleans County).	Dec. 20, 1974, Oct. 22, 1976.
500253A Jay, town of (Orleans County)	Sept. 13, 1974, Nov. 5, 1976.
500188 Kirby, town of (Caledonia County)	Dec. 13, 1974.
50048A Lunenburg, town of (Essex County).	June 28, 1974, Feb. 18, 1977.
500213 Madistone, town of (Essex County).	Dec. 13, 1974.
500255 Morgan, town of (Orleans County)	Jan. 31, 1975.
500262 Mt. Tabor, town (Rutland County).	Jan. 10, 1975.
500190A Newark, town (Caledonia County).	Jan. 10, 1975, Apr. 22, 1977.
500238 Newbury, village (Orange County)	Nov. 26, 1976.
500284 Newfane, village (Windham County).	Jan. 3, 1975.
500086A Newport, city (Orleans County)	Dec. 13, 1977.
500256B Newport, town of (Orleans County).	Nov. 1, 1974, Dec. 17, 1976, Sept. 6, 1977.
500180 North Bennington, village of (Bennington County).	Feb. 21, 1975.
500214 Norton, town of (Essex County)	Mar. 28, 1975.
500181A Peru, town (Bennington County).	Jan. 10, 1975, Oct. 25, 1977.
500183A Sangate, town of (Bennington County).	Jan. 31, 1975, Nov. 29, 1977.
500286A Saxtons River, village (Windham County).	Feb. 27, 1979.
500184 Searsburg, town of (Bennington County).	Nov. 15, 1974.
500300A Sharon, town (Windsor County)	Feb. 4, 1977.
500287 Somerset, town of (Windham County).	Nov. 22, 1974.
500321 Stratton, town of (Windham County).	Jan. 31, 1975.
500269 Sudbury, town (Rutland County)	Jan. 24, 1975.
500198A Sutton, town of (Caledonia County).	Dec. 13, 1974, Sept. 24, 1976.
500270 Tinmouth, town of (Rutland County).	Dec. 6, 1974.
500288 Townsend, village of (Windham County).	Nov. 29, 1974.
500242 Vershire, town of (Orange County).	Jan. 17, 1975.
500215 Victory, town of (Essex County)	Dec. 13, 1974.
500077A Washington, town of (Orange County).	June 28, 1974, Feb. 20, 1976.
500233A Waterville, town of (Lamoille County).	Dec. 20, 1974, Sept. 17, 1976.
500272 West Haven, town of (Rutland County).	Jan. 3, 1975.
500257A Westfield, town of (Orleans County).	Sept. 6, 1974, Dec. 24, 1976.
500203 Westford, town (Chittenden County).	Jan. 3, 1975.
500140 Westminster, village of (Windham County).	Dec. 20, 1974.
500311A Westmore, town (Orleans County).	Jan. 3, 1975, Oct. 1, 1976.
500204 Wheelock, town of (Caledonia County).	Nov. 15, 1974.
500290A Windham, town (Windham County).	Sept. 6, 1977.
Total in the State	55

Virginia

Community No. and name	Hazard area identified
510260A Alberta, town of (Brunswick County).	Feb. 25, 1977.
510242A Belle Haven, town of (Accomack County).	Nov. 1, 1974, Sept. 10, 1976.
510256 Bloxom, town of (Accomack County).	Feb. 11, 1977.
510333 Charlotte County*	July 7, 1978.
510318A Charlotte Court House, town of (Charlotte County).	Feb. 4, 1977.
510002A Chincoteague, town of (Accomack County).	May 31, 1974.
510045A Clintwood, town (Dickenson County).	March 4, 1977.
510264 Crewe, town of (Nottoway County).	Feb. 11, 1977.
510271A Floyd, town of (Floyd County)	March 25, 1977.

Virginia—Continued

Community No. and name	Hazard area identified
510268A Gordonville, town of (Rogers County).	Feb. 25, 1977.
510217B Goshen, town of (Rockbridge County).	Sept. 6, 1974, May 28, 1976.
510218A Hallwood, town of (Accomack County).	Aug. 9, 1974, May 28, 1976.
510316A Hillsboro, town of (Loudon County).	Apr. 4, 1975, Sept. 17, 1976.
510277A Keller, town of (Accomack County).	Apr. 1, 1977.
510259A Lovettsville, town of (Loudon County).	Apr. 15, 1977.
510258A Newsoms, town of (Southampton County).	Feb. 4, 1977.
510326 Nickelsville, town of (Scott County).	July 2, 1976.
510285A Painter, town of (Accomack County).	Feb. 4, 1977.
510337 Pocahantas, town of (Sussex County).	Nov. 3, 1978.
510332A Port Royal, town of (Caroline County).	July 22, 1977.
510117A Powhatan County*	Sept. 13, 1974.
510239A Prince Edward County*	Jan. 10, 1975.
510126B Pulaski, town of (Pulaski County).	Aug. 2, 1974, Apr. 9, 1976.
510070 Rich Creek, town of (Giles County).	Nov. 5, 1976.
510288A Washington, town of (Rappahannock County).	Feb. 4, 1977.
510173B Winchester, city of (Independance City).	Sept. 6, 1974, Sept. 10, 1976.
510295A Windsor, town of (Isle of Wight County).	Apr. 15, 1977.
Total in the State 27	

*Unincorporated areas only.

Washington

Community No. and name	Hazard area identified
530007A Asotin County	Sept. 13, 1977.
530274 Bonney Lake, town (Pierce County).	Oct. 29, 1976.
530106A Creston, town of (Lincoln County).	Dec. 20, 1974, Apr. 2, 1976.
530283 Eatonville, town (Pierce County)	Oct. 22, 1976.
530246 Elmer City, town (Okanogan County).	Aug. 22, 1975.
530150A Friday Harbor, town of (San Juan County).	Nov. 29, 1974.
530047A Garfield County	Nov. 15, 1977.
530049A Grant County	Nov. 22, 1977.
530110 Harrington, town of (Lincoln County).	Dec. 13, 1974.
530289 Kalama, town (Cowlitz County)	July 11, 1975.
530248 La Center, town (Clark County)	Nov. 12, 1976.
530178 Latah, town of (Spokane County).	Dec. 6, 1974.
530250 Malden, town (Whitman County)	July 18, 1975.
530294 Milton, town (Kng-Pirce-Snoh-County).	Dec. 3, 1976.
530256 N Bonneville, town (Skamania County).	Nov. 19, 1976.
530257 Northport, town (Stevens County)	July 9, 1976.
530259A Prescott, town (Walla Walla County).	July 18, 1975, Mar. 4, 1977.
530112 Reardan, town (Lincoln County)	Jan. 10, 1975.
530042A Republic, town of (Ferry County)	June 7, 1974, Jan. 16, 1976.
530262A Roy, town (Pierce County)	July 18, 1975, June 21, 1977.
530300 Rushton, town (Pierce County)	Dec. 3, 1976.
530149A San Juan County	June 7, 1977.
530145 South Prairie, town (Pierce County).	Nov. 19, 1976.
530264 Springdale, town (Stevens County).	May 2, 1975.
530031 Starbuck, city (Columbia County)	Jan. 3, 1975.
530265 Tieton, town (Yakima County)	July 11, 1975.
530266B Vader, town (Lewis County)	Sept. 5, 1975, June 4, 1976.
530308 Woodway, town (Snohomish County).	Sept. 19, 1975.
530269 Yacolt, town (Clark County)	July 2, 1976.
530310 Yelm, town (Thurston County)	Oct. 22, 1976.
Total in the State 30	

Wisconsin

Community No. and name	Hazard area identified
550068B Bell Center, village of (Crawford County).	Jan. 9, 1974, Apr. 16, 1976, Mar. 2, 1979.
550493A Big Falls, village of (Waupaca County).	Aug. 30, 1974.
550147A Blue River, village (Grant County).	Jan. 28, 1977.
550148A Boscobel, city of (Grant County)	Dec. 17, 1973, May 14, 1976.
550018A Cable, village of (Bayfield County).	Aug. 30, 1974, Nov. 21, 1975.
550011A Cameron, village of (Barron County).	Dec. 28, 1973, May 28, 1976.
550358A Cazenovia, village of (Richland County).	Aug. 23, 1974, Oct. 24, 1975.
550371A Conrath, village of (Rusk County).	Aug. 30, 1974, Mar. 19, 1976.
550597 Crivitz, village of (Marinette County).	Mar. 17, 1978.
550069A Desoto, village (Crawford & Vernon County).	Jan. 9, 1974, May 14, 1976.
550109A Door County*	Dec. 13, 1974.
550461A Eagle River, city of (Vilas County).	Dec. 28, 1973.
550417A Eland, village of (Shawano County).	Aug. 23, 1974, Mar. 19, 1976.
550249A Elderon, village of (Marathon County).	July 19, 1974, July 30, 1976.
550129A Fairchild, village of (Eau Claire County).	May 31, 1974, June 4, 1976.
550250A Fenwood, village of (Marathon County).	Aug. 2, 1974, May 14, 1976.
550592 Fontana on Geneva Lake, village of (Walworth County).	Dec. 23, 1977.
550110A Forestville, village of (Door County).	Nov. 30, 1973.
550367 Fortville, village of (Rock County,).	May 31, 1974.
550238A Francis Creek, village of (Manitowoc County).	May 17, 1974.
550372 Glen Flora, village of (Rusk County).	Nov. 8, 1974.
550050A Granton, village of (Clark County).	Aug. 30, 1974.
550202A Hustler, village of (Juneau County).	Aug. 23, 1974, May 14, 1976.
550100 Iron Ridge, village (Dodge County).	July 23, 1976.
550393A Ironton, village of (Sauk County)	Aug. 16, 1974.
550396A Lime Ridge, village of (Sauk County).	Aug. 23, 1974, Apr. 23, 1976.
550102A Lowell, village of (Dodge County).	May 17, 1974.
550434A Lublin, village of (Taylor County)	Sept. 20, 1974.
550170A Marquette, city of (Green Lake County).	Dec. 18, 1973.
550419A Mattoon, village of (Shawano County).	Aug. 30, 1974.
550288A McIvina, village of (Monroe County).	Aug. 30, 1974, May 28, 1976.
550152A Mount Hope, village of (Grant County).	Aug. 30, 1974, May 14, 1976.
550598A Nason, village of (Bayfield County).	Aug. 26, 1977.
550205A Necedah, village of (Juneau County).	Jan. 9, 1974, May 28, 1976.
550046A New Auburn, city of (Chippewa County).	July 19, 1974, Aug. 13, 1976.
550350A North Bay, village of (Racine County).	Sept. 6, 1974, Sept. 10, 1976.
550500A Ogdensburg, village of (Waupaca County).	Aug. 23, 1974, May 28, 1976.
550113A Oliver, village of (Douglas County).	Aug. 30, 1974, June 18, 1976.
550427A Oostburg, village of (Sheboygan County).	June 28, 1974, June 4, 1976.
550155A Potosi, village of (Grant County).	Dec. 28, 1973.
550401A Prairie Du Sac, village of (Sauk County).	Dec. 7, 1973.
550508A Redgranite, village of (Waushara County).	May 17, 1974, May 28, 1976.
550587 Slinger, village of (Washington County).	Oct. 21, 1977.
550231A South Wayne, village of (Lafayette County).	Dec. 7, 1973, May 28, 1976.
550388 Stanton, town of (St. Croix County).	Nov. 15, 1974.
550387A Star Prairie, village of (St. Croix County).	Dec. 28, 1973, May 28, 1976.
550353A Sturtevant, village of (Racine County).	May 24, 1974.
550573 Sun Prairie, city of (Dane)	Nov. 4, 1977.

Wisconsin—Continued

Community No. and name	Hazard area identified
550599 Taylor County	Dec. 1, 1978.
550207 Union Center, village of (Juneau County).	Nov. 15, 1974.
550257A Unity, city of (Marathon County).	Sept. 20, 1974.
550519A Vesper, village of (Wood County).	Aug. 2, 1974, June 4, 1976.
550549 Waushara County*	June 17, 1977.
550378 Weyerhauser, village of (Rusk County).	Nov. 12, 1976.
550233 White Lake, village of (Langlade County).	Oct. 1, 1976.
550507A Wild Rose, village of (Waushara County).	May 31, 1974, June 4, 1976.
550594 Williams Bay, village of (Walworth County).	Oct. 21, 1977.
Total in the State 57	

Wyoming

Community No. and name	Hazard area identified
560068A Afton, town of (Lincoln County)	June 21, 1977.
560001A Albany County	Aug. 23, 1977.
560004 Big Horn County	Aug. 2, 1977.
560008A Carbon County	May 16, 1978.
560041A Chugwater, town of (Platte County).	Dec. 13, 1974, Nov. 26, 1976.
560062 Converse County*	Feb. 21, 1978.
560059 Cowley, town of (Big Horn County).	Sept. 19, 1975.
560018B Dubois, town of (Fremont County).	Jan. 23, 1974, Aug. 27, 1976, Mar. 7, 1978.
560025A East Thermopolis, town of (Hot Springs County).	Nov. 8, 1974, Feb. 6, 1976.
560060 Edgerton, town of (Natrona County).	Oct. 1, 1976.
560062 Glendo, town of (Platte County)	Aug. 15, 1975.
560022A Goshen County	July 19, 1977.
560072 Guernsey, town of (Platte County)	Nov. 12, 1976.
560063 Hanna, town of (Carbon County)	Aug. 22, 1975.
560016 Hulett, town of (Crook County)	Dec. 10, 1976.
560029A Laramie County	Nov. 15, 1977.
560064 Lingle, town of (Goshen County)	Aug. 15, 1975.
560066 Medicine Bow, town of (Carbon County).	June 25, 1976.
560076A Mills, town of (Natrona County)	Aug. 16, 1977.
560065A Park County*	Apr. 25, 1978.
560066 Platte County*	Mar. 28, 1978.
560021A Riverton, city of (Fremont County).	Mar. 29, 1974, Aug. 6, 1976.
560003 Rock River, city of (Albany County).	Feb. 7, 1975.
560078 Shoshoni, town of (Fremont County).	Aug. 15, 1975.
560049A Sublette County	Nov. 15, 1977.
560067 Sweetwater County*	Aug. 1, 1978.
560079 Upton, town of (Weston County)	June 25, 1976.
560080A Washakie County*	Aug. 29, 1978.
560024 Yoder, town of (Goshen County)	Dec. 6, 1974.
Total in the State 29	
National Total 3,545	

* Unincorporated areas only.

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

Issued: October 15, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-34009 Filed 11-7-79; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL HOME LOAN MORTGAGE CORPORATION

[No. MC 79-34]

Privacy Act of 1974; Systems of Records, Annual Publication

AGENCY: Federal Home Loan Mortgage Corporation.

ACTION: System of records-republication.

SUMMARY: This notice complies with the Privacy Act of 1974 (5 U.S.C. § 552a).

EFFECTIVE DATE: Effective December 10, 1979.

FOR FURTHER INFORMATION CONTACT: Patricia A. Xeller, Counsel, Federal Home Loan Mortgage Corporation, 1700 "G" Street, N.W., Washington, D.C., 20006, (202/789-4543).

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) requires agencies to publish annually in the Federal Register a notice of the existence and character of their systems of records. The Federal Home Loan Mortgage Corporation (the "Corporation") last published the full text of its systems of records at 43 FR 56342, December 1, 1978.

One record system, FHLMC-IV, containing information on employee conflict of interest statements has been amended to indicate that such system is maintained in the Corporation's Legal Department, and not in the Office of Personnel. Record system FHLMC-V has been amended to change the system name, from "Net Yield Debt Side" to "Net Yield Debt System". A new record system, FHLMC-VII—Discrimination Complaint Files, has been added. These files contain materials relating to discrimination complaints which have been filed against the Corporation by applicant, employees and former employees of the Corporation. A full text of this system appears below. Additionally, procedures for notification, record access and record contesting have been added for all systems, and certain technical amendments to the systems of records involving department name changes, changes in position titles and address corrections have been made.

COMMENTS: Public comment on the changes and additions to the systems of records will be accepted on or before December 10, 1979. The changes and additions will become effective on December 10, 1979, unless the Corporation publishes notice to the contrary. Comments should be addressed to: Patricia A. Xeller, Counsel, Federal Home Loan Mortgatge Corporation, 1700 "G" Street, N.W., Washington, D.C., 20006.

FHLMC-I

SYSTEM NAME:

Corporate Employee Files.

SYSTEM LOCATION:

Department of Human Resources, Federal Home Loan Mortgage Corporation, 1700 "G" Street, N.W., Washington, D.C. 20006; Office of Regional Vice President-Administration, Northeast Regional Office, 2001 Jefferson Davis Highway, Arlington, Virginia, 22202; Office of Regional Vice President-Admninistration, Atlanta Regional Office, Peachtree Center-Cain Tower Building, 229 Peachtree Street, N.E., Suite 2600, Atlanta, Georgia, 30303; Office of Regional Vice President-Administration, Chicago Regional Office, 111 East Wacker Drive, Suite 1515, Chicago, Illinois, 60601; Office of Regional Vice President-Administration, Dallas Regional Office, 12700 Park Central Place, Suite 1800, Dallas, Texas, 75251; Office of Regional Vice President-Administration, Los Angeles Regional Office, 3435 Wilshire Blvd., Suite 1000, Los Angeles, California, 90010; Office of Underwriting Office Manager, Denver Underwriting Office, 8000 East Prentice, Creek Side Office Complex, Building B-7, Englewood, Colorado, 80111; Office of Underwriting Office Manager, Seattle Underwriting Office, 600 Stewart Street, Suite 1315, Seattle, Washington, 98101; Office of Underwriting Office Manager, San Francisco Underwriting Office, 600 California Street, San Francisco, California, 94108; Office of Underwriting Office Manager, Newport Beach Underwriting Office, 1400 North Bristol Street, Suite 206, Newport Beach, California, 92660.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All present and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employment applications and/or résumés, forms recording personnel actions, employee evaluations, memos for the record and other routine personnel information on identified individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. § 1452(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to provide data in determining current employment status of employee, history of personnel actions, evaluation of performance and to assist in determining what, when and whether future personnel actions should be taken. Users are the Department of Human Resources, the Office of the Regional Vice President-Administration (in the case of Regional Office employees), the Office of the Underwriting Office Manager (in the case of Underwriting Office employees), supervisory personnel at levels above the employee on whom the record is maintained and the employee himself. These records also may be reviewed by the Legal Department in connection with certain personnel actions, and by the Internal Auditor and his staff.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy records.

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Records are stored in locked cabinets and can only be viewed upon request to the Director of Personnel Administration, in the Washington Office, to the Regional Vice President-Administration in the appropriate Regional Office, and to the Underwriting Office Manager in the appropriate Underwriting Office.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel Administration, Federal Home Loan Mortgage Corporation, 1700 "G" Street, N.W., Washington, D.C., 20006; Office of the Regional Vice President-Administration in each Regional Office (see address above); Office of the Underwriting Office Manager in each Underwriting Office (see address above).

NOTIFICATION PROCEDURE:

Inquiries as to whether a system of records contains a record pertaining to an individual shall be addressed to the system manager, in writing, and must include the name, address and social security number and the office of employment, of the individual making the inquiry, and the name of the record system.

RECORD ACCESS PROCEDURES:

Requests for access to records shall be directed to the system manager, in writing, and must include the name, address and social security number and the office of employment, of the individual requesting access and the name of the record system. Requesters

should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

To contest the content of a record, notify the system manager in writing that a record is being contested, and identify the record system, include the name, address and social security number and the office of employment, of the individual contesting the records and specify the information which is contested and the reason for the contest.

RECORD SOURCE CATEGORIES:

The individual on whom file is maintained, the supervisor, the Director of Personnel Administration, the Regional Vice President-Administration (in the case of Regional Office employees), and the Underwriting Office Manager (in the case of Underwriting Office employees).

FHLMC-II

SYSTEM NAME:

Corporate Employee Current Salary Cards.

SYSTEM LOCATION:

Finance Department, Federal Home Loan Mortgage Corporation, 1700 "G" Street, N.W., Washington, D.C., 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All present employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Current salary, dependent status, number of tax exemptions, age and date of hire, and information regarding various types of deductions from salaries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. §1452(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to make salary payments to employees, to calculate employee pensions, to make reports to the Internal Revenue Service and to provide information to the Corporation's insurance carriers in connection with the provision of insurance benefits to employees. Used by the Corporate Treasurer, the Supervisor of Accounts Payable, the Payroll Clerk, the Director of Personnel Administration and the Legal Department. These records also may be reviewed by the Internal Auditor and his staff.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy records.

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Records are stored in locked card file and only can be obtained through Accounts Payable Supervisor.

RETENTION AND DISPOSAL:

Cards are destroyed as they become out of date or upon termination of employment.

SYSTEM MANAGER(S) AND ADDRESS:

Supervisor of Accounts Payable, Federal Home Loan Mortgage Corporation, 1700 "G" Street, N.W., Washington, D.C., 20006.

NOTIFICATION PROCEDURE:

Inquiries as to whether a system of records contains a record pertaining to an individual shall be addressed to the system manager, in writing, and must include the name, address and social security number and the office of employment, of the individual making the inquiry, and the name of the record system.

RECORD ACCESS PROCEDURES:

Requests for access to records shall be directed to the system manager, in writing, and must include the name, address and social security number and the office of employment, of the individual requesting access and the name of the record system. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

To contest the content of a record, notify the system manager in writing that a record is being contested, and identify the record system, include the name, address and social security number and the office of employment, of the individual contesting the records and specify the information which is contested and the reason for the contest.

RECORD SOURCE CATEGORIES:

Employee files.

FHLMC-III

SYSTEM NAME:

Potential Candidates for Employment.

SYSTEM LOCATION:

Department of Human Resources, Federal Home Loan Mortgage Corporation, 1700 "G" Street, N.W., Washington, D.C., 20006. Office of Regional Vice President-Administration in each Regional Office (see addresses above); Office of Underwriting Office Manager in each Underwriting Office (see addresses above).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Potential candidates for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employment applications, resumes, referral letters and memoranda relating to the application process.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. § 1452(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to evaluate qualifications of potential candidates by the Director of Personnel Administration, the Regional Vice President-Administration (in the case of candidates in a Regional Office), the Underwriting Office Manager (in the case of candidates in an Underwriting Office) and supervisors. These records also may be reviewed by the Internal Auditor and his staff.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy records are stored in file folders.

RETRIEVABILITY:

By candidate name.

SAFEGUARDS:

Access is gained through a request to the Director of Personnel Administration, to the Regional Vice President-Administration in the appropriate Regional Office or to the Underwriting Office Manager in the appropriate Underwriting Office.

RETENTION AND DISPOSAL:

Files are retained for one year and destroyed unless candidate is hired. If candidate is hired, file becomes part of employee records.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel Administration, Federal Home Loan Mortgage Corporation, 1700 "G" Street, N.W., Washington, D.C., 20006; Office of Regional Vice President-Administration in each Regional Office (see address above); Office of Underwriting Office Manager in each Underwriting Office (see address above).

NOTIFICATION PROCEDURE:

Inquiries as to whether a system of records contains a record pertaining to an individual shall be addressed to the system manager, in writing, and must include the name, address and social security number and the office of employment, of the individual making the inquiry, and the name of the record system.

RECORD ACCESS PROCEDURES:

Requests for access to records shall be directed to the system manager, in writing, and must include the name, address and social security number and the office of employment, of the individual requesting access and the name of the record system. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

To contest the content of a record, notify the system manager in writing that a record is being contested, and identify the record system, include the name, address and social security number and the office of employment, of the individual contesting the records and specify the information which is contested and the the reason for the contest.

RECORD SOURCE CATEGORIES:

These records are normally submitted by the individual seeking employment. Some records could come from individuals or employment agencies sponsoring the applications.

FHLMC-IV

SYSTEM NAME:

Corporate Employee Conflict of Interest Files.

SYSTEM LOCATION:

Legal Department, Federal Home Loan Mortgage Corporation, 1700 "G" Street, N.W., Washington, D.C., 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All present and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Annual conflict of interest statements submitted by employees, and memoranda concerning such annual statements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. §1452(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to provide data to determine if employee has any interest which conflicts with proper performance of duties with the Corporation. Users are the Legal Department. In instances where personnel action may be warranted, users also may include supervisory personnel at levels above the employees on whom the record is maintained and the Department of Human Resources. These records also may be reviewed by the Internal Auditor and his staff.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy records.

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Records can only be viewed upon request to the General Counsel.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Supervisor of Accounts Payable, Federal Home Loan Mortgage Corporation, 1700 "G" Street, N.W., Washington, D.C., 20006.

NOTIFICATION PROCEDURE:

Inquiries as to whether a system of records contains a record pertaining to an individual shall be addressed to the system manager, in writing, and must include the name, address and social security number and the office of employment, of the individual making the inquiry, and the name of the record system.

RECORD ACCESS PROCEDURES:

Requests for access to records shall be directed to the system manager, in writing, and must include the name, address and social security number and the office of employment, of the individual requesting access and the name of the record system. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

To contest the content of a record, notify the system manager in writing that a record is being contested, and identify the record system, include the name, address and social security number and the office of employment, of the individual contesting the records and specify the information which is contested and the reason for the contest.

RECORD SOURCE CATEGORIES:

The individual on whom the file is maintained, and, in some instances, members of the Legal Department and supervisory personnel above the level of the employee on whom the record is maintained.

FHLMC-V

SYSTEM NAME:

Net Yield Debt System.

SYSTEM LOCATION:

Department of Marketing, Department of Accounting, and Department of Systems, Federal Home Loan Mortgage Corporation, 1700 "G" Street, N.W., Washington, D.C., 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All present and former holders of Federal Home Loan Mortgage Corporation Participation Certificates.

CATEGORIES OF RECORDS IN THE SYSTEM:

The list of registered holders of Participation Certificates, the monthly payment record, and copies of remittance checks.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. § 1452(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to make monthly remittances to investors, to make reports to the Internal Revenue Service, and to derive a Registered Holder Profile which is used for statistical purposes by the Marketing Department and which has, in the past, been provided to the Federal Reserve. (While the list of holders is used to derive the Registered Holder Profile, the profile itself identifies holders by category only, and not by name, and therefore does not constitute a part of a record system.) A copy of the list of holders is provided each month to Loan Accounting, which is responsible for determining the dollar amounts of the checks to the holders, and to Accounts Payable, which is responsible for mailing the checks. Users are the Marketing, Accounting, and Systems Departments. These records may also be reviewed by the Internal Auditor and his staff.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Investor lists and monthly payment records are hard copy. Copies of remittance checks are on microfilm.

RETRIEVABILITY:

By investor name.

SAFEGUARDS:

Only members of the Loan Accounting and Accounts Payable Departments and those members of the Marketing Department who work in processing have access to the investor lists and monthly payment records. Access to remittance checks records may be obtained only through a request to the Director of Processing, Marketing Division.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Processing, Director of Sales Accounting, Supervisor of Accounts Payable, and Director of Systems Department, Federal Home Loan Mortgage Corporation, 1700 "G" Street, N.W., Washington, D.C., 20006.

NOTIFICATION PROCEDURE:

Inquiries as to whether a system of records contains a record pertaining to an individual shall be addressed to the system manager, in writing, and must include the name, address and social security number of the individual making the inquiry, and the name of the record system.

RECORD ACCESS PROCEDURES:

Requests for access to records shall be directed to the system manager, in writing, and must include the name, address and social security number of the individual requesting access and the name of the record system. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

To contest the content of a record, notify the system manager in writing that a record is being contested, and identify the record system, include the name, address and social security number of the individual contesting the records and specify the information which is contested and the reason for the contest.

RECORD SOURCE CATEGORIES:

The individual whom the information is maintained.

FHLMC-VI

SYSTEM NAME:

Corporate Employee Garnishments.

SYSTEM LOCATION:

Legal Department and Department of Accounting, Federal Home Loan Mortgage Corporation, 1700 "G" Street, N.W., Washington, D.C. 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and former employees whose salaries are or have been subject to an order of garnishment.

CATEGORIES OF RECORDS IN THE SYSTEM:

The garnishment order served on the Corporation, internal memoranda indicating the manner in which the deductions from salary are to be made and the records of deductions which have been made.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. § 1452(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Legal Department to determine and advise Accounts Payable as to the amount to be deducted from each payroll check. Accounts Payable uses this information in making salary payments to employees. Users are the Legal Department, the Supervisor of Accounts Payable, the Payroll Clerk and the Director of Personnel Administration. These records may also be reviewed by the Internal Auditor and his staff.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy records are stored in file folders.

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Access gained through a request to the General Counsel.

RETENTION AND DISPOSAL:

Records are stored indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel and Supervisor of Accounts Payable, Federal Home Loan Mortgage Corporation, 1700 "G" Street, N.W., Washington, D.C. 20006.

NOTIFICATION PROCEDURE:

Inquiries as to whether a system of records contains a record pertaining to an individual shall be addressed to the system manager, in writing, and must include the name, address and social security number and the office of employment, of the individual making the inquiry, and the name of the record system.

RECORD ACCESS PROCEDURES:

Requests for access to records shall be directed to the system manager, in writing, and must include the name, address and social security number and the office of employment, of the individual requesting access and the name of the record system. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

To contest the content of a record, notify the system manager in writing that a record is being contested, and identify the record system, include the name, address and social security number and the office of employment, of the individual contesting the records and specify the information which is contested and the reason for the contest.

RECORD SOURCE CATEGORIES:

Court issuing the order of garnishment, the Legal Department, Supervisor of Accounts Payable and the Payroll Clerk.

FHLMC-VII

SYSTEM NAME:

Discrimination Complaint Files.

SYSTEM LOCATION:

Legal Department, Federal Home Loan Mortgage Corporation, 1700 "G" Street, N.W., Washington, D.C. 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, former employees and applicants who have filed formal complaints of discrimination against the Corporation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Formal complaints, Equal Employment Opportunity Counselors' reports, investigative reports, proposals for disposition of the complaint, hearing examiners' files, and related memoranda and correspondence pertaining to the complaint.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. § 1452(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used to provide documentation of complaint procedures for both administrative and legal purposes; they are used by the Legal Department, the Equal Employment Opportunity Director and his staff, the parties involved in the complaint procedure and the Equal Employment Opportunity Commission.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy records are stored in file folders.

RETRIEVABILITY:

By employee name or initials.

SAFEGUARDS:

Access to records is limited to the Legal Department, the Equal Employment Opportunity Director and Counselor, and the Department of Human Resources.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Federal Home Loan Mortgage Corporation, 1700 "G" Street, N.W., Washington, D.C. 20006.

NOTIFICATION PROCEDURE:

Inquiries as to whether a system of records contains a record pertaining to an individual shall be addressed to the system manager, in writing, and must include the name, address and social security number and the office of employment, of the individual making the inquiry, and the name of the record system.

RECORD ACCESS PROCEDURES:

Requests for access to records shall be directed to the system manager, in writing, and must include the name, address and social security number and the office of employment, of the individual requesting access and the name of the record system. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

To contest the content of a record, notify the system manager in writing that a record is being contested, and identify the record system, include the name, address and social security number and the office of employment, of the individual contesting the records and specify the information which is contested and the reason for the contest.

RECORD SOURCE CATEGORIES:

The individual on whom the file is maintained, the Legal Department, the complaint investigator, the EEO Counselor, and the complaints examiner, as applicable.

By the Board of Directors.

J. J. Finn,
Secretary.

[FR Doc. 79-34620 Filed 11-7-79; 8:45 am]
BILLING CODE 6720-02

FEDERAL RESERVE SYSTEM

[Docket No. R-0256]

Proposed Report Requirement: Annual Report of Foreign Bank Holding Companies, Foreign Banks, and Foreign Parents Companies

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed report.

SUMMARY: The Board of Governors of the Federal Reserve System is submitting for public comment a proposed form for the Annual Report of Foreign Bank Holding Companies, Foreign Banks, and Foreign Parent Companies (Form F.R. Y-7). The report is authorized by the Bank Holding Company Act of 1956 ("BHC Act"), the International Banking Act of 1978 ("IBA Act"), and the Board's Regulation Y. The proposal is a revision of the F.R. Y-7 which is currently filed by bank holding companies organized under the laws of a foreign country and meeting the Board's definition of a "foreign bank holding company." As a result of the International Banking Act of 1978, the proposed report will also be filed by foreign banks with U.S. banking operations, other than through a U.S. subsidiary bank, that are conducted through a branch, agency, or commercial lending company and by foreign parent companies controlling such foreign banks.

The form will be filed with the Federal Reserve System on an annual basis three months after the end of the foreign bank holding company's, foreign bank's, or foreign parent company's fiscal year. Foreign banks that are not bank holding companies and foreign parent companies controlling such foreign banks shall file their initial report 120 days after the Board approves the proposed report. The initial filing by these foreign organizations shall serve as a Registration Statement with the Board. The report should include financial data for one year as of the latest fiscal year-end subsequent to the approval date of the report. Existing foriegn bank holding companies that have their current fiscal year-end on October 31, 1979, or after will be required to file this report instead of the current F.R. Y-7 report, but these companies shall have an extension of time to file their Annual Report until 120 days after the proposed report is approved by the Board.

DATE: Comments must be received by January 4, 1980.

ADDRESS: Comments may be mailed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or delivered to Room B-2223, Board of Governors, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551. Comments should reference Docket No. R-0256.

FOR FURTHER INFORMATION CONTACT: Stephen M. Lovette, Financial Analyst, Division of Banking Supervision and Regulation (202-452-3622); or Kathleen M. O'Day, Attorney, Legal Division (202-452-3786), Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION: In view of the passage of the International Banking Act (12 U.S.C. 3101 *et seq.*), the growth of foreign banking in the United States, and the Board's responsibilities under the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*), the Board is proposing revisions to its Annual Report of Foreign Bank Holding Companies (F.R. Y-7). The Proposed report is the Annual Report of Foreign Bank Holding Companies, Foreign Banks, and Foreign Parent Companies. The Board has undertaken a review of its supervisory and regulatory policies toward foreign organizations conducting banking operations in the United States. The Board stated on February 23, 1979, that in general it would adhere to the principle of national treatment in administering the BHC Act and the IBA as they affect foreign banks. In general, foreign banks seeking to establish banks or other banking operations in the United States should meet the same general standards of strength, experience, and reputation as are required for domestic organizers of banks and bank holding companies. The Board believes that foreign banks should meet these standards of safety and soundness on a continuting basis if they are to be a source of strength to their U.S. banking operations. The Federal Financial Institutions Examination Council reiterated this position on July 20, 1979.

The report has been revised to assure that the Board obtains sufficient financial information to assess the foreign organization's consolidated operations, general financial condition, and ability to serve as a continuing source of strength to its U.S. banking operations. The proposed report would require the submission of consolidated financial statements and a discussion of the accounting practices used in the preparation of the statements. In

addition, the report would require specific disclosure of earnings, reserves, and loan loss experience. Financial statements would be requested on material foreign companies and on all U.S. companies in which the foreign bank holding company, foreign bank, or foreign parent company controls 25 per cent or more of the respective company's voting shares. A company will be considered "material" when (a) the stated investment in and advances to such a company exceed 5 per cent of the stated consolidated capital accounts of the foreign bank holding company, foreign bank, or foreign parent company, or (b) the company's gross operating income or revenue exceeds 5 per cent of the stated consolidated gross operating income or revenue of the foreign bank holding company, foreign bank, or foreign parent company, or (c) the company's operations resulted in net income or a net loss exceeding 5 per cent of stated consolidated net income of a foreign bank holding company, foreign bank, or foreign parent company.

The proposed form requires information on U.S. activities and U.S. investments of foreign bank holding companies, foreign banks, and foreign parent companies in order to determine compliance with the BHC Act and the IBA. The provisions of the BHC Act have always applied to the operations of foreign bank holding companies. The activities of foreign banks conducting U.S. banking operations through a branch, agency, or commercial lending company, and not through a U.S. subsidiary bank, have recently come under regulation by the Board. The IBA, through Section 8, subjects foreign banks with a U.S. branch, agency, or commercial lending company, as defined in the IBA, and companies controlling such foreign banks to certain provisions of the BHC Act and to Sections 105 and 106 of the 1970 Amendments to the BHC Act.

The F.R. Y-7 focusses in detail upon the U.S. activities and U.S. investments of these foreign organizations. Prior to the enactment of the IBA, Section 2(h) of the BHC Act exempted from the nonbanking prohibitions of the BHC Act the foreign nonbanking activities and investments of a bank holding company principally engaged in banking outside the United States, provided that the foreign nonbanking companies engaged in no business in the United States. The IBA amended the BHC Act to allow such companies and their parent companies to engage, under certain circumstances, in some nonbanking activities in the United States. As a result, detailed, information is requested on U.S. activities and investments in order to determine the extent of the activities that are conducted in the United States. The report will also collect information on shareholders, directors, and executive officers for use in the examination of the U.S. banking operations and will provide data necessary to ensure that the U.S. operations are being conducted in a safe and prudent manner.

In requesting the information, the Board has indicated that in the handling of the information, it would be taken into account that much of the requested information may be confidential commercial information that is not generally disclosed. With respect to information contained in Sections I and II of the report, public comment is invited on the desirability of requiring reporting organizations to justify requests for confidential treatment of information at the time of filing the report or at the time a request for such information is received.

Comments are sought not only on the general characteristics of the proposed report, but also on the specific details and treatment of the items. A draft of the report form is presented in Attachment A. Attention is also called to the following features of the report.

Tiered foreign organizations. In the reporting requirements for the proposed report, each foreign bank holding company, each foreign bank, and each foreign parent company is required to submit a separate report. Comments are specifically solicited with respect to ways of reducing the reporting burden of this requirement on those foreign organizations that are members of a tiered organization. A tiered organization occurs when a bank holding company indirectly controls a U.S. subsidiary bank through another bank holding company that directly holds the shares of the U.S. subsidiary bank or when a foreign parent company directly controls the shares of a foreign bank.

Principles for consolidated financial statements. The report requests that the foreign bank holding company, foreign bank, or foreign parent company submit consolidated financial statements covering the last two fiscal years. The proposal asks for a description of the accounting principles used in the preparation of the statements, but does not impose any uniform criteria for consolidating all majority-owned investments on a line-by-line basis. Comments are solicited with respect to imposing minimum criteria for consolidation, including suggested tests for materiality and other rules on the appropriate level of consolidation.

Reporting on minority-owned investments and investments that are indirectly owned. The proposed report requests detailed information on all investments in companies organized under the laws of the United States and companies organized under the laws of foreign countries that do business in the United States. Foreign bank holding companies, foreign banks, and foreign parent companies are requested to provide the names, locations, business activities, and financial data on all such companies in which their direct or indirect ownership exceeds 5 per cent. The absence of any materiality criteria is based upon the statutes. In recognition of the burden in reporting minority-owned investments and other indirect investments, comments are requested on alternative reporting procedures that would provide sufficient detail to ensure compliance with the statutes.

Alternative methods of reporting earnings, reserves, and loan losses. Report Items 2, 3, 4, and 5 in Section II describe a format for full disclosure of earnings, reserves, and loan loss experience as required by Board policy. Comments are solicited on reporting alternatives that would pose less burden upon the foreign bank holding company, foreign bank, or foreign parent company.

Board of Governors of the Federal Reserve System, October 29, 1979.

Theodore E. Allison,

Secretary of the Board.

Attachment A

Board of Governors of the Federal Reserve System

Washington, D.C. 20551

Annual Report of Foreign Bank Holding Companies, Foreign Banks, and Foreign Parent Companies

For the fiscal year ending on———————, 19—

Name of foreign bank holding company, foreign bank, or foreign parent company:

———————

Location of head office:———————

———————

Name and location of agent in the United States:

———————

———————

I, (Name) ———————

(Title)———————

an authorized officer or agent of the company named above, hereby declare that this report has been examined by me and is true and complete to the best of my knowledge and belief.

Signature ———————

Date———————

Name, title, and phone number of person to whom questions related to this report may be directed:

Name ———————

Title ———————

Area Code and Phone Number———————

This report is required by Section 225.5(b) of Regulation Y (12 C.F.R. 225.5(b)) as authorized Section 5(c) of the Bank Holding Company Act (12 U.S.C. 1844) and Section 8 and 13(a) of the International Banking Act of 1978 (12 U.S.C. 3108).

General Instructions ..

Report F.R. Y–7

Who must report

The Annual Report of Foreign Bank Holding Companies, Foreign Banks and Foreign Parent Companies (F.R. Y–7) is required to be filed by Companies organized under the laws of a foreign country and engaged in the business of banking in the United States through a bank, a commercial lending company, a branch or an agency.

The report must be submitted by each:

(1) Bank holding company, as defined by Section 2(a) of Bank Holding Company Act of 1956 (BHC Act), that is organized under the laws of a foreign country and is defined as a "foreign bank holding company" by Section 225.4(g) of Regulation Y;

(2) Foreign bank, as defined by Section 1(b)(7) of the International Banking Act of 1978 (IBA), that maintains a branch or agency in a State of the United States or the District of Columbia and/or controls a commerical lending company organized under the laws of any State in the United States;

(3) Company, as defined by Section 2(b) of the BHC Act, that owns, controls, or holds with power to vote 25 per cent or more of the outstanding voting securities, or otherwise controls, as defined by Section 2 of the BHC Act, such foreign bank required to file under (2) above.

A bank holding company, foreign bank, or company that is required to submit the report will herein be referred to as "Reporting Organization."

Time and place of filing

The report must be filed not later than three months after the end of the Reporting Organization's fiscal year end. A request for an extension of time to file the report will only be granted in extreme circumstances.

Foreign bank holding Companies should file the original and three copies of the report with the Federal Reserve Bank of the District in which the operations are principally conducted, as measured by total deposits held or controlled by it on the date on which it became a bank holding company. This includes a foreign bank as defined by Section 1(b)(7) of IBA that owns, controls, or holds with power to vote 25 per cent or more of any class of voting securities, or otherwise controls a bank that is organized under the laws of the United States, any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the U.S. Virgin Islands.

Foreign banks with U.S. branches, agencies, or commercial lending companies and *foreign companies* controlling such foreign banks should file an original and three copies of the report with the Federal Reserve Bank of the District in which the operations are principally conducted, as measured by total U.S. banking assets. A foreign bank that owns a U.S. bank shall file as a foreign bank holding company in accordance with the prior instructions.

Incorporation by reference

In order to minimize reporting burden, incorporation of financial reports prepared for other regulatory agencies or for internal reporting requirements is permitted in response to certain items as specified in the report items. When referring to such reports, the response to a specific report item should clearly reference the location of the relevant data within those reports.

Confidentiality

The report is composed of two sections. Section I of the report will be made available to the public upon request. If the Reporting Organization is of the opinion that disclosure of commercial or financial information in Section I would likely result in substantial competitive harm, or that disclosure of information of a personal nature would result in a clearly unwarranted invasion of personal privacy, confidential treatment of such information may be requested through the Reserve Bank to which the report is submitted. A request for confidential treatment must be submitted in writing concurrently with the submission of the report and must provide a detailed justification for confidential treatment of specific items. Such justification must be provided for each response for which confidential treatment is requested and should demonstrate the harm that would result from public release of the information. An unsupported statement that the information would result in competitive harm or that it is personal in nature is *not* sufficient. Similarly, a claim that disclosure would violate the law or policy of a foreign country may not, in and of itself, be sufficient to exempt information from disclosure. However, if it can be demonstrated to the satisfaction of the Federal Reserve Board that disclosure would meet either the "substantial competitive harm" or "unwarranted invasion of personal privacy" test, the information *may* be exempted. Information in Section I of the report for which confidential treatment is requested should be (1) reported in a separately bound document labeled "Confidential," and (2) specifically identified in the report as having been deleted and deemed to be confidential. This procedure should also be followed with respect to the filing of any supplemental information or amendments to the report.

Section II of the Y–7 report will ordinarily be granted confidential treatment by the Board of Governors. The informaton requested in Section II of the report will be used in evaluating the safety and soundness of U.S. branches, agencies or subsidiary banks and for determining their compliance with applicable laws. In order to assist in the examination of these institutions, the Board of Governors may, from time to time, make available to other supervisory agencies certain information obtained from Section II. It is anticipated that the information will be granted confidentiality by these agencies on the same basis and to the same extent that the Board grants confidentiality.

Substitution of information

Where completion of the requested information or strict compliance with the requirements of the report involves undue burden or expense to the Reporting Organization, the Board of Governors may, upon receipt of a written request submitted through the Federal Reserve Bank prior to the filing of the Y–7 report, permit the substitution of appropriate information.

Additional information

The Board of Governors reserves the right to require the filing of additional statements and information if the report as filed is not adequate to appraise the Reporting Organization's ability to be a source of financial strength and support to the U.S. subsidiary bank, branch, agency, or commercial lending company, or to determine its compliance with applicable laws and regulations.

Section I

Report Item 1: Financial Statements of the Reporting Organization

(A) Submit consolidated and parent-only financial statements covering the last two fiscal years that include or *are equivalent* to:

(1) Balance sheets;

(2) Income statements;

(3) Statements of changes in capital accounts;

(4) Statements of changes in financial position.

The financial statements should be stated in both the local currency of the country in which the head office is located and in U.S. dollars, disclosing the applicable conversion rates. The statements may be prepared in accordance with local accounting practices; however, an explanation of the accounting standards used in the preparation of the financial statements must be provided. This explanation should include a discussion of the following practices and any other material practices as determined by the Reporting Organization.

(a) The accounting principles used in the preparation of consolidated financial statements: Comments should address the method by which the majority-owned companies are consolidated on a line-by-line basis and the basis for the carrying value and manner of income recognition of any majority-owned subsidiaries that are not consolidated on a line-by-line basis. The method of valuation of the investments in which the Reporting Organization owns between 20 per cent and 50 per cent, i.e., historic cost, net asset value, market value, or appraised value and the manner of the recognition of income should be included.

(b) The accounting practice used in the valuation—i.e., historic cost, net asset value, market value, or appraised value—of short-term investments, long-term investments, and fixed assets: The comments should disclose the manner of the recognition of increases and/or decreases in the value of the assets.

(c) The recording of guarantees, letters of credit, contingencies, leases, pension obligations, and other similar accounts on the books of the Reporting Organization: The explanation should indicate whether such accounts are carried as assets and/or liabilities on the Reporting Organization's financial statements or are disclosed as footnotes to the financial statements.

(d) The method utilized in the translating of foreign currency transactions and foreign currency financial statements with respect to current assets, long-term investments, fixed assets, long-term debt, and forward exchange contracts: The discussion should also include the method of recognition of any gains or losses resulting from such translation and the effect of the translation upon the recognition of revenue and expense and the determination of net income.

When the specific information requested in this report item is presented in the annual report to shareholders submitted in response to Report Item 1B, the responses to this item may incorporate the information in the shareholders' report by referencing its location within the report.

(b) Submit a copy of the most recent annual report prepared for the shareholders of the Reporting Organization. The report should be accompanied by an English translation.

Report Item 2: Financial Statements of Related Companies

(A) For each company, organized under the laws of the United States, other than a U.S. bank, commercial lending company, or a company acquired pursuant to Section 25 or Section 25(a) of the Federal Reserve Act (Edge and Agreement Corporations and their investments), that the Reporting Organization directly or indirectly through another company owns, controls, or holds with power to vote 25 per cent or more of the shares or their equivalent, or otherwise controls, submit financial statements covering the last two fiscal years that include:

(1) Balance sheets;

(2) Income statements;

(3) Statements of changes in capital accounts.

Such statements need not be certified by a public accountant, but they should be prepared in accordance with generally accepted accounting principles as practiced in the United States, and stated in U.S. dollars. In lieu of submitting separate statements for each U.S. related company, consolidated financial statements of related U.S. companies may be presented that consolidate such a related U.S. company and its direct and indirect *majority owned* U.S. investments on a line-by-line basis. Any consolidated statement that is submitted should indicate the name and the location of the head office of each company consolidated within the financial statement.

(B) For each company, organized under the laws of a foreign country, a territory of the United States, Puerto Rico, Guam, American Samoa, or the U.S. Virgin Islands, that the Reporting Organization directly or indirectly owns, controls, or holds with power to vote 25 per cent or more of the shares, or their equivalent, or otherwise controls, submit financial statements covering the last two fiscal years that include or are the equivalent to:

(1) Balance sheets;

(2) Income statements; and

(3) Statement of changes in capital accounts,

only when such company is a company in which (a) the stated investment in and advances to such a company exceed 5 per cent of the stated consolidated capital accounts of the Reporting Organization, or (b) the company's gross operating income or revenue exceeds 5 per cent of the stated consolidated gross operating income or revenues of the Reporting Organization, or (c) the company's operations resulted in net income or a net loss exceeding 5 per cent of stated consolidated net income of the Reporting Organization.

The financial statements should be stated in both local currency, when applicable, and in U.S. dollars, disclosing the conversion rates. The reports may be prepared in accordance with local accounting practices, but an explanation of the local accounting standards used in the preparation of the financial statements must be provided.

Report Item 3: Information on the direct activities conducted in the United States by the Reporting Organization and a Schedule of Investments in U.S. Financial Institutions

Submit information on Schedule A (Page 9) concerning the U.S. business activities conducted directly by the Reporting Organization [1] and the Reporting Organization's U.S. bank(s), commercial lending companies, Edge and/or Agreement Corporations, other than those held as a result of a debt previously contracted or held in a fiduciary capacity.

Report Item 4: Schedule of Investments in Related Companies

Submit information on a separate Schedule B (Page 11) for:

(A) each company organized under the laws of the United States, except those reported on Schedule A, that the Reporting Organization directly or indirectly owns, controls, or holds with power to vote, or otherwise controls, more than 5 per cent of its shares or their equivalent, and

(B) each company organized under the laws of a foreign country that "engages in business in the United States" [2] that the Reporting Organization directly or indirectly owns, controls, or holds with power to vote, or otherwise controls, more than 5 per cent of its shares or their equivalent.

Do not complete a Schedule B for a company acquired as a result of a debt previously contracted or held in a fiduciary capacity.

[1] The term "engaged in business in the United States" means maintaining and operating an office (other than a representative office) or subsidiary in the United States. Regulation K (12 CFR PART 211).

[2] The term "engaged in business in the United States" means maintaining and operating an office (other than a representative office) or subsidiary in the United States. Regulation K (12 CFR PART 211).

Report Item 5: Holdings acquired in a fiduciary capacity or through collection of debts previously contracted

List each company organized under the laws of the United States and each company organized under the laws of a foreign country that directly engages in business in the United States in which the Reporting Organization directly or indirectly owns or controls 5 per cent of any class of voting shares as a result of a debt previously contracted or when 5 per cent of the shares are held in a fiduciary capacity with authority to exercise sole discretionary power to vote such shares.

Report Item 6: Shares and Shareholders

(A) List the number and type of shares, or their equivalent that the Reporting Organization has authorized, issued, or held for its own account, and describe the voting rights of each type.

(B) List each shareholder, or the equivalent thereof, of record that directly or indirectly owns, controls, or holds with power to vote 5 per cent or more of any class of voting securities of the Reporting Organization. The beneficial owner, in addition to the shareholder of record, should be listed, to the extent ascertainable, when the beneficial ownership is 5 per cent or more. Provide the following for each:

(1) Name and location of principal residence or office;

(2) Country of citizenship or organization; and

(3) Number and percentage of each class of voting securities, or the equivalent thereof, owned, controlled, or held with power to vote.

Report Item 7: Directors and Officers

List each director and executive officer,[3] or their equivalent, of the Reporting Organization showing the following:

(A) Name and location of principal residence or office;

(B) Country of citizenship;

(C) Title or position with, and number and percentage of each class of voting securities, or the equivalent thereof, owned, controlled, or held with power to vote, of:

(1) the Reporting Organization; and

(2) each related company reported in response to Report Item 4; and

(D) Principal occupation, if other than with the Reporting Organization.

BILLING CODE 6210-01-M

[3] The term "executive officer" has the same meaning assigned such term under Regulation O (12 C.F.R. 215). Section 215.2(d) states "executive officer" of a company or bank means a person who participates or has authority to participate (other than in the capacity of a director) in major policymaking functions of the company or bank, whether or not: (1) the officer has an official title, (2) the title designates the officer an assistant, or (3) the officer is serving without salary or other compensation. The chairman of the board, the president, every vice president, the cashier, the secretary, and the treasurer of a company or bank are considered executive officers, unless (1) the officer is excluded, by resolution of the board of directors or by the bylaws of the bank or company, from participation (other than in the capacity of a director) in major policymaking functions of the bank or company, and (2) the officer does not actually participate therein.

FR Y 7
Page 1

SCHEDULE A

Reporting Organization

See F.R. Y-7, Report Item 3

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Parent [ ] Yr [ ] Mo. [ ] Day [ ] 1
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1. a. 01 _____
Name of Reporting Organization

b. _____
Location of Head Office Street

02 _____ _____
City Country

c. _____
Date of Fiscal Year end

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03 [ ]

U.S. Business Activities

2. Describe the business activities conducted by the Reporting Organization directly in the United States during the fiscal year. The description should include a written description of each activity, the appropriate four-digit SIC Code, and the locations at which each activity is conducted. Business activities that have been commenced or terminated subsequent to the filing of the prior F.R.Y-7 should state the date of such commencement or termination. For activities that have not been previously reported or were commenced subsequent to the filing of the prior F.R. Y-7, the date of such commencement should be indicated. For the SIC codes refer to the *Standard Industrial Classification Manual, 1972*

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04 [ ]

3. State the statutory authority (i.e., section of the Bank Holding Company Act of 1956, International Banking Act of 1978), Regulation of the Board of Governors and or Board Order relied upon for authority to engage in the direct activities

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Page 2

SCHEDULE A

Reporting Organization - Continued

See F.R. Y-7, Report Item 3

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Year [ ] Y 7 A 9 2 1
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4. a. For each four-digit SIC code identified by the Reporting Organization, indicate the amount and percent of gross revenues derived in the United States by the Reporting Organization from the business activity.

b. For each four-digit SIC code identified by the Reporting Organization, indicate the amount and percent of assets of the Reporting Organization located in the United States.

Investments in U.S. Banks, Edge Corporations, Agreement Corporations, and Commercial Lending Companies

5. Indicate the name, location of head office, percentage of ownership, amount of investment, statutory authority relied upon, and date of acquisition in any U.S. Bank, Edge Corporation, Agreement Corporation, and Commercial Lending Company. The date of acquisition should only be provided when such date has not been reported previously in the F.R. Y-7.

a. Name _____

Location of head office _____
Street

_____
City State Zip Code

Percentage ownership 03 [ ] . [ ] % Amount of investment U.S.$ _____

Statutory authority _____ Date of acquisition _____

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b. Name _____

Location of head office _____
Street

_____
City State Zip Code

Percentage ownership 03 [ ] . [ ] % Amount of investment U.S.$ _____

Statutory authority _____ Date of acquisition _____

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c. Name _____

Location of head office _____
Street

_____
City State Zip Code

Percentage ownership 03 [ ] . [ ] % Amount of investment U.S.$ _____

Statutory authority _____ Date of acquisition _____

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Page 3

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Year | Y 7 A 9 2 1 | Dist
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SCHEDULE B

Investments in Related Companies

See F R Y-7 Report Item 4

1 a [07] Name of Related Company

b Location of head office | Street

[08] City | County | FR BANK USE ONLY St Cnty Zip [09]

State/Country | Zip Code (if applicable)

c. Date of fiscal year-end

2 Where the investment in this company was acquired during the fiscal year or was sold during the fiscal year indicate the date of such acquisition or date of termination. Companies that have not been previously reported on the F R Y 7 but were acquired prior to the filing of the prior report, should indicate the date of acquisition

Yr Mo Day

a Date of acquisition [10]

b Date of termination

Do not complete the remainder of the schedule for investments that have been sold or otherwise terminated during the fiscal year

U S Business Activities

3 Identify the business activities conducted by this company during the fiscal year The description should include a written description of each activity the appropriate four digit SIC Code and the location of each office at which the activity is conducted Business activities that have been commenced or terminated subsequent to the filing of the prior F R Y 7 should include the date of such termination or commencement (If the company is inactive so state)

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SCHEDULE B

Investment in Related Companies - Continued

See F R Y-7 Report Item 4

4 a List the type the number and percentage of shares or the equivalent that are earned controlled or held with power to vote or otherwise controlled directly by the Reporting Organization When the shares are held indirectly by the Reporting Organization through a related company indicate the name and location of head office of each direct holder of the shares and indicate the type the number and percentage of shares owned controlled or held with power to vote

b Indicate the amount in U.S dollars of investment (carrying value) in company recorded in the books of the direct owner(s) within the Reporting Organization at the end of the fiscal year

Name of Owner(s) (Direct Holder (s))	Amount of Invested U S $ (thousands)	Class or Type of Shares	Percent Owned or Controlled	FR BANK USE ONLY Sub No	Type
a	$		12 . %		
b	$		12 . %		
c.	$		12 . %		
d	$		12 . %		
e.	$		12 . %		
	13 $				

5. State the statutory authority (I e , section of the Bank Holding Company Act of 1956 as amended International Banking Act of 1978) Regulation of the Board of Governors and/or Board Order relied upon for authority to hold the investment in this company

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[14]

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Year		Dist.
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11	23	25	27	30

SCHEDULE B

Investments in Related Companies - Continued

See F.R. Y-7, Report Item 4

6. When the Reporting Organization engages through this related company in business activities in the United States in reliance on *section 2(h) or section 4(c)(9)* of the BHC Act, respond to (a) and (b) below. If the related company is incorporated in the U.S., the requested responses for such company should be consolidated with the responses of such related company's direct holder(s).

   a. For each activity as defined by the four-digit SIC Code, indicate the amount and percent of company's gross revenue that is derived from business conducted in the United States.

   b. For each activity as defined by the four-digit SIC Code, indicate the amount and percent of the related company's assets located in the United States

The following report items should be completed only when the Reporting Organization directly or indirectly owns, controls, or holds with power to vote, 25 percent or more of the shares, or the equivalent thereof, of this company. All amounts should be reported in U.S. dollars.

		Amounts in Thousands of U.S. Dollars		
		Bil.	Mil.	Thou.
7 Income from this company during the Reporting Organization's fiscal year.				
a Dividends declared, paid or payable	15			
b Other (interest, management, and service fees, etc.) excluding the Reporting Organization's equity in undistributed earnings of this company				
8 Outstanding loans and advances to this company as of the end of the Reporting Organization's fiscal year.				
a. From the Reporting Organization				
b. From U.S. subsidiary banks, branches, agencies and commercial lending companies				
c. From other U.S. nonbanking companies				
9 Loans and leases, net of unearned income and reserve for possible loan losses				
10 Total assets	16			
11. Stockholders' equity				
12. Total operating revenue				
13 Total operating expense				
14 Net income				

BILLING CODE 6210-01-C

Board of Governors of the Federal Reserve System

Washington, D.C. 20551

Annual Report of Foreign Bank Holding Companies, Foreign Banks, and Foreign Parent Companies

Section II

Name of Reporting Organization———

Location of Head Office———

Name, title and phone number of person to whom questions related to Section II may be directed:
Name ———
Title ———
Area Code and Phone Number———

The information submitted in response to the report items in Section II of the F.R. Y-7 generally will be accorded confidential treatment by the Board of Governors.

Section II

Report Item 1: Organization Chart

Submit an organization chart showing the Reporting Organization and *all* related U.S. and foreign companies in which 25 per cent or more of the voting securities are directly or indirectly owned, controlled, or held with power to vote, or otherwise controlled, by the Reporting Organization.

The chart should disclose the name, location of head office, and the percentage ownership of each class of voting stock or other form of control of each company. Related companies that are majority owned and not consolidated on a line-by-line basis in the financial statements presented in response to Report Item 1, Section I should be so identified.

Report Item 2: Earnings

The consolidated income statement of the Reporting Organization for the last two fiscal years should be present in a format similar to the following instructions. The net income should be stated in both U.S. dollars and the currency of the country in which the head office is located. The net income should be equivalent to the amount reported in Section I, Report Item 1(A) or a reconciliation of the two figures shoud be provided. Where the income statement presented in response to Section I, Report Item 1(A) is similar to the prescribed format, the response to this item should reference that part of the report.

The statement of income should be submitted utilizing the following account titles and materiality tests.

1. *Interest and fees on loans.* Include interest and service charges and fees which are related to or are an adjustment of the loan interest rate. Current amortization of premiums on mortgages or other loans shall be deduction from interest on loans and current accretion of discount on such items shall be added to interest on loans.

2. *Interest and dividends on investment securities.* Include accretion of discount on securities and deduct amortization of permiums on securities.

3. *Other interest income.* Include interest on short-term investments, and interest from securities carried in a dealer trading account or accounts that are held principally for resale to customers.

4. *Lease financing.*

5. *Total interest income.*

6. *Interest on deposits.* Include interest on all deposits.

7. *Interest on short-term borrowings.* Include interest on borrowed funds including funds purchased, securities sold under agreements to repurchase, commercial paper and other short-term borrowings.

8. *Interest on long-term debt.* Include interest on bonds, capital notes, debentures, mortgages on bank premises, capitalized leases and similar debt.

9. *Total interest expense.*

10. *Net interest income.*

11. *Provision for possible loan losses.*

12. *Net interest income after provision for possible loan losses.*

13. *Other income.* State separately any other item of income that exceeds 5 per cent of revenue.

14. *Other expenses.* State separately any other expense that exceeds 5 per cent of revenue.

15. *Income or loss before income tax expense, securities gains or losses (and appropriate items below).*

16. *Income tax expense.*

17. *Income before securities gains or losses.*

18. *Investment securities gains or losses, less applicable tax.*

19. *Income or loss before extraordinary items.*

20. *Extraordinary items, less applicable tax.*

21. *Cumulative effects of changes in accounting principles.*

22. *Net income or loss.*

Report Item 3: Loan Loss Experience

(A) Those Reporting Organizations that have established allowances, reserves, or contra accounts against asset accounts to absorb losses resulting from lending activities should funish a reconciliation of such accounts, including any specific allowance or reserve established to absorb loss on a specific extension of credit, or securities or assets acquired as a result of a debt previously contracted. the reconciliation should be furnished in accordance with the following:

(1) Present the beginning and ending balances for the last two fiscal years.

(2) Detail additions to the account, including amounts expensed in the income statement, amounts directly deducted from the capital accounts and/or other reserve accounts, and recoveries from assets previously charged-off.

(3) Detail deductions from the accounts, including the charge-off of loans and other losses resulting from extensions of credit, and amounts transferred to capital and/or other reserve accounts.

(4) Present as memoranda items the gross amount of loans, the amount of allowances or reserves allocated to absorb losses resulting from the lending operation and the amount of unearned income included in gross loans. From the asset categories presented on the balance sheet submitted in response to Report Item 1, Section I, state the categories of assets included in the gross loan amount. Provide a written description of the type of credits included in the respective asset categories.

(B) If the Reporting Organization does not charge-off losses resulting from the lending operation through allowances or reserves, it should furnish a description of the accounting practices used in recording these charge-offs and detail the gross amount of charge-offs and recoveries for the last two fiscal years.

Report Item 4: Gains and Losses on Debt and Equity Securities

(A) If the Reporting Organization has established reserves or contra accounts against an asset account to absorb losses or other changes in value resulting from investments in debt and equity securities, it should furnish a reconciliation of the reserves in accordance with the following:

(1) Present the beginning and ending balances for the last two fiscal years.

(2) Detail additions to the account, including amounts expensed in the income statement, gains recognized from the sale, exchange, or revaluation of assets, and transfers from capital and/or other reserve accounts.

(3) Detail deductions from the account, including losses recognized on the sale, exchange, or revaluation of assets, and transfers to captial and/or other reserve accounts. The market value of securities publicly traded on an exchange should be given.

(4) Present as a memorandum items the total carrying of debt and equity securities, distinguishing between securities traded on a recognized

exchange and securities having no established market. For marketable securities, provide the current market value if different from the carrying value. For non-marketable securities, provide the appraised value and/or net asset value (book value) if different from the carrying value.

(B) If the Reporting Organization does not charge-off losses or other changes in value in debt and equity investments through reserves, it should furnish a description of the accounting practices used in recording these charge-offs and other changes in value and detail the gross amount of changes in value for the last two fiscal years.

Report Item 5: Inner Reserves and Other Contra Accounts against Assets and Liabilities resulting in "hidden" reserves

If the Reporting Organization utilizes accounting practices that result in the creation of inner reserves, aggregated in liability accounts and not separately detailed, or in the creation of hidden reserves, contra to an asset or a liability account reported on a net basis, it should disclose or separate such reserves from aggregate accounts in accordance with the following criteria:

(1) Present the beginning and ending balances for the last two fiscal years.

(2) Detail additions to the account, which may include gains recognized on the revaluation of securities, investments, fixed assets, currency transition, and forward foreign exchange contracts, transfers from the income account prior to reporting income to the shareholders, and transfers from other reserve accounts.

(3) Detail deductions from the account, which may include losses recognized on the revaluation of securities, investments, fixed assets, currency translation, and foward foreign exchange contracts, transfers to the income account prior to reporting income to the shareholders, and transfers to other reserve accounts.

(4) Present as a memorandum item a description of the accounting practices or statutory or regulatory accounting standards that prescribe the establishment of such reserve accounts.

Report Item 6: Outside Ownership

List each director, executive officer,[1] and principal shareholder,[1] or their equivalent, of the Reporting Organization, showing the following:

(a) Name;

(b) Title or position, as a direct or an executive officer or the equivalent thereof, in any company organized under the laws of the United States or a foreign country; and

(c) Number and percentage of ownership of the voting securities of any company organized under the laws of the United States or a foreign country in which the ownership, control, or power to vote is 25 per cent or more.

[FR Doc. 79-34445 Filed 11-7-79; 8:45 am]
BILLING CODE 6210-01-M

[1] The terms "executive officer" and "principal shareholder" have the same meaning assigned such terms under Regulation O (12 C.F.R. 215). Section 215.2(d) states "executive officer" of a company or bank means a person who participates or has authority to participate (other than in the capacity of a director) in major policymaking functions of the company or bank, whether or not: (1) the officer has an official title, (2) the title designates the officer an assistant, or (3) the officer is serving without salary or other compensation. The chairman of the board, the president, every vice president, the cashier, the secretary, and the treasurer of a company or bank are considered executive officers, unless (1) the officer is excluded, by resolution of the board of directors or by the bylaws of the bank or company, from participation (other than in the capacity of a director) in major policymaking functions of the bank or company, and (2) the officer does not actually participate therein. Section 215.2(j) states "principal shareholder" means an individual or a company (other than an insured bank) that directly or indirectly, or acting through or in concert with one or more persons, owns, controls, or has the power to vote more than 10 per cent of any class of voting securities of a member bank or company.

GREAT LAKES BASIN COMMISSION

Intent to Prepare Draft Environmental Impact Statements (DEIS's) for Three Elements of the Great Lakes Basin Plan

AGENCY: Great Lakes Basin Commission.

ACTION: Notice of Intent to Prepare Draft Environmental Impact Statements (DEIS's).

SUMMARY: 1. The proposed elements are policy plans of the joint State-Federal Commission that are regional in scope, and consist of policy guidance for Federal, State, local and private sectors in the Great Lakes Basin. The three elements of the plan are (a) Great Lakes Basin Hazardous Materials Strategy; (b) Great Lakes Basin Plan for Water Quality; and (c) Great Lakes Basin Water Conservation Assessment.

2. Alternatives will be considered including a no action plan. The Hazardous Materials Strategy and Water Conservation Assessment will consider "maximum possible efforts" as a third alternative. The Water Quality element will consider "best available treatment" a third alternative.

3. (a) Scoping was done with special Task Groups for each of the three plan elements. These task groups consist of member agencies of the Basin Commission and members of the Commission's Public Involvement Work Group. Additional public involvement measures used during the planning process include: (1) further coordination with appropriate Federal, State, and local agencies; (2) distribution of DEIS's to the public and agencies for their review and comment.

(b) Significant issues requiring in-depth analysis: none.

(c) Environmental review and consultant will be in accordance with the National Environmental Policy Act of 1969. The DEIS's will be circulated for review and all comments will be considered in preparing the final environmental impact statements.

4. Scoping meeting will not be held, however past activities as addressed in 3a will be considered.

5. The estimated date when the DEIS's will be available is November 1979.

ADDRESS: Requests for additional information or questions concerning this notice should be directed to the Great Lakes Basin Commission, Attn: C. A. Job, Great Lakes Basin Plan Manager, Post Office Box 999, Ann Arbor, Michigan 48106, 313/668-2300.

Dated: October 31, 1979.

Lee Botts,
Chairman, Great Lakes Basin Commission.

[FR Doc. 79-34586 Filed 11-7-79; 8:45 am]
BILLING CODE 8410-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

Research and Investigation; Delegations of Authority; Correction

In the FR Document 79-31358, appearing on pages 58807 and 58808 in the Federal Register on October 11, 1979, make the following corrections in the first column on page 58808:

Under item 4, last line of second paragraph, insert "September 18, 1979" after the word "from."

In the last paragraph, add "September 18, 1979" immediately following "became effective on."

Date: October 29, 1979.

Julius B. Richmond,
Assistant Secretary for Health.

[FR Doc. 79-34468 Filed 11-7-79; 8:45 am]
BILLING CODE 4110-88-M

Office of Education

Community Education Advisory Council; Meeting

AGENCY: Office of Education, HEW, Community Education Advisory Council.

ACTION: This notice sets forth the schedule and proposed agenda of the

forthcoming meeting of the Community Education Advisory Council. It also describes the functions of the Council. Notice of these meetings is required under 5 U.S.C. Appendix I of the Federal Advisory Committee Act, Pub. L. 92–463. This document is intended to notify the general public of their opportunity to attend.

DATES: Meeting: November 26, and 27, 1979.

ADDRESS:

November 26, 1979: John F. Kennedy School of Government, Institute of Politics; Harvard University, Cambridge, Massachusetts (The Penthouse)

November 27, 1979: Sheraton-Boston Hotel, 39 Dalton Street, Prudential Center, Boston, Massachusetts (Hampton Room)

FOR FURTHER INFORMATION CONTACT: Margaret Beavan, Office of Education, Department of Health, Education, and Welfare, 7th and D Streets, SW., Regional Office Building Three, Room 5622, Washington, D.C. 20202. Telephone: (202) 245–0691.

SUPPLEMENTARY INFORMATION: The Community Education Advisory Council is authorized under Pub. L. 95–561. The Council is established to advise the Commissioner of Education on policy matters relating to the interest of community schools.

All sessions of this meeting are open to the public. The meeting will begin each day at 9:30 a.m. and end at 4:30 p.m.

This meeting is scheduled just prior to the National Community Education Association 14th Annual Convention to be held in Boston, Massachusetts on November 28, 29, and 30, 1979. It is the intent of the Community Education Advisory Council to have its members available to lead and attend discussions or seminars regularly scheduled as a part of the Convention. This will give members a better perspective on the current issues and concerns of community education practitioners. By scheduling this meeting prior to the Convention, the Council has an opportunity to conduct its business and discuss future plans before the scheduled sessions during the Convention.

The proposed agenda includes: (1) Presentation and discussion of action plan for Council long-range mission and strategies; (2) Focus on State collaboration; and (3) Discussion on the citizen participation process.

The discussion on citizen participation will be in the form of a working seminar and will be conducted by Professor Stuart Langton of the Lincoln Filene Center for Citizenship and Public Affairs, Tufts University.

Records shall be kept of all Council proceedings and shall be available for public inspection in Regional Office Building Three, Room 5622, 7th and D Streets, SW., Washington, D.C. 20202.

Signed at Washington, D.C., on November 6, 1979.

Ron Castaldi,

Acting Director, Community Education Program.

[FR Doc. 79-34824 Filed 11-7-79; 8:45 am]

BILLING CODE 4110-02-M

Office of Human Development Services

Social Services Programs for Individuals and Families, Title XX; Fiscal Year 1980 Federal Allotment Limitation for State and Local Training Programs

AGENCY: Administration for Public Services (APS), Office of Human Development Services (HDS), DHEW.

ACTION: Notice of Proposed Allocation Formula for FY 1980 Training Funds.

SUMMARY: This issuance sets forth the Department's proposed formula for distributing the Federal allotment limitation for State and local training under title XX of the Social Security Act for fiscal year 1980. It explains the Congressional action that established the limitation and discusses the ways of distributing these funds that were considered by the Department before it arrived at the recommended proposal.

Action by the House of Representatives and the Joint Conference Committee in considering the HEW budget was to limit the fiscal year 1980 Federal share of State and local training under title XX to $75 million. However, to date, the Senate has not voted on the measure. The Continuing Resolution, Pub. L. 96–86, passed October 12, 1979, includes the $75 million limitation for State and local training. The first issue to arise in our efforts to determine how to distribute these funds on an equitable basis was the question of funding the balance of fiscal year 1979 training costs. These costs are estimated to be $14 million dollars and we believe they must be given priority since they were incurred in good faith before any limitation became law. Therefore, subtracting this amount ($14 million) from the $75 million provided in the Continuing Resolution, leaves a balance of $61 million to fund fiscal year 1980 training costs. Any remaining balance of the $14 million, after increasing or decreasing claims are accomplished, will be made available to States in fiscal year 1980, in accordance with the distribution formula.

Options Considered: We considered several distribution methods prior to arriving at the proposed distribution formula. The following is a discussion of each method considered with advantages and disadvantages of each.

Method No. 1—A formula based on State population similar to the one used to determine each State's Federal allotment ceiling under title XX.

Under this method, each State would receive an amount equal to 2.4 percent of its proportionate share of the $2.5 billion currently authorized for title XX social services, or its current estimates for training for fiscal year 1980, whichever is lower. The excess would be distributed among the States whose current fiscal year 1980 estimates exceed their proportionate share of the initial distribution.

Advantages: States spending at a rate equal to, or below, their fair share of the funds available for fiscal year 1980 training programs would not be penalized by supporting States with large training programs.

The population of each State is recognized in that its share is based on current title XX social services Federal allotment ceiling ($2.5 billion).

Disadvantage: States with relatively large training programs would receive severe and disproportionate reductions in Federal funding.

Method No. 1 was deemed unacceptable because it makes minimal provisions for the current size of a State's training program. States which for fiscal year 1980, estimate spending at or below their Federal allotment limitation, would not experience a decrease in Federal funding while those States which have estimated above their limitation, would be proportionately decreased. The effect on States between fiscal years 1979 and 1980 would be a maximum increase of about 140 percent while the maximum decrease would be about 85 percent.

Method No. 2—A formula based on the expected States' rates of expenditures for training in fiscal year 1980.

Under this method, each State would receive an amount equal to 49.1 percent of its current fiscal year 1980 estimate. This percentage is derived by simply dividing the available funds for Fiscal Year 1980 by the States' total current estimated needs ($61 million divided by $124.262 million).

Advantage: All States share proportionately in the reduction of Federal funds for their training programs. The reduction is based on a straight line percentage.

Disadvantages: States with small training programs would receive the same percentage reduction as those with large training programs. States have, in the past, overestimated their expected rate of expenditures for a number of reasons. Such States would receive disproportionate protection under this method.

Method No. 2 was deemed unacceptable because it does not make any provisions for the size of a State's population. The size of a State's population bears some relationship to the size of its workforce and the cost of training that workforce. The anticipated effect on States in fiscal year 1980 would range from an increase of about 2 percent to a decrease of about 55 percent of the fiscal year 1979 Federal funding level.

The range of increase and decrease in this method is due to the use of States' estimates for fiscal year 1980 training costs.

PROPOSED METHOD: The proposed distribution method promulgated in this notice calls for each State to receive an amount equal to 1 percent of their proportionate share of the $2.5 billion currently authorized for title XX social services, or the same amount of Federal financial participation received for fiscal year 1979 training costs, whichever is lower, *plus* a proportionate share of its fiscal year 1979 training costs (Federal share) in excess of the 1 percent.

The proposed distribution method recognizes the impact of State population by distributing an amount equal to 1 percent of the States' proportionate share of the $2.5 billion currently authorized for title XX social services. It holds harmless States with training programs that are at less than 1 percent of their share of the $2.5 billion by providing Federal funding equal to the fiscal year 1979 level. It also recognizes the need to minimize the drastic reduction in any one State by proportionately distributing the remaining available funds on a straight line percentage basis to those States spending more than 1 percent. The proportionate share currently estimated at 52.1 percent will be finally determined when final fiscal year 1979 program costs are available. This method utilizes actual fiscal year 1979 data rather than estimates for fiscal year 1980, a key factor in both methods (1) and (2).

The following schedule shows each State's fiscal year 1980 estimated Federal allotment limitation for State and local training under title XX using the proposed distribution formula. The schedule is an estimate and changes will occur when final program costs for fiscal year 1979 are determined.

Tentative FY 1980 Federal allotment limitation	
Alabama	$594,000
Alaska	154,000
Arizona	942,000
Arkansas	672,000
California	3,790,000
Colorado	808,000
Connecticut	4,844,000
Delaware	157,000
Dist. of Col	70,000
Florida	1,300,000
Georgia	1,425,000
Hawaii	89,000
Idaho	223,000
Illinois	559,000
Indiana	92,000
Iowa	434,000
Kansas	714,000
Kentucky	1,450,000
Louisiana	1,273,000
Maine	450,000
Maryland	1,187,000
Massachusetts	2,899,000
Michigan	1,350,000
Minnesota	1,006,000
Mississippi	857,000
Missouri	918,000
Montana	762,000
Nebraska	291,000
Nevada	193,000
New Hampshire	102,000
New Jersey	1,755,000
New Mexico	629,000
New York	6,371,000
North Carolina	2,322,000
North Dakota	277,000
Ohio	1,262,000
Oklahoma	381,000
Oregon	707,000
Pennsylvania	3,883,000
Rhode Island	417,000
South Carolina	736,000
South Dakota	252,000
Tennessee	967,000
Texas	5,450,000
Utah	664,000
Vermont	295,000
Virginia	1,149,000
Washington	1,489,000
West Virginia	1,278,000
Wisconsin	1,022,000
Wyoming	269,000
Total	61,000,000

DATE: We urge comments on this proposed distribution formula, particularly from State agencies whose programs will be affected. Consideration will be given to written comments and suggestions received on or before December 10, 1979. Agencies or organizations are requested to submit their comments in duplicate. Comments will be available for public inspection beginning approximately two weeks after publication of this notice in Room 2024 of the Department's office at 330 "C" Street, SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (Telephone: Area Code 202 245-0802).

ADDRESS: Address comments to: Commissioner, Administration for Public Services, Department of Health, Education, and Welfare, Post Office Box 1923, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Mr. James Gigante, 202-245-0802.

(Catalog of Federal Domestic Assistance Program No. 13.644 Social Services Training Grants—Title XX)

Dated: November 1, 1979.

Ernest L. Osborne,

Commissioner, Administration for Public Services.

Approved: November 2, 1979.

Arabella Martinez,

Assistant Secretary for Human Development Services.

[FR Doc. 79-34545 Filed 11-7-79; 8:45 am]

BILLING CODE 4110-92-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Colorado Final Initial Wilderness Inventory Decision

Implementation of decision on lands which will no longer be subject to the BLM wilderness inventory, and are thus released from the management constraints of Section 603(c) of the Federal Land Policy and Management Act of 1976.

This notice announces the implementation of the BLM Colorado State Director's Initial Wilderness Inventory Decision 1-B and 1-C as published in the Federal Register, Vol. 44, No. 171, Friday, August 31, 1979, except as noted in this announcement. Decision 1-A of the August 31, 1979, announcement was implemented through notice in the Federal Register, Vol. 44, No. 199, Friday, October 12, 1979.

All wilderness inventory units, addressed in the August 31, 1979 announcement, Decision 1-B and 1-C, except as noted in this announcement, are hereby released from further consideration in the BLM wilderness inventory process and released from the management constraints of Section 603(c) of the Federal Land Policy and Management Act of 1976. Specifically, 43 wilderness inventory units totaling 362,065 acres are released from the BLM wilderness inventory. Implementation of this decision will occur immediately upon publication of this announcement in the Federal Register.

Four units totaling 10,240 acres, which were addressed in Decision 1-B and 1-C in the August 31, 1977 announcement, received protests before October 15, 1979. Therefore, decisions on these units will not be implemented pending resolution of the protests and they are not released from the management constraints of Section 603(c) of the Federal Land Policy and Management Act of 1976. These units are as follows:

Inventory unit number	Approximate acreage	General location
CO-070-439.....	4,800	Grand Junction District, Northwest of Dotsero (Garfield County).
CO-030-253.....	720	Montrose District, Adjacent to Mesa Verde National Park (Montezuma County).
CO-030-255.....	2,080	Montrose District, Adjacent to Mesa Verde National Park (Montezuma County).
CO-030-256.....	2,640	Montrose District, Adjacent to Mesa Verde National Park (Montezuma County).

A final decision regarding these four units and Decision 2–A and 2–B of the August 31, 1979 announcement will be made in mid-December 1979 and announced in the Federal Register.

Requests for further information concerning the BLM wilderness inventory in Colorado should be sent to: State Director, c/o WILDERNESS, Colorado State Office, Bureau of Land Management, Main Post Office Building, P.O. Box 2266, Denver, Colorado 80201.

Dale R. Andrus,

State Director, Colorado.

[FR Doc. 79-34471 Filed 11-7-79; 8:45 am]

BILLING CODE 4310-84-M

Roswell District Grazing Advisory Board; Meetings

Notice is hereby given in accordance with Pub. L. 92–463 that meetings of the Roswell District Grazing Advisory Board will be held on the following dates: December 6, 1979; January 17, 1980; and February 7, 1980. The meetings will begin at 9:00 a.m. in the Conference Room of the Roswell District Office.

The purpose is to have joint meetings with the Grazing Advisory Board, New Mexico State Land Office, Range Improvement Task Force, New Mexico Game and Fish Department, cooperating federal agencies, and conservation and wildlife organizations to develop the East Roswell Rangeland Management Document in accordance with consultation, cooperation and coordination set forth in Section 8 of Pub. L. 95–514 (the Public Rangelands Improvement Act).

In the event the February 7, 1980, meeting is not required, that meeting will be cancelled without further Federal Register notice. Such notice of cancellation, however, will be given to all parties who request to be informed and will be published in local and district media.

Persons wishing to make a short statement may arrange to do so by contacting the Roswell District Manager no later than the day prior to each meeting.

Dated: October 29, 1979.

James H. O'Connor,

District Manager.

[FR Doc. 79-34470 Filed 11-7-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38727, 38730, 38762, 38763, 38764 and 38765]

New Mexico; Applications

October 31, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for ten 4½-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 22 S., R. 23 E.,
Sec. 23, NE¼NE¼;
Sec. 24, W½W½;
Sec. 25, NW¼NW¼;
Sec. 26, NE¼NE¼, S½NE¼ and SE¼NW¼.
T. 26 S., R. 30 E.,
Sec. 26. W½SE¼.
T. 19 S., R. 32 E.,
Sec. 12, SW¼NE¼.
T. 20 S., R. 32 E.,
Sec. 23, NE¼SW¼, N½SE¼ and SE¼SE¼;
Sec. 24, W½SW¼ and SE¼SW¼;
Sec. 25, N½NE¼ and NE¼NW¼.
T. 20 S., R. 33 E.,
Sec. 30, lot 1 and E½NW¼.
T. 24 S., R. 34 E.,
Sec. 18, SW¼NE¼.

These pipelines will convey natural gas across 5.271 miles of public lands in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Pauline T. Brown,

Acting Chief, Lands Section.

[FR Doc. 79-34587 Filed 11-7-79; 8:45 am]

BILLING CODE 4310-84-M

Moab District Grazing Advisory Board; Meeting

November 2, 1979.

AGENCY: Bureau of Land Management, Interior.

ACTION: Moab District Grazing Advisory Board Meeting.

Notice is hereby given in accordance with Public Law 29–463 that a meeting of the Moab District Grazing Advisory Board will be held on December 14, 1979. The meeting will begin at 10:00 a.m. in the conference room of the Bureau of Land Management District Office at 125 West 2nd South in Moab, Utah. The meeting is open to the public.

The agenda for the meeting will include:

1. A discussion of Cooperative Agreements versus Section 4 permits for range improvements.
2. Useful life of range permits.
3. Expenditures of State money for range improvements.
4. Discussion of the Advisory Board election and rechartering process and the election of new officers.
5. Allotment Management Plans—Are they working and what kind of grazing systems are most beneficial?

Interested persons may make oral statements to the board between 2:00 and 3:00 p.m., or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532 by December 12, 1979. Depending on the number of persons wishing to present oral statements, a time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the Moab District Office and will be available for reproduction and inspection (during regular business hours) within 30 days following the meeting.

S. Gene Day,

District Manager.

[FR Doc. 79-34588 Filed 11-7-79; 8:45 am]

BILLING CODE 4310-84-M

[Coal Lease Application ES 16968]

Land in Fayette County, Ala.; Public Hearing and Availability of Environmental Assessment and Fair Market Value

November 5, 1979.

The Department of the Interior, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304, hereby gives notice that a public hearing will be held on December 7, 1979, at 7:00 p.m. in the Chamber of Commerce Auditorium, 1707 2nd Avenue, Jasper, Alabama. Application has been made to the United States that it offer for lease certain coal resources in the public lands hereinafter described. The purpose of the hearing is to obtain public comments on the Environmental

Assessment prepared and on the following items: (1) the method of mining to be employed to obtain maximum economic recovery of the coal; (2) the impact that mining the coal in the proposed leasehold may have on the area, including but not limited to impacts on the environment; and (3) methods of determining the fair market value of the coal to be offered. Written requests to testify orally at the December 7, 1979, public hearing should be received at the Bureau of Land Management, Tuscaloosa Office, 1315 McFarland East Boulevard, Tuscaloosa, Alabama 35401, prior to the close of business 4:00 p.m. on December 7, 1979. People who indicate they wish to testify when they check in at the hearing room may have an opportunity to testify if time is available after the listed witnesses have been heard. Both oral and written comments will be received at the public hearings, but speakers will be limited to a maximum of 10 minutes each depending on persons desiring to comment. The time limitation will be strictly enforced, but the complete text of prepared speeches may be filed with the presiding officer at the hearing, whether or not the speaker has been able to finish oral delivery in the allotted minutes. Written comments may also be submitted to: Manager, Tuscaloosa Office at the above address, prior to close of business on December 7, 1979. Substantive comments, whether written or oral, will receive equal consideration prior to any lease offering.

In addition, the public is invited to submit written comments concerning the fair market value of the coal resource to the Bureau of Land Management and the U.S. Geological Survey. Public comments will be utilized in establishing fair market value of the coal resources in the described lands.

Comments should address specific factors related to fair market value including, but not limited to: the quantity and quality of the coal resource, the price that the mined coal would bring in the market place, the cost of producing the coal, the probable timing and rate of production, the interest rate at which anticipated income streams would be discounted, depreciation and other accounting factors, the expected rate of industry return, the value of the surface estate (if private surface), and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms, and conditions, may also be submitted at this time.

These comments will be considered in the final determination of fair market value as determined in accordance with 30 CFR 211.63 and 43 CFR 3422.1-2. Should any information submitted as comments be considered to be proprietary by the commentor, the information should be labeled as such and stated in the first page of the submission. Comments should be sent to both the Director, Eastern States, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, and to the Regional Conservation Manager, Conservation Division, Geological Survey, Box 25046, Denver Federal Center, Denver, Colorado 80225, to arrive no later than December 7, 1979.

Application ES 16968

The coal resource to be offered is to be mined by survace mining methods from the Corona Coal Bed seam(s) in the following lands located:

T. 14 S., R. 10 W., Huntsville Meridian
Sec. 3: E½NE¼, NW¼SE¼, NE¼SW¼, W½SW¼, SW¼NW¼, E½NW¼. Sec. 9: SE¼SE¼. Sec. 10: S½NE¼, NE¼SE¼.

Containing 520 acres.

The estimated total strippable reserves are 802,123 tons. The coal quality is as follows: Btu—11,550; Sulfur—2.11; and Ash—15.45 over 224 acres of the described lands.

The draft Environmental Assessment will be available for review in the Tuscaloosa District Office, Bureau of Land Management, 1315 McFarland East Boulevard, Tuscaloosa, Alabama 35401. Single copies are available for distibution upon request from the office at the above address.

A copy of the Environmental Assessment, the case filed and the comments submitted by the public on fair market value, except those portions identified as proprietary by the commenter and meeting exemptions stated in the Freedom of Information Act, will be available for public inspection at the Eastern States Office, Bureau of Land Management at the address set out above.

Lowell J. Udy,

Director, Eastern States.

[FR Doc. 79-34616 Filed 11-7-79; 8:45 am]
BILLING CODE 4310-84-M

Bureau of Reclamation

Intent To Hold a Public Meeting for Initiation of Environmental Impact Statement on Potential Industrial Water Service From Yellowtail and Boysen Reservoirs, Mont. and Wyo.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare an environmental impact statement (EIS) on potential industrial water service from Yellowtail and Boysen Reservoirs, Pick-Sloan Missouri Basin Program in Montana and Wyoming.

The Bureau of Reclamation in response to a July 30, 1979, court order in the United States District Court for the District of Montana, Billings Division, plans to initiate studies to evaluate constraints on development of the existing resource base in the Yellowtail and Boysen Reservoir areas.

Through this analysis, the Bureau staff will determine what constraints exist in selecting an array of reasonable program alternatives to discuss in the regional EIS.

The array of reasonable program alternatives will reflect levels of industrial development based on an analysis of existing constraints such as air quality degradation, State water reservation, Indian water rights and needs, availability of water, and alternative uses of the water supply. At the present time, the Bureau of Reclamation has four remaining option contracts for industrial water from Yellowtail Boysen Reservoirs covering 150,000 acre-feet. Those option contracts will terminate in 1981 unless the contractor submits a firm water use plan requiring water deliveries for a given industrial development. However, to date, there are no firm requests for industrial use.

A meeting of interested Federal, State, and local agencies, Indian tribes and concerned groups will be held at 9 a.m., November 20, 1979, in rooms 3043 of the Federal Building, 316 North 26th Street, Billings, Montana. The meeting will provide an opportunity for those concerned to assist in identifying constraints on development and selecting areas for further analysis.

Studies to develop necessary information on constraints and selection of the reasonable alternatives are expected to take about 12 months. After completion of the studies, an additional scoping meeting will be held to provide an opportunity for additional public involvement in the scoping process. Notice of such a meeting will be published in local newspapers.

Inquiries and public input are welcome at all stages of the process.

Inquiries or information should be directed to:

Mr. E. P. Denson, Regional Environmental Office, Bureau of Reclamation, P.O. Box 2553, 316 North 26th Street, Billings, Montana 59103, Telephone: FTS 585-6558, Commercial (406) 657-6558

or

Mr. Dean Loomis, Environmental Specialist, Telephone: FTS 585–6605, Commercial (406) 657–6605.

Dated: November 2, 1979.

Clifford I. Barrett,

Commissioner of Reclamation.

[FR Doc. 79-34516 Filed 11-7-79; 8:45 am]

BILLING CODE 4310-09-M

National Park Service, Fort Scott National Historic Site, Kans.; Establishment

Notice is given, pursuant to Section 2 of the Act of October 19, 1978, 92 Stat. 1610 that the city of Fort Scott, Kansas has donated to the United States the lands and buildings known as Fort Scott and therefore Fort Scott National Historic Site is established.

As established, the Historic Site comprises the area with the boundaries delineated on the attached map entitled "Fort Scott National Historic Site," dated April 30, 1979, and numbered 471–80010, which map is on file in the Office of the Superintendent of the Historic Site and in the Office of the National Park Service, Department of the Interior, Washington, D.C. The legal description of the property is as follows:

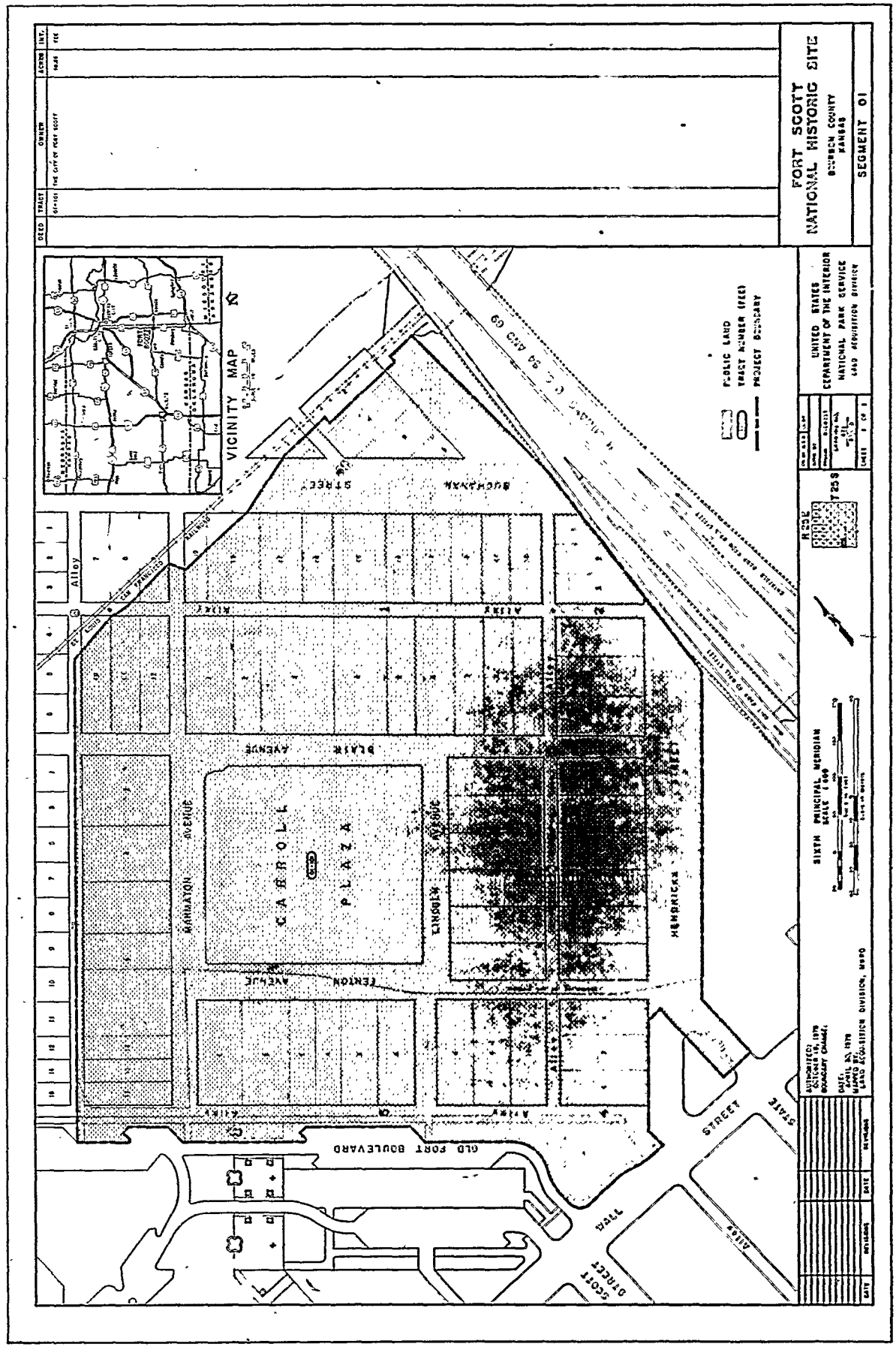
Beginning at a point which is at the back of the north curb of Old Fort Boulevard (formerly known as Market Street) and the centerline of the alley between Marmaton Avenue and Stanton Avenue; thence N42°57'13" E, 650.28 feet, thence N84°35'14" E, 73.76 feet; thence S82°48'01" E, 30.82 feet; thence N87°57'13" E, 77.78 feet; thence S26°36'29" E, 23.54 feet; thence S89°46'23" E, 113.31 feet; thence N77°29'57" E, 90.78 feet; thence S89°46'23" E, 75.86 feet; thence S0°28'26" W, 10 feet; thence S89°46'23" E, 120 feet; thence N0°28'26" W, 10 feet; thence S89°46'23" E, 40.64 feet; thence S2°12'33" E, 15.85 feet to the north end of the highway right of way fence; thence S2°12'33" E, 243.36 feet down the right of way fence; thence S5°07'56" W, 340.68 feet down the right of way fence to the east line of Hendricks Street; thence S43°16'28" W, 442.42 feet down the east line of Henricks Street; thence S0°28'26" W, 96.30 feet; thence N89°22'34" W, 49.00 feet; thence N0°28'26" E, 125.25 feet, thence N89°46'23" W, 24.34 feet; thence S43°16'28" W, 148.16 feet; thence S0°28'26" W, 28.47 feet to the back of the north curb on Wall Street; thence N89°46'23" W, 4.56 feet; thence on a 200 foot radius curve to the right along the back of the curb 51.79 feet; thence on a 100 foot radius curve to the left along the back of the curb 25.89 feet; thence N89°46'23" W, 43.98 feet; thence on a 20 foot radius curve to the right along the back of the curb 31.47 feet; thence N0°22'35" E, 19.38 feet; thence on a 60 foot radius curve to the right along the back of the curb 32.68 feet; thence on a 50 foot radius curve to the left along the back of the curb 68.40 feet; thence N46°47'25" W, 117.97 feet along the back of the curb; thence on a deflection angle to the right of 45°, 28.99 feet; thence N46°47'25" W, 141.98 feet; thence on a deflection angle to the left of 45°, 10.60 feet; thence on a deflection angle to the left of 90°, 11.14 feet; thence on a 3 foot radius curve to the right along the back of the curb 7.07 feet; thence N46°47'25" W, 165.09 feet along the back of the curb; thence on a deflection angle to the right of 45°, 28.99 feet; thence N46°47'25" W, 52.88 feet; thence on a deflection angle to the left of 45°, 10.60 feet; thence on a deflection angle to the left of 90°, 11.14 feet; thence on a 3 foot radius curve to the right along the back of the curb 7.07 feet; thence N46°47'25" W, 68.23 feet to the point of beginning containing 16.855 acres, more or less.

Dated: October 10, 1979.

Cecil D. Andrus,

Secretary of the Interior.

BILLING CODE 4310-70-M



[FR Doc. 79-34544 Filed 11-7-79; 8:45 am]
BILLING CODE 4310-70-C

Office of the Secretary

[INT-FES-79-57]

Phosphate Leasing on the Osceola National Forest, Florida; Availability of Final Environmental Statement Supplement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management, Department of the Interior, has prepared a Final Environmental Statement (FES) Supplement on Phosphate Leasing on the Osceola National Forest, Florida. The supplement updates the Final Environmental Statement on Phosphate Leasing on the Osceola National Forest, Florida (FES 74-37), issued in June 1974.

The proposed action involves the issuance of 41 phosphate preference right leases on 52,000 acres of the Osceloa National Forest, in north central Florida.

Copies of the FES Supplement are available for inspection at the following locations:

Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia
Office of Public Affairs, Bureau of Land Management, 18th and C Streets, NW., Washington, D.C.
USDI Natural Resources Library, 18th and C Streets, NW., Washington, D.C.
U.S. Forest Service, Koger Office Executive Center, 2586 Seagate Drive, Turner Building, Suite 200, Tallahassee, Florida
U.S. Forest Service, Osceola National Forest, P.O. Box 1649, Lake City, Florida
U.S. Forest Service, Region 8, 1720 Peachtree Road, NW., Atlanta, Georgia
Environmental Protection Agency, Region IV, 1421 Peachtree Street, NE., Atlanta, Georgia
U.S. Geological Survey, Suite F-240, 325 John Know Road, Tallahassee, Florida
U.S. Geological Survey, Conservation Division (MS 620), National Center, Reston, Virginia
U.S. Fish and Wildlife Service, 1720 K Street, NW., Washington, D.C.
U.S. Fish and Wildlife Service, 17 Executive Park Drive, Atlanta, Georgia
Bureau of Mines, Columbia Plaza, 2401 E Street, NW., Washington, D.C.
Bureau of Mines, 547 North Monroe Street, Rm 204, Tallahassee, Florida
Libraries in Jacksonville, Tallahassee, Lake City, Gainesville, Tampa, and other nearby cities in Florida

A limited number of single copies of the FES Supplement may be obtained from the Director, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, and from the Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets, NW, Washington, D.C. 20240.

Dated: October 31, 1979.

Larry E. Meierotto,
Assistant Secretary of the Interior.

[FR Doc. 79-34299 Filed 11-7-79; 8:45 am]
BILLING CODE 4310-84-M

Office of Surface Mining Reclamation and Enforcement

[Federal Lease No. M-15965]

Availability for Public Review of Proposed Major Modification to the Big Sky Mine

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Availability for Public Review of Proposed Major Modification to a Coal Mining and Reclamation Plan.

SUMMARY: Pursuant to § 211.5 and 786 of Title 30 and § 1500.2 of Title 40, Code of Federal Regulations, notice is given that the Office of Surface Mining has received a major modification to an existing mining and reclamation plan. The proposed modification is described below:

Location of Lands To Be Affected by Modification

Applicant: Peabody Coal Company.
Mine Name: Big Sky.
State: Montana.
County: Rosebud.
Township, Range Section: T. 1 N, R. 41E.: 13, 14, 15, 22, 23, 25, 26, 27.
Office of Surface Mining Reference No.: MT-006.

The mine is located approximately 6 miles south of Colstrip and west of State Highway 315. The proposed modification involves mining and associated disturbance on 1,071 acres of the total lease area of 4,307 acres. The mine is proposed to continue as a multiple (two) seam, dragline operation removing Federally- and privately-owned coal. The coal is shipped, via railroad, to the Minnesota Power and Light Company's Clay Boswell Station, Cohasset, Minnesota. The projected production rate is 4.2 million tons per year over a five year period (1980-1984). During 1978, 2.1 million tons were mined. The proposed modification would extend mining activities northward and northeastward from the presently mined area. The multiple seam operation would include the extraction of coal from two primary seams, the McKay and Rosebud. The area scheduled for mining is outside the mining boundaries previously approved by the Department.

The Big Sky Mine was the subject of a site-specific analysis of impacts, mitigation measures and alternatives in an Environmental Impact Statement titled, "Proposed Expansion of Mining and Reclamation Plan, Big Sky Mine, Rosebud County, Montana." The Final Environmental Statement was issued on September 25, 1979, by the Geological Survey.

This notice is issued at this time for the convenience of the public. The Office of Surface Mining has not yet determined whether the proposed modification is technically adequate. It is possible that OSM will request additional information from the company during the forthcoming technical review. Any further information so obtained would also be available for public review.

No action with respect to approval of the proposed coal mining and reclamation plan shall be taken by the Regional Director for a period of 30 days after publication of this Notice of Availability in the Federal Register (December 10, 1979). Prior to taking any action on this proposed amendment, the Office of Surface Mining will issue a Notice of Pending Decision pursuant to § 211.5(c)(2) of Title 30, Code of Federal Regulations.

The mine plan modification submitted by Peabody for the Big Sky Mine is available for public review during normal working hours in the Library, Office of Surface Mining, Region V, Room 207, Post Office Building, 1823 Stout Street, Denver, Colorado. Comments on the proposed modification may be submitted during the 30 days after this notice to the Regional Director, Office of Surface Mining, at the same address.

FOR FURTHER INFORMATION CONTACT: Shirley Lindsay or John Hardaway, Office of Surface Mining, Region V, 1823 Stout Street, Denver, Colorado 80202.

Donald A. Crane,
Regional Director.

[FR Doc. 79-34497 Filed 11-7-79; 8:45 am]
BILLING CODE 4310-05-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 860-79]

Designation of New Federal Correctional Institution at Talladega, Alabama

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: Attorney General Order No. 646-76 (41 FR 14805) classifies and lists the various Bureau of Prisons institutions. Orders No. 649-76 (41 FR 19233), No. 842-79 (44 FR 44629) and No. 854-79 (44 FR 58002) amend the list

published by Order No. 646–76. This Order further amends the list by designating a new Bureau of Prisons facility as a Federal Correctional Institution.

EFFECTIVE DATE: October 29, 1979.

FOR FURTHER INFORMATION CONTACT: Ira B. Kirschbaum, Assistant General Counsel, Bureau of Prisons, U.S. Department of Justice, HOLC Building, 320 First Street, N.W., Washington, D.C. 20534 (202–724–3062).

By virtue of the authority vested in me by sections 4003, 4042, 4081, and 4082 of Title 18, United States Code, Attorney General Order No. 646–76 as amended, is further amended as follows:

Subparagraph B of Section 1 of Order No. 646–76, is amended to designate one additional Federal Correctional Institution:

"B. The Bureau of Prisons facilities at the following locations are designated as Federal Correctional Institutions:

* * * * *

(24) Talladega, Alabama."

Dated: October 29, 1979.

Benjamin R. Civiletti,

Attorney General.

[FR Doc. 79-34499 Filed 11-7-79; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 79-89]

Intent to Grant Exclusive Patent License

Notice is hereby given that consideration is being given to the grant to B D Consultants, S.A., New York City, New York, of a limited, exclusive, revocable license to practice the invention described in U.S. Patent No. 3,526,473 for "Process for Conditioning Tanned Shark Skin and Articles Made Therefrom", issued September 1, 1970, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR § 1245.2, as revised April 1, 1972. NASA will negotiate the final terms and conditions and grant the exclusive license unless, within 30 days of the date of this Notice, the Chairman, Inventions and Contributions Board, NASA, Washington, D.C., 20546, receives in writing any of the following, together with supporting documentation: (i) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed exclusive license; or (ii) an application for a nonexclusive license under such invention, in accordance with § 1245.206(b) in which applicant states that he has already brought or is likely to bring the invention to practical application within a reasonable period. The Board will review all written responses to the Notice and then recommend to the Administrator whether to grant the exclusive license.

Dated: October 31, 1979.

S. Neil Hosenball,

General Counsel.

[FR Doc. 79-34472 Filed 11-7-79; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL CAPITAL PLANNING COMMISSION

Revised Environmental Policies and Procedures

At its September 13, 1979 meeting, the National Capital Planning Commission completed adoption of revised Environmental Policies and Procedures. They conform the Commission's existing environmental policies and procedures to the latest Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of the National Environmental Policy Act, as amended, and simplify and clarify the policies and procedures pursuant to Executive Order 12044, Improving Government Regulations.

Proposed revised policies and procedures were published in the Federal Register for comment on June 8, 1979 (44 FR 33185–33190). Two Federal agencies, the General Services Administration and CEQ, and the District of Columbia made comments; they have been incorporated into the adopted revised policies and procedures. One member of the public submitted comments but the concerns expressed therein did not require any text changes.

The adopted revised policies and procedures are as follows:

Environmental Policies and Procedures

Sec. 1. Purpose. All Federal agencies must direct, to the fullest extent possible, their policies, plans, and programs to protect and enhance environmental quality. In view of the unique Federal presence at the seat of government, a special effort should be made in the National Capital Region to implement the National Environmental Policy Act, as amended (NEPA). These procedures supplement the Council on Environmental Quality's regulations for implementing the procedural provisions of NEPA and describe the way the National Capital Planning Commission, beginning at the earliest possible point, considers the environmental aspects of proposed actions. The Commission's goal is to avoid or minimize adverse environmental effects.

Sec. 2. Definitions. Underlined words are defined as follows:

"Commission" means the National Capital Planning Commission created by the *Planning Act.*

"Comprehensive Plan" means the Comprehensive Plan for the National Capital prepared and adopted pursuant to the *Planning Act.*

"Council" means the Council of the District of Columbia, as defined in Section 103 of the *Home Rule Act.*

"EIS" means environmental impact statement prepared pursuant to Section 102(2)(C) of *NEPA.*

"Environmental assessment" means a document that briefly discusses the environmental consequences of a proposed action and alternatives prepared for the purposes set forth in 40 CFR 1508.9.

"Environs" means the territory surrounding the District of Columbia within the *Region.*

"EPA" means the United States Environmental Protection Agency.

"Executive Director" means the director employed by the *Commission* pursuant to Section 2(c) of the *Planning Act.*

"Home Rule Act" means the District of Columbia Self-Government and Governmental Reorganization Act (December 24, 1973, 87 Stat. 774).

"Mayor" means the Mayor of the District of Columbia, as defined in Section 103 of the *Home Rule Act.*

"NEPA" means the National Environmental Policy Act, as amended (42 U.S.C. 4321, et seq.)

"Planning Act" means the National Capital Planning Act of 1952, as amended (40 U.S.C. 71–71i, 72, 73, 74; D.C. Code, secs. 1–1001 to 1–1013).

"Redevelopment Act" means the District of Columbia Redevelopment Act of 1945, as amended (D.C. Code, secs. 5–701 to 5–719).

"Region" means the National Capital Region as defined in Section 1(b) of the *Planning Act.*

"Zoning Act" means the Act of June 20, 1938, 52 Stat. 797, as amended (D.C. Code, secs. 5–413 to 5–428).

"Zoning Commission" means the Zoning Commission created by Section 1 of the Act of March 1, 1920, 41 Stat. 500, as amended (D.C. Code, sec. 5–412).

"Zoning Regulations" means the regulations, including the maps, and amendments thereto, promulgated by

the *Zoning Commission* pursuant to the *Zoning Act.*

Sec. 3. Principal Functions—Major Decision Points. This section describes the major decision points for the *Commission's* principal functions. It does not contain an exhaustive list of the *Commission's* functions.

A. *Federal elements of the Comprehensive Plan.* The *Commission's* comprehensive planning process begins when the *Commission* staff to starts prepare a specific Federal element (e.g. Federal land use, Federal employment, foreign missions and international agencies). The *NEPA* process usually starts with the preparation of a study or planning report on the proposed element and a related environmental analysis. The degree of specificity of the report varies depending on the subject matter of the element and on the *Commission's* direction to the staff. The report is circulated for agency and public review and comment. Generally the major decision points on a Federal element of the *Comprehensive Plan* are:

1. *First major decision point.* In the case of a study report, after analyzing alternative policies and comments, the *Commission* selects, from the among the alternative policies, that alternative for which the staff should prepare a draft proposed element.

2. *Second major decision point.* After the staff has prepared a draft proposed element and related planning report, the *Executive Director* determines the type of environmental document to be prepared on the proposed element.

3. *Third major decision point.* When the staff has prepared the appropriate environmental document, the draft proposed element is presented to the *Commission.* When satisfactory to the *Commission,* it authorizes the proposed element (accompanied by the planning report and the environmental document) to be circulated for agency and public review and comment.

4. *Fourth major decision point.* After the circulation period has ended and comments analyzed, the proposed element is presented to the *Commission* for adoption. If an *EIS* is required, the proposed element is presented to the *Commission* for adoption not earlier than thirty days after the filing with *EPA* of the final *EIS.*

B. *District elements of the Comprehensive Plan.* The District of Columbia government shall provide the *Commission* with an *environmental assessment* on each District element or group of elements, or amendments thereto, to assist the *Commission* in its review of such element or elements, or amendments, and in determining whether to prepare an *EIS* or make a finding of no significant impact and to aid *Commission* compliance with *NEPA* when no *EIS* is necessary, in accordance with 40 CFR 1508.9. The *environmental assessment* should be submitted as early as possible in the District's planning process.

1. *First major decision point.* The *Executive Director* shall determine the appropriate environmental document required for Commission action. If the *Executive Director* determines, in consultation with the Mayor or his designee, based on the District government's *environmental assessment* and draft element, or group of elements, or amendments thereto, that an *EIS* may be required for *Commission* action on the element, the District government, with *Commission* cooperation, shall provide the information set forth in Appendix B necessary to assist the *Commission* in the preparation of an *EIS.* When the District government has prepared an *EIS* or its equivalent, as part of its preparation of a District element or elements, or amendments thereto, the *Commission* may take responsibility for the scope and contents of such *EIS* or its equivalent in lieu of *Commission* preparation of a separate *EIS.*

2. *Second major decision point.* After the element or elements, or amendments thereto, have been adopted by the *Council* and submitted to the *Commission* pursuant to Section 2(a)(3) of the *Planning Act,* the *Commission* reviews the element with regard to its impact on the interests or functions of the Federal Establishment in the National Capital and may take such action or actions as it deems appropriate pursuant to Section 2(a)(4) of the *Planning Act.* The environmental document submitted for the first major decision point may be used for the second major decision point if no substantial changes have been made in the element. If substantial changes have been made, the appropriate environmental information will be supplemented or amended by the District government. If an *EIS* is required, the *Commission* shall not take action pursuant to Section 2(a)(4) of the *Planning Act* earlier than thirty days after the filing with *EPA* of the final *EIS* or later than sixty days after submission of the element or elements, or amendments thereto, to the *Commission,* whichever shall first occur.

C. *Federal, Federally-assisted, and District of Columbia projects*—1. *Federal developments and projects requiring Commission approval.* A Federal agency shall consult with the *Commission* at the earliest possible time with respect to a plan for a development or a project requiring *Commission* review and approval as set forth in Sec. 7 of these procedures and shall permit the *Commission* to participate with it in determining the appropriate environmental document for such development or project. For each action listed under Sec. 7, the sponsoring agency's submission to the *Commission* must include an *EIS* or an *environmental assessment.* Prior to *Commission* action on an agency's submission, the *Commission* shall take responsibility for the scope and contents of the environmental document.

For all actions listed under Sec. 7, the following are major decision points:

a. *First major decision point.* At the time of initial consultation with the *Commission* by the sponsoring agency, the *Executive Director* and the sponsoring agency shall determine the appropriate environmental document required for *Commission* action. If the determination is made that an *EIS* is required, the sponsoring agency, with *Commission* cooperation, will be required to prepare an *EIS.*

b. *Other major decision points.* The number and nature of other major decision points depend on the type of submission by the sponsoring agency (e.g., master plan, location and program, development concepts, preliminary site and building plans) in accordance with the *Commission's* Site and Building Plan Requirements. Some decisions can be accomplished in one step while others can only be accomplished in a series of steps. In each instance, the appropriate environmental document must be completed prior to *Commission* action. The environmental document submitted for the first major decision point may be used for other major decision points if sufficient for such other major decision points and no substantial changes have been made in the proposal. If substantial changes have been made, the appropriate environmental document will be supplemented or amended by the sponsoring agency.

2. *Non-Federal, including District of Columbia, developments and projects requiring Commission approval.* Non-Federal agencies shall consult with the *Commission* at the earliest possible time as to the environmental document necessary with respect to a plan for a development or a project requiring *Commission* review and approval as set forth in Sec. 7 of these procedures. For each action listed under Sec. 7, the sponsoring agency's submission to the *Commission* must include either an *environmental assessment* generally in the format set forth in the "Outline for Preparation of Environmental

Assessments" (Appendix A) or in the format set forth in the "Outline for Information Necessary for the Preparation of Environmental Impact Statements" (Appendix B), as determined by the *Commission*, or other environment documentation prepared pursuant to *NEPA* by, or on behalf of, another Federal agency. Prior to *Commission* action on an agency's submission, the *Commission* shall take responsibility for the scope and contents of the environmental document.

For all actions listed under Sec. 7, the following are major decision points:

a. *First major decision point.* At the time of the initial submission by the sponsoring agency, the *Executive Director* shall determine the appropriate environmental document required for *Commission* action. If the *Executive Director* determines that the environmental information submitted is not sufficient for the making of a determination, more information will be requested from the agency. If the *Executive Director*, after consultation with the sponsoring agency, determines that an *EIS* is required for *Commission* action, the *Commission* will prepare an *EIS* based on the environmental document submitted by the agency.

b. *Other major decision points.* The number and nature of other major decision points depend on the type of submission by the sponsoring agency (e.g., master plan, location and program, development concepts, preliminary site and building plans, Capper-Cramton Act general development plans, urban renewal plans) in accordance with the *Commission's* Site and Building Plan Requirements or Urban Renewal Requirements, as the case may be. Some decisions can be accomplished in one step while others can only be accomplished in a series of steps. In each instance, the appropriate environmental document must be completed prior to *Commission* action. The environmental document submitted for the first major decision point may be used for other major decision points if sufficient for such other major decision points and not substantial changes have been made in the proposal. If substantial changes have been make, the appropriate environmental document will be supplemented or amended by the sponsoring agency.

3. *Federal developments and projects requiring Commission review and comment.* The *Commission* shall require that the sponsoring agency include, as part of its submission, an *EIS* or *environmental assessment* of the development or project.

4. *Non-Federal, including District of Columbia, developments and projects requiring Commission review and comment.* The *Commission* shall require that the sponsoring agency include, as part of its submission, an *environmental assessment* of the development or project.

Sec. 4 Federal Involvement. The *Commission* shall consult with appropriate Federal and non-Federal agencies and with interested private persons and organizations when its involvement is reasonably foreseeable. Sponsoring agencies are urged to contact the *Commission* staff at the earliest possible time. The *Commission* staff is available at all times to advise and consult with sponsoring agencies prior to formal submission of plans for *Commission* review. The Environmental Affairs Office of the *Commission* is available to advise agencies of studies or other information foreseeably required for later *Commission* action.

Sec. 5. Delegations to Executive Director. In conjunction with carrying out these procedures, the *Commission* delegates to the *Executive Director* the functions of:

(1) Determining whether to prepare an *EIS* or make a "Finding of No Significant Impact";

(2) Obtaining the information required for the preparation of a draft *EIS* or an *environmental assessment;*

(3) Preparing a draft *EIS;*

(4) Circulating a draft *EIS* for review and comment to *EPA*, affected and interested public agencies, and the general public;

(5) Integrating agency and public comments, where appropriate, into and preparing the final *EIS*; and

(6) Distributing the final *EIS* to *EPA* and all agencies and individuals who commented on the draft *EIS.*

Sec. 6. Actions Which Normally Require Commission Preparation of Environmental Impact Statements. There are no actions which normally require an *EIS.* However, with respect to plans for developments or projects for which a Federal agency has determined that an *EIS is normally required, the Commission* will cooperate with the agency in the preparation of *EIS* when *Commission* action on such development or project is reasonably foreseen. For those instances in which the *Commission* does not participate as a cooperating agency, the *Commission* will take responsibility for the scope and contents of such *EIS* and adopt it in accordance with 40 CFR 1506.3.

Sec. 7. Actions which Normally Require Environmental Assessments but not Necessarily Environmental Impact Statements. Based on a review of the typical classes of actions it undertakes, the *Commission* has determined that the following actions will normally require an *environmental assessment* but not necessarily an *EIS* prior to its action:

(1) Certify to the *Council*, together with findings and recommendations, whether a District element of the *Comprehensive Plan*, or amendment thereto, adopted by the *Council* pursuant to Section 2(a)(3) of the *Planning Act*, has a negative impact on the interests or functions of the Federal Establishment in the National Capital pursuant to Section 2(a)(4)(A) of the *Planning Act;*

(2) Determine whether a modification, submitted by the *Council* pursuant to Section 2(a)(4)(B) of the *Planning Act*, to the District element of the *Comprehensive Plan*, or amendment thereto, as to which the *Commission* has certified a negative impact on the interests or functions of the Federal Establishment in the National Capital pursuant to Section 2(a)(4)(A) of the *Planning Act*, has been made in accordance with the *Commission's* findings and recommendations;

(3) Determine whether a modified element of, or amendment to, the *Comprehensive Plan*, submitted by the *Council* pursuant to Section 2(a)(4)(C) of the *Planning Act*, has a negative impact on the interests or functions of the Federal Establishment in the National Capital;

(4) Adopt Federal elements of the *Comprehensive Plan* and amendments thereto pursuant to Section 4(a) of the *Planning Act;*

(5) Make a preliminary report and recommendations to Federal and District of Columbia agencies on plans and programs submitted to the *Commission* pursuant to Section 5(a) of the *Planning Act;*

(6) Submit a final report to a Federal or District of Columbia agency which does not concur in the *Commission's* preliminary report and recommendations and which has so advised the *Commission* with its reasons therefor, pursuant to Section 5(a) of the *Planning Act;*

(7) Approve the location, height, bulk, number of stories, and size, and the provision for open space in and around District of Columbia public buildings in the central area of the District as concurrently defined by the *Commission* and *Council*, pursuant to Section 5(c) of the *Planning Act;* *

(8) Submit to the *Zoning Commission* proposed amendments or general revisions to the *Zoning Regulations,*

*The central area has been concurrently defined by the *Commission* and *Council* pursuant to Section 5(c) of the *Planning Act* to include the Shaw School and Downtown Urban Renewal Areas.

pursuant to Section 8(a) of the *Planning Act;*

(9) Acquire lands in the District of Columbia and adjacent areas in Maryland and Virginia for the National Capital park, parkway, and playground systems pursuant to Section 11 of the *Planning Act* and, in connection with acquisitions in Maryland and Virginia, make agreements with state officials as to the arrangements for such acquisitions;

(10) Make a comprehensive or general plan of the District of Columbia pursuant to Section 6(a) of the *Redevelopment Act;*

(11) Adopt the boundaries of urban renewal areas pursuant to Section 6(b)(1) of the *Redevelopment Act;*

(12) Adopt urban renewal plans for urban renewal areas pursuant to Section 6(b)(2) of the *Redevelopment Act;*

(13) Adopt modifications to urban renewal plans pursuant to Section 12 of the *Redevelopment Act;*

(14) Approve the location, height, bulk, number of stories, and size of Federal public buildings in the District of Columbia and the provisions for open space in and around the same, pursuant to Secton 16 of the *Zoning Act* (D.C. Code, sec. 5–428);

(15) Adopt, or alter and adopt, sections of the plan for the extension of a permanent system of highways prepared by the *Mayor,* pursuant to Section 2 of the Act of March 2, 1893, 27 Stat. 532 (D.C. Code, sec, 7–109);

(16) Approve plats adjusting the permanent system of highways to provide ground for educational, religious, or similar institutions, pursuant to Section 3 of the Act of June 28, 1898, 30 Stat. 520 (D.C. Code, sec. 7–113);

(17) Approve new highway plans for portions of the District of Columbia prepared by the *Mayor,* pursuant to the Act of March 4, 1913, 37 Stat. 949 (D.C. Code, sec. 7–122);

(18) Approve the sale of real estate owned in fee simple by the District of Columbia for municipal use which the *Council* and *Commission* find to be no longer required for public purposes, pursuant to Section 1 of the Act of August 5, 1939, 53 Stat. 1211 (40 U.S.C. 72c; D.C. Code, sec. 9–301);

(19) Approve the sale by the Secretary of the Interior of real estate held by the United States in the District of Columbia under the jurisdiction of the National Park Service which may be no longer needed for public purposes, pursuant to Section 4 of the Act of August 5, 1939, 53 Stat. 1211 (40 U.S.C. 74a; D.C. Code, sec. 9–304);

(20) Approve the exchange of District-owned land, or part thereof, for an abutting lot or parcel of land, or part thereof, pursuant to the Act of August 1, 1951, 65 Stat. 150 (D.C. Code, sec. 9–401);

(21) Approve plans for replatting and/or method of condemnation with respect to the acquisition of property under the District of Columbia Alley Dwelling Act (June 12, 1934, 48 Stat. 930, as amended; D.C. Code, secs. 5–103 to 5–112);

(22) Approve settlements for the purpose of establishing and making clear the title of the United States in lands and water in, under, and adjacent to the Potomac River, the Anacostia River, or Eastern Branch, and Rock Creek, pursuant to the Act of June 4, 1934, 48 Stat. 836 (D.C. Code, sec. 8–104);

(23) Approve the location and construction in the District of Columbia of bathing pools or beaches by the Director of the National Park Service, pursuant to the Act of May 4, 1926, 44 Stat. 394, as amended (D.C. Code, sec. 8–169);

(24) Approve harbor regulations made by the *Council* which affect the interests and rights of the *Commission,* pursuant to Section 895 of the Act of March 3, 1901, 31 Stat. 1335, as amended (D.C. Code, sec. 22–1701);

(25) Approve the location of court buildings on portions of Judiciary Square or within the area bounded by 4th and 5th Streets, D and G Streets NW., pursuant to Section 1 of the Act of June 25, 1934, 48 Stat. 1215, as amended (D.C. Code, sec. 9–204);

(26) Approve plans showing the location, height, bulk, number of stories, and size of, and the provisions for open space and off street parking in and around, buildings for foreign governments and international organizations on land sold or leased by the Secretary of State in the northwest section of the District of Columbia bounded by Connecticut Avenue, Van Ness Street, Reno Road, and Tilden Street, pursuant to Section 4 of the Act of October 8, 1968 (Pub. L. 90–553); and

(27) Approve transfers of jurisdiction over properties within the District of Columbia owned by the United States or the District among or between Federal and District authorities, pursuant to Section 1 of the Act of May 20, 1932, 47 Stat. 161, as amended (40 U.S.C. 122; D.C. Code, sec. 8–115) except where such transfers of jurisdiction conform to master plans or site and building plans approved by the *Commission* pursuant to Section 5(a) of the *Planning Act* or to urban renewal plans and modifications thereof adopted by the *Commission* and approved by the *Council* pursuant to Sections 6 and 12 of the *Redevelopment Act;*

Sec. 8. Categorical Exclusions. The Commission has determined that the following are categorical exclusioins within the meaning of 40 CFR 1508.4:

(1) Make a Federal interest review of, and, as a part thereof, coordinate Federal agency comments on, general plans and capital improvement programs of local governments in the Maryland and Virginia portions of the *Region* and on regional policies and plans of the Metropolitan Washington Council of Governments pursuant to the *Commission's* function as the central Federal planning agency in the Region and in furtherance of the purposes set forth in Section 1(a) of the *Planning Act;*

(2) Comment upon the multi-year capital improvements plan for the District developed by the *Mayor* under Section 444 of the *Home Rule Act,* pursuant to Section 7(b) of the *Planning Act;*

(3) Recommend a six-year program of public works projects for the Federal government pursuant to Section 7(a) of the *Planning Act;*

(4) Comment on capital budget estimates of Federal agencies pursuant to Office of Management and Budget Circular No. A–11;

(5) Make recommendations to the *Mayor* concerning the acquisition of areas for, or the establishment upon property not acquired under the authority of the Act of, public parking facilities pursuant to Section 3 of the District of Columbia Motor Vehicle Parking Facility Act of 1942 (February 16, 1942, 56 Stat. 91, as amended; D.C. Code, sec. 40–804 (a) and (b);

(6) Make recommendations to the *Council* on proposed closings of streets, roads, highways, and alleys, or parts thereof, pursuant to Section 1 of the Street Readjustment Act of the District of Columbia (December 15, 1932, 47 Stat. 747, as amended; D.C. Code, sec. 7–401);

(7) Advise and consult with appropriate planning agencies having jurisdiction over the affected part of the *environs* with respect to general plans for proposed Federal and District developments and projects within the *environs* and with respect to plans for proposed developments or projects submitted pursuant to Section 5(a) of the *Planning Act* involving a major change in the character or intensity of an existing use in the environs, pursuant to Section 5(d) of the *Planning Act;*

(8) Make a report and recommendations to the *Zoning Commission,* as provided in Section 5 of the *Zoning Act,* on proposed amendments to the *Zoning Regulations,* pursuant to Section 8(a) of the *Planning Act;*

(9) Make a report and recommendation, including a final report, to the *Council* on any proposed

change in or addition to the regulations or general orders regulating the platting and subdividing of lands and grounds in the District of Columbia, pursuant to Section 8(d) of the *Planning Act;*

(10) Comment on state and local undertakings reviewed pursuant to Attachment A to Office of Management and Budget Circular No. A-95 (Revised).

Any of the actions listed above may, in extraordinary circumstances, have a significant environmental effect. If the *Executive Director* makes such a determination, the appropriate environmental document will be prepared and made available to the Commission prior to its taking action on the item.

Sec. 9. Environmental Data and Analysis Available to Commission. The alternatives considered by the *Commission* shall be encompassed by the range of alternatives discussed in the relevant environmental documents. All relevant environmental documents, comments, and responses shall accompany the proposal through the *Commission's* approval process.

Sec. 10. Public Information. Interested persons can obtain information or status reports on *EIS*s and other elements of the *NEPA* process from the *Commission's* Office of Public Affairs, 1325 G Street, NW, Washington, D.C. 20576, telephone (202) 724-0174.

Sec. 11. Supercession. The Commission's environmental policies and procedures published at 36 FR 23706, 37 FR 3010, 37 FR 4936, 37 FR 11198, and 37 FR 16039 are superceded.

Sec. 12. Authority. These procedures are adopted pursuant to the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 *et seq.*, and the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (43 FR 55978-56007).

Appendices

Appendix A—Outline for Preparation of Environmental Assessments

The environmental assessment should contain *brief* discussions of the following:

I. Description and purpose of and need for the proposal.

II. Alternatives, including the *No Action* alternative.

III. Environmental effects of the proposed action and alternatives.

The most important or significant environmental consequences of the areas listed below should be discussed. Only those areas which are relevant to the proposal should be addressed in as much detail as is necessary to allow an analysis of the alternatives and the proposal. The areas to be considered are the following:

1. Natural/ecological features (such as flood plains, wetlands, coastal zones, wildlife refuges and endangered species);
2. Air quality;
3. Sound levels;
4. Water supply, wastewater treatment and storm water runoff;
5. Energy requirements and conservation;
6. Solid Waste;
7. Transportation;
8. Community facilities and services;
9. Social and economic; and
10. Historic and aesthetic.

IV. Listing of agencies and persons consulted in preparation of the assessment.

Appendix B—Outline of Information Necessary for Preparation of Environmental Impact Statements

I. Description of the Proposal

A. *Purpose of and Need for Action.* In discussing the purpose of and need for the action, this section should also include a *brief* description of the proposal, its size and location, and any appropriate maps and/or diagrams. Where applicable, Comprehensive Plan modifications (as a related proposed action) should also be identified.

B. *Affected Environment.* Identification and succinct description of the geographic area(s) affected by the proposed action and the alternatives considered including: other activities in the area affected by or related to the proposed action, (if any). The CEQ Regulations advise that "the description shall be no longer than is necessary to understand the effects of the alternatives. Data and analysis in a statement shall be commensurate with the importance of the impact with the less important material summarized, consolidated, or simply referenced". (40 CFR 1502.15)

II. Alternatives Including Proposed Action

As advised by the CEQ Regulation, this section "* * * should present the environmental impacts of the proposed action and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options * * *" (sec. 1502.14)

All reasonable alternatives should be addressed, including ones not within the jurisdiction of the responsible agency, and the *no action* alternatives. Also included should be a brief explanation of the reasons for eliminating other alternatives which were considered. This section should provide enough detail so that the comparative merits of each alternative can be evaluated.

III. Environmental Consequences

This section should include discussions of the following:

A. *Environmental Effects of the Alternatives and the Proposed Action.**

In this discussion, consideration should be given to the following factors where needed to reflect the most significant or important effects for analysis of the alternatives:

1. Physical—Biological

a. *Natural/Ecological Features*—This should include a discussion of effects on topography, hydrology, soils, flora, fauna, floodplains, wetlands, coastal zones, endangered species, etc.

b. *Air Quality*—This discussion should focus on effects on the particular site/area affected by stationary, mobile and/or demolition/construction sources, if any, related to the proposed action and alternatives within the context of overall air quality goals/objectives.

c. *Sound Levels*—This discussion should focus on potential sound level effects associated with the proposed action and alternatives, such as demolition/construction, stationary (mechanical equipment) and mobile (transportation) sources on-site and in the surrounding area, within the context of existing and relevant knowledge of noise effects, mitigation measures, and any existing or proposed noise standards/controls. Any unusual noise generation from the proposed action must be addressed.

d. *Site and Surrounding Area Land Uses, Plans, Policies and Controls*—This discussion should focus on the effects of the proposed action and alternatives on such things as street layouts and traffic movement/circulation patterns; setback and siting relationships; vehicular/pedestrian access; proposed Federal, State, local, and regional land use plans, policies and controls; etc.

2. Urban Systems

a. *Water Supply, Wastewater Treatment and Storm Water Runoff*—This discussion should focus on the effects on availability and capacity of the existing water supply, wastewater treatment and storm water systems (with any planned changes/expansions accounted for) to serve the proposed action(s) and alternatives based on documentation and evaluation of the anticipated water supply needs, and wastewater treatment and storm water demands, recognizing any unusual requirements, within the framework of applicable federal, regional and local regulations and standards. Any potential impacts on specific bodies of water (such as Rock Creek, the Potomac and Anacostia Rivers, etc.) should be addressed.

b. *Public Utilities, Energy Requirements and Conservation*—This discussion should focus on: (1) Off-site effects of the proposed action, including anticipated insufficient capacity, delivery, and service level problems (Example: The inability of an off-site central heating facility to service a new project); (2) any on-site problems, such as effects on air quality from on-site plants; and (3) energy requirements and conservation measures related to proposed action and alternatives, and mitigation measures for each.

c. *Solid Waste*—This discussion should focus on the effects on the availability and capacity of disposed systems to serve the project and alternatives (with any timely changes or expansions accounted for), based on the anticipated amount and type of solid waste generation, including any unusual or special disposal requirements, methods for handling them, and recycling applicability.

d. *Community Facilities and Services*—This discussion should focus on the effects of

* Each of the factors listed should address *direct* and *indirect* effects and their significance and any appropriate means to mitigate adverse environmental impacts.

the proposed action and alternatives on such facilities as police, fire, recreation/parks, schools, libraries, etc.

e. *Housing*—(Optional, depending upon the nature of the proposed action, as it may effect jurisdictional or regional housing markets and requirements (aggregate demand, type, location, size, etc.)).

f. *Transportation*—This discussion should focus on the effects on such things as transit systems capacities and constraints, vehicular congestion, safety considerations, mobile source levels, etc.

3. *Socio-Cultrual and Economic Environments*

a. *Socio-Cultural*—This discussion should focus on effects on the existing population patterns and characteristics (number, age, sex, race, family structure, etc.), any relevant demographic trends, and any related changes in land use, water and public services of the area(s) involved. The scope of this discussion is dependent upon the nature and extent of the proposed action (e.g. a large-scale federal employment change could be expected to have a regional focus).

b. *Economic*—Effects on local and/or regional economic changes should be addressed, as available or able to be projected (employment changes, absolute/relative income changes, expenditure patterns, property value and tax changes, and direct and induced changes in development/construction patterns, business relocation, etc.).

4. *Historic and Aesthetic Values*—Any effects on historic properties or districts, unique features (architectural styles, vistas), etc., should be discussed, as well as compliance with Section 106 of the National Historic Preservation Act of 1966.

IV. List of Preparers

According to the CEQ Regulations, this should include the "names and qualifications of persons primarily responsible for preparing the environmental impact statement or significant background papers, including basic components of the statement".

V. List of Agencies, Organizations, and Persons Receiving Copies of the Statement

VI. Index

VII. Appendix (if any)

According to § 1502.18 of the CEQ Regulations, the Appendix shall: "(a) Consist of material prepared in connection with an environmental impact statement (as distinct from material which in incorporated by reference; (b) normally consist of material which substantiates any analysis fundamental to the impact statement; (c) normally be analytical and relevant to the decision to be made; and (d) be circulated with the environmental impact statement or be readily available on request.

Edward H. Rickels,

Secretary.

October 30, 1979.

[FR Doc. 79-34498 Filed 11-7-79; 8:45 am]

BILLING CODE 7520-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-261]

Carolina Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has Issued Amendment No. 46 to Facility Operating License No. DPR-23, to the Carolina Power and Light Company (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant Unit No. 2 (the facility) located in Darlington County, Hartsville, South Carolina. The amendment is effective as of the date of its issuance.

This amendment changes the Technical Specifications to allow operation with a small positive moderator temperature coefficient at power levels below full power at beginning of cycle. Administrative changes are also made which delete references to early cycle requirements, correct figures and clarify wording.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 18, 1979, as supplemented August 8, 1979, (2) Amendment No. 43 to License No. DPR-23, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 26th day of October, 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 79-34593 Filed 11-7-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-295]

Commonwealth Edison Co.; Granting of Interim Relief From ASME Section XI Inservice Testing Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the Zion Station Unit No. 1 (the facility) located in Zion, Illinois. The advance relief relates to a part of the second the inservice inspection program for the facility. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The interim relief is effective as of its date of issuance.

The advance relief is granted on an interim basis, pending completion of our detailed review from those inservice inspection requirements of the ASME Code that the licensee has determined to be impractical within the limitations of design, geometry and materials of construction of components, because compliance would result in hardships or unusual difficulties without a compensating increase in the level of quality or safety.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for relief dated October 1, 1979, (2) the June 26, 1979 revised program, and (3) the

Commission's letter to the licensee dated october 26, 1979.

These items are available for public inspection at the Commission's Public Document Room, 717 H Street, N.W., Washington, D.C. and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 26th day of October, 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 79-34599 Filed 11-7-79; 8:45 am]

BILLING CODE 7590-01-M

[NUREG-0552]

Cost and Funding of State and Local Government Radiological Emergency Response Plans; Report of NRC Office of State Programs of Funding of State and Local Government Radiological Emergency Response Plans; Issuance and Availability of Report for Public Comment

The Office of State Programs, Nuclear Regulatory Commission, has issued a staff report, "Beyond Defense-In-Depth: Cost and Funding of State and Local Government Radiological Emergency Response Plans and Preparedness in support of Commerical Nuclear Power Station," by Dr. Stephen N. Salomon, Office of State Programs, NRC, NUREG-0553, in October 1979. This report, on which work began in June 1978, describes as "inadequate, sporadic, uncertain and frustrating" the current hodgepodge funding approach to State and local government radiological emergency response plans and preparedness in support of commerical nuclear power stations. The creation of a "Radiological Emergency Response and Preparedness Fund for State and Local Government" is offered as the author's preferred solution. We invite comment.

The objective of the funding program is to assure that the tested emergency plans necessary to protect the public health and safety are in place in all States and localities in the environs of commerical nuclear power stations. The estimated national present value cost to State and local governments for plans and preparedness is $100 million for 40 States and 101 sites for the period 1980 to 2000, assuming a discount rate of 10 percent and no inflation. Monies for the Fund could be derived from a one time fee of $1 million levied on the operator of each nuclear power station. Any State that has obtained NRC concurrence of its plan or is in the process could be reimbursed from the Fund for previous expenditures it may have made up to two years prior to NRC concurrence. Any surplus would be refunded to the utilities that operate the nuclear power stations. The Fund, under Dr. Salomon's scheme, would be administered by the Nuclear Regulatory Commission.

The report also discusses several other long-range considerations such as emergencies related to transportation and other fixed nuclear facilities, such as radiopharmaceutical factories, government laboratories and defense installations, where preparedness could be enhanced by a coherent funding mechanism. The recommendations in the report are based on an inquiry by the Office of State Programs into the historical and future costs of radiological emergency response plans and preparedness at the State and local government levels and are derived from discussion with many local, State and Federal officials.

Copies of NUREG-0553 have been sent directly to Federal, State and local officials with responsibilities for radiological emergency response plans and preparedness, environmental and public interest groups and utility industry groups and assoications. Other copies are available for review at the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C., and the Commission's local public document rooms around the country located in the vicinity of nuclear power stations in operation, under construction and planned. Addresses of these local public document rooms can be obtained by contracting the Chief, Local Public Document Rooms Branch, Mail Stop 309, Nuclear Regulatory Commission, Washington, D.C., 20555, telephone 301/492-7536. A single copy of NUREG-0553, "Beyond Defense-In-Depth," will be provided free of charge, while the supply lasts, upon written request of a full participant in an ongoing NRC proceeding. The request must identify the requester as a participant and should be addressd to Director, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555. Copies may be purchased at current rates from the GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; and the National Technical Information Service, Springfield, VA 22161.

Comments should be forwarded to Dr. Stephens N. Salomon, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, by December 31, 1979. Telephone inquiries can be made on 301/492-7794. Dated at Bethesda, Maryland this 29th of October 1979. For the Nuclear Regulatory Commission.

Robert G. Ryan,

Director, Office of State Programs.

[FR Doc. 79-34507 Filed 11-7-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-321 SP and 50-366 SP (Spent Fuel Expansion)]

Georgia Power Co. et. al.; Order Cancelling Special Prehearing Conference

The Atomic Safety and Licensing Board, Herbert Grossman, Chairman, Glenn O. Bright, Member, Dr. Richard F. Cole, Member.

In the Matter of Georgia Power Company, el al. (Edwin I. Hatch Nuclear Plant, Units 1 and 2).

On October 17, 1979, the Atomic Safety and Licensing Board (the Board) designated to rule on intervention petitions and requests for hearings issued an Order setting a Special Prehearing Conference beginning at 9:30 A.M. on November 20, 1979, at the Richard B. Russell Federal Building in Atlanta, Georgia, to consider the sole intervention petition (filed by Georgians Against Nuclear Energy), discuss specific issues that might be considered at an evidentiary hearing and determine possible future scheduling in the proceeding. The petitioner, licensee and staff were directed to consult with each other prior to the conference in order to attempt to arrive at some agreement with regard to asserted deficiencies in the petition and contentions to be framed by the petitioners. The Order was published on October 23, 1979 at 44 FR 61121.

On November 1, 1979, the parties notified the Board that full agreement had been reached under which the only outstanding petition for intervention and request for hearing are being withdrawn.

It Is Ordered that the special prehearing conference that had been scheduled for November 20, 1979, be cancelled.

By Order of the Board.

Dated at Bethesda, Maryland, this 2nd day of November 1979.

For the Atomic Safety and Licensing Board.
Herbert Grossman,
Chairman.
[FR 79-34600 Filed 11-7-79; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-272]

Public Service Electric & Gas Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised Technical Specifications for operation of the Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey. The amendment is effective as of the date of issuance.

The amendment revises Radiological Safety Technical Specifications related to the Cycle 2 operation at Salem Unit 1.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this section, see (1) the application for amendment dated March 2, 1979 as supplemented by letters dated April 30, 1979, July 25, 1979, August 3, 1979, August 8, 1979, August 9, 1979 and September 14, 1979, (2) Amendment No. 20 to License No. DPR-70, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 25th day of October, 1979.

For the Nuclear Regulatory Commission.
A. Schwencer,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.
[FR Doc. 79-34601 Filed 11-7-79; 8:45 am]
BILLING CODE 7590-11-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 79-45]

Reports, Safety Recommendation Letters and Responses; Availability

The mission of the National Transportation Safety Board—to improve transportation safety—is accomplished by determining the probable cause of accidents through direct investigations and public hearings, through staff review and analysis of accident information, through evaluations of operations, effectiveness, and performance of other agencies, through special studies and special investigations, and through published recommendations and reports. Concerned that solutions to certain safety problems of national significance have not been implemented as rapidly as possible, even though the solutions were known, feasible, and timely, the Safety Board last week issued two such reports—one on marine transportation, the other on pipeline.

Marine Safety Report

Progress Toward Improvements in Marine Steering Reliability (NTSB-SR-79-1).—This safety report emphasizes that the reliable operation of vessel steering systems is vital to the prevention of accidents in congested and restricted ports and waterways and that increases in the number and size of ships, particularly those transporting hazardous materials such as crude oil, liquefied petroleum gas and liquefied natural gas, have increased the potential for disastrous consequences when accidents occur.

Since mid-1973, the Safety Board has analyzed three accidents caused by steering failure, identified critical safety problems, and issued a total of 17 recommendations to the U.S. Coast Guard urging adoption of improved steering system safety standards. The three accidents analyzed were: SS *C.V. Seawitch*-SS *Esso Brussels* (Belgium) collision and fire in New York Harbor on June 2, 1973; U.S. Tankship SS *Marine Floridian* collision with Benjamin Harrison Memorial Bridge, Hopewell, Va., on February 24, 1977; and French Tankship SS *Sitala* collision with moored vessels, New Orleans, La., on July 28, 1977.

In response to the Safety Board's recommendations, the Coast Guard has proposed new or improved safety regulations applicable to U.S. vessels, and in some cases, to both U.S. and foreign vessels. However, the Safety Board notes, the Coast Guard has not implemented safety improvements as rapidly as possible and has been reluctant to apply standards unilaterally to foreign vessels which call at U.S. ports in the absence of international acceptance of the standards. The effect is a double standard of safety for U.S. and foreign vessels.

With respect to the Coast Guard's rulemaking activities, the Safety Board believes improved steering reliability should be a major safety priority, and, therefore, the Coast Guard should complete final rulemaking actions as expeditiously as possible. Further delays in rulemaking action can only prolong the dangers from steering gear failure in the congested and restricted ports and waterways of the United States.

In addition to satisfactory completion of final rulemaking on the regulatory actions affecting improved marine steering reliability, the Safety Board believes that the following safety requirements must be implemented unilaterally by the Coast Guard for all vessels entering U.S. ports and waterways:

(1) A wheelhouse alarm for loss of steering control.

(2) A requirement for duplication of diferential unit or hunting gear in all new oceangoing vessels, including foreing vessels entering U.S. waters.

(3) A requirement for the performance of specific steering gear tests for all oceangoing vessels entering U.S. ports and waterways, including activation of alarm systems by simulation of power interruption to each of the steering motors.

(4) A requirement for steering gear test devices on all vessels that will indicate whether the steering gear is operating properly.

(5) A requirement for manning of steering gear spaces in designated restricted waters for U.S. and foreign vessels.

Pipeline Safety Report

Progress of Improvements in Pipeline Transportation of Highly Volatile Liquids (NTSB-SR-79-3).—This safety report outlines Safety Board efforts to stimulate implementation of safety improvements, describes progress made toward safer pipeline transportation of highly volatile liquids, and identifies an additional problem: the economies of

the scale which make pipeline transportation feasible also create the potential for far greater losses of life and property in any single incident.

The Safety Board notes that the most hazardous liquid products transported by pipelines are highly volatile liquids (HVL), such as liquefied petroleum gas and anhydrous ammonia. Since the Safety Board began investigating HVL pipeline accidents in 1970, it has issued a total of 19 recommendations to the Department of Transportation (DOT) urging adoption of improve safety requirements for these pipelines. In FY 1979 the Safety Board, concerned that needed improvements either have not been implemented or have not been implemented as rapidly as possible, established a safety objective for improved safeguards for HVL pipelines. The objective was twofold, designed to: (1) Demonstrate the need for improvements, and (2) obtain the commitment of DOT's Materials Transportation Bureau (MTB) to implement standards recommended by the Safety Board.

As a result of the Safety Board's accident investigation and safety objective activities, MTB has proposed or adopted new HVL pipeline safety standards which will, when fully implemented, substantially reduce the probability of accidents and the risk of casualties and property losses. However, as the Safety Board states, reduction of the remaining risks to the public safety will require further action by MTB to: (1) Expedite implementation of proposed safeguards, (2) establish safety requirements based upon the population which may be exposed to harm; and (3) establish minimum performance requirements for the prompt detection and rapid isolation of failed sections of HVL pipelines. (See also 44 FR 60183, October 18, 1979.)

Railroad Accident Report

Louisville & Nashville Railroad Company Freight Train Derailment and Puncture of Hazardous Materials Tank Cars, Crestview, Florida, April 8, 1979 (NTSB-RAR-79-11).—The Safety Board's investigation of this accident indicated that about 8 a.m. last April 8, 29 cars, including 26 placarded tank cars containing hazardous materials, of the freight train derailed while moving around a 4°02' curve between Milligan and Crestview. Two tank cars of anhydrous ammonia ruptured and rocketed. Twelve other cars containing acetone, methyl alcohol, chlorine, carbolic acid, and anhydrous ammonia ruptured, and their contents either burned or were consumed by fire. Fourteen persons were injured as a result of the release of anhydrous ammonia and other materials or during the evacuation of 4,500 persons. Property damage was estimated to be $1,258,500.

The Safety Board determined that the probable cause of this accident was the large compressive force generated between the 36th and 37th cars by a combination of excessive train tonnage and improper train handling which caused the 36th car to overturn the outside rail of the 4°02' curve and derail. Contributing to the severe consequences of the accident was the release of anhydrous ammonia and other hazardous materials, through ruptures and punctures in the sides of the tank cars, which caused all of the injuries and led to the evacuation of 4,500 persons from the area.

As a result of the investigation of this and other accidents involving transportation of hazardous materials, the Safety Board has within the past year issued to the U.S. Department of Transportation, to the Federal Railroad Administration, to the Research and Special Programs Administration, and to the Louisville & Nashville Railroad Company a series of recommendations seeking regulatory action and establishment of procedures and guidelines. (See 44 FR 58820, October 11, 1979.) Also, the Crestview accident raised additional concerns as the Safety Board prepared its special investigation report, *Onscene Coordination Among Agencies at Hazardous Materials Accidents* (NTSB-HZM-79-3). (See 44 FR 61476, October 25, 1979.)

Safety Recommendation Letters

Aviation

A-79-82 through 84 to the Federal Aviation Administration.—About 2020 on September 8, 1977, Champion Home Builders Company, Gates Learjet 25B, N999HG, crashed shortly after takeoff at Sanford, N.C. All five persons aboard were killed, and the aircraft was destroyed. Investigation showed that the aircraft departed Sanford Airport about 2018 for a flight to Flint, Mich. In accordance with departure instructions from Fayetteville departure control, the flight was about 3 mi west of the airport, climbing through 3,000 ft, on a heading of 270°, when it disappeared from radar. There were no distress calls, but several witnesses west of the airport saw the aircraft on fire below the 600-ft overcast ceiling. The flight completed a right turn to a northeasterly heading and suddenly dove to the ground. Persons in the immediate vicinity reported that the aircraft was on fire before it crashed. (See also 44 FR 62971, November 1, 1979.)

The Safety Board determined that the probable cause of this accident was one or more low-order explosions in the aircraft's aft fuselage which resulted in a fire and loss of control capability. The Safety Board could not determine conclusively the fuel and ignition sources of the initial explosion; however, gases from the aircraft's batteries or fuel leakage from fuel system components, or both, could have been present in the area of the initial explosion. The Board believes that the evidence uncovered by its investigation relating to the ventilation of aircraft batteries and tailcone areas of this and possibly other corporate-type jets merits dissemination throughout the industry. Accordingly, on October 30 the Safety Board recommended that FAA:

Advise appropriate personnel to be particularly cognizant during aircraft certification of the provisions for battery ventilation to insure that (1) adequate ventilation is provided during all conditions of ground and flight operations, (2) vent system design precludes inadvertent or maintenance-related removal of essential elements, and (3) batteries and the battery ventilation systems are isolated from all possible ignition sources about the aircraft. (A-79-82)

Prepare and issue an Advisory Circular to all owners/operators of aircraft equipped with NiCad batteries to stress the necessity of an inspection of the battery ventilating system during preflight inspections. (A-79-83)

Emphasize to maintenance personnel and FAA inspectors, through appropriate FAA publications, the hazards that can result from improperly installed battery ventilation systems. (A-79-84)

Marine

M-79-103 through 106 to the U.S. Coast Guard.—At 0750 on December 4, 1977, the Spanish motor tankship *Ribaforada* rammed the moored barge MB-5, three wharves, and the cargo ship M/V *Tiaret* on the lower Mississippi River near New Orleans, La. Two of the *Ribaforada's* cargo tanks were breached. Property damage was estimated to be $921,000. The ramming occurred while the pilot, who had assumed navigational control of the vessel, was navigating the *Ribaforada* downriver around Algiers Point. The Safety Board determined that the pilot started the turn too late to safely clear the river's left bank. The pilot was not adequately familiar with the vessel's maneuverability to navigate the vessel around a turn such as Algiers Point, where there is little margin for error in navigating an 805-foot-long tankship, and his attentiveness was impaired due to fatigue.

The Safety Board notes that the Navigation Safety Regulations require vessel maneuvering information to be prominently displayed in the wheelhouse. This information was not displayed on the *Ribaforada*. Also, the master did not inform the pilot of the vessel's maneuvering characteristics, as required. The Board notes that Coast Guard has established a foreign vessel boarding program to assure compliance with U.S. regulations. To assure compliance Coast Guard should include in its boarding checklist for foreign vessels a requirement to determine that the maneuvering information is properly posted.

Further, the Safety Board notes in the subject recommendation letter that the Federal Communications Commission, acting at the request of the Coast Guard, has changed the frequency for bridge-to-bridge operations in the Southern Louisiana section of the Mississippi River. Channel 67 will replace channel 13 in most of the lower Mississippi River up to mile 242.4 AHP near Baton Rouge and in the Inner Harbor Navigational Canal and in the Mississippi River Gulf Outlet Canal. This change should reduce the congestion which has been a problem in bridge-to-bridge radiotelephone communications in the lower Mississippi River. However, Safety Board believes that some problems will remain, such as failure to guard on the proper bridge-to-bridge channel. The Coast Guard, in conjunction with the FCC, should improve the effectiveness of its monitoring and enforcement program to curb these problems.

In view of the above, the Safety Board on October 29 recommended that the Coast Guard:

Expedite the installation of vessel surveillance systems and institute mandatory participation in the Vessel Traffic Service for the Mississippi River near Algiers Point. (M-79-103)

As an interim measure pending installation of vessel surveillance systems for the Vessel Traffic Service, operate the Algiers Point traffic lights continuously. (M-79-104)

Include in its foreign vessel boarding program checklist a requirement to determine that maneuvering information is displayed as required by 33 CFR 164.35(g). (M-79-105)

Establish, with the assistance of the Federal Communications Commission, a monitoring and enforcement program and a public information program to reduce improper use of the bridge-to-bridge radiotelephone channels on the lower Mississippi River. (M-79-106)

The Safety Board also reiterated the following recommendations, which were made to the U.S. Coast Guard as a result of previous accident investigations (SS *African Neptune* collision with the Sidney Lanier Bridge, Brunswick, Ga., November 7, 1972; and SS *Edgar M. Queeny* collision with the S/T *Corinthos*, Marcus Hook Channel, Pa., January 31, 1975):

Require that every master of an oceangoing vessel inform himself of the pilot's plan to maneuver his ship in or out of a harbor and that the master determine, with the pilot's assistance, the critical aspects of the maneuver, including the pilot's plan for emergencies. The master should then be required to instruct his crew to insure that high-risk tasks receive priority. (M-74-15)

Amend 33 CFR 164.11(k) to require that masters and pilots discuss before hand and agree to the essential features and relevant checkpoints of maneuvers expected to be undertaken. (M-77-33)

M-79-107 through 110 to the Board of River Port Pilot Commissioners to the Port of New Orleans, in cooperation with the Crescent River Port Pilots Association.—Also on October 29 as a result of the *Ribaforada* accident investigation, the Safety Board forwarded these recommendations:

Include in the prescribed procedures for pilots under their jurisdiction a requirement that pilots specifically ascertain vessel maneuvering characteristics before getting underway, and that they discuss with the master before getting underway the essential features and relevant checkpoints for maneuvers to be undertaken. (M-79-107)

Establish guidelines for pilot duty periods which provide for sufficient rest to avoid fatigue. (M-79-108)

Develop physical standards for pilots to provide reasonable assurance that they are qualified for duty as pilots. (M-79-109)

Require pilots to pass an initial physical examination as a condition for membership and before returning to duty after a serious illness. (M-79-110)

M-79-111 to the American Pilots Association.—In a separate letter, also forwarded on October 29, the Safety Board repeated the above recommendations, Nos. M-79-107 through 110, noting that the Crescent River Pilots Association is a member organization of the American Pilots Association. The Safety Board believes that the American Pilots Association could assist it smembers by developing safety guidelines which encompass those recommendations for its member organizations. The Board realizes that, because of variations in the local laws governing pilotage and other local factors, uniform standards might not be applicable to all association members; however, guidelines could be written for consideration and adaptation by local pilot associations. Therefore, the Safety Board recommended that the American Pilots Association:

Develop and disseminate, for consideration by its member associations, safety guidelines which: Prescribe procedures for pilots to specifically ascertain vessel maneuvering characteristics before getting underway, and that they discuss with the master before getting underway the essential features and relevant checkpoints for maneuvers to be undertaken; set pilot duty periods which provide for sufficient rest to avoid fatigue; prescribe physical standards for pilots to provide reasonable assurance that they are qualified for duty as pilots; and require pilots to pass an initial physical examination as a condition for membership and before returning to duty after a serious illness. (M-79-111)

A formal report on the investigation into the *Ribaforada* accident is being prepared for release to the public and copies will be available in the near future.

Pipeline

P-79-32 to the Lone Star Gas Company of Dallas, Texas.—At 8:45 a.m. on May 29, 1978, an explosion destroyed a one-story brick house in Arlington, Texas, and damaged adjacent houses; there were no fatalities or injuries. The Safety Board's investigation revealed that natural gas had leaked from two corrosion holes in the 1-inch bare steel gas customer yard line (the piping from the outlet side of a curb valve to the inlet side of the customer's meter) located about 12 feet from the wall of the house and had accumulated under the foundation of the house. The service line was operating at 11 psig pressure and was covered by 17 inches of soil which had been saturated by heavy rains the day before the accident. The Safety Board determined that the probable source of ignition was the pilot light on a gas hot water heater.

The yard line was part of a cathodically unprotected gas pipe system leading from the outlet side of the curb valve to the inlet side of the customer's meter. Lone Star Gas Company's service line consisted of 37 feet of 1-inch coated and wrapped steel pipe which was connected to the gas main with an insulated coupling and extended from the main under the pavement to the inlet side of the valve at the curb. There was no electric insulating fitting between the fuel line (the piping from the outlet side of the Lone Star meter to the appliances throughout the house or building) and the gas meter to insulate the uncoated yard line from the house piping. As a result, the bare yard line was anodic to the house piping and a galvanic corrosion condition resulted which caused two corrosion holes in the yard line. The yard line and the meter had been installed by a plumbing contractor in 1958, and was considered by Lone Star to be a customer's yard line and not a company-owned facility.

The Safety Board notes that Lone Star's yard line policy was contrary to that recommended by the industry code, ANSI B31.8, which existed when this service line was installed and which covered the design, fabrication, installation, and inspection of gas service lines up to the outlet of the customer's meter set assembly. While the Safety Board is aware that Lone Star's policy is that the yard line belongs to the customer for maintenance, the company's policy is not consistent with the Federal Regulations wherein the line would be defined as service line up to the customer's meter, regardless of ownership. Therefore, on October 29 the Safety Board recommended that Lone Star:

Change its operating and maintenance plan to include specific procedures to cover the part of the service lines identified under company policy as yard lines to be the same as for company-owned service lines. (P-79-32)

P-79-33 to the Research and Special Programs Administration's Materials Transportation Bureau.—Also on October 29 the Safety Board forwarded a separate letter containing another recommendation stemming from the investigation of the Arlington, Texas, accident:

Instruct MTB regional offices and State agencies to immediately direct operators who distinguish yard lines from service lines to incorporate the same inspection, operation and maintenance plan as for the company-owned service lines. (P-79-33)

With the exception of M-79-104, each of the above aviation, marine, and pipeline safety recommendations is designated "Class II, Priority Action." Recommendation M-79-104 is designated "Class I, Urgent Action."

Responses to Safety Recommendations

Aviation

A-79-56 and 57.—Letter of October 10 from the Federal Aviation Administration is in response to recommendations developed following investigation of the crash of an Antilles Air Boats, Inc., Grumman G21A while en route from St. Croix to St. Thomas, V.I., September 2, 1978. (See 44 FR 42349, July 19, 1979.)

In response to A-79-56, which asked FAA to determine the performance data for Grumman G21A aircraft at current operating weights to insure that the appropriate certification requirements can be satisfied, FAA states that it has no reason to question the climb performance data of the Grumman Model G21A airplane approved for a maximum takeoff weight of 9,000 pounds. FAA has data to substantiate certification of the G21A at 8,000 and 9,000 pounds. The 9,000 pound airplane is equipped with retractable wing tip floats. FAA states, "The accident and later events which prompted the NTSB investigation and questions concerning performance involved the G21A's which are equipped with fixed wing tip floats. Apparently, the NTSB was not aware that engine-out performance data are available."

FAA notes that the G21A fixed float version was certificated in 1938 with a maximum takeoff weight of 8,000 pounds and is operating at that weight since cancellation of Supplemental Type Certificate No. SA 3630 WE. FAA has test data to support the original 8,000 pound approval, showing the G21A at 8,000 pounds to have a positive rate of climb between sea level and 2,000 feet at standard day temperature plus 10°F. with deicer boots installed, right engine at rated maximum continuous power, left engine inoperative, left propeller in full high pitch and windmilling.

Since authentic certification performance data are available, FAA says it plans no further performance tests at this time. However, FAA recognizes that there was, in the case of the subject G21A, some performance deterioration, and FAA has initiated action to ensure that currently operating G21A's are maintained in condition in which the originally certificated performance can be met. FAA has, by issuance of new Part 135 and Notice 8000.176 (copy provided), emphasized to all regions the requirements for surveillance of the operational and maintenance activities of commuter air carriers and on-demand air taxi certificate holders.

Recommendation A-79-57 asked FAA to insure that procedures for the proper development, testing, review, and quality control for the issuance of supplemental type certificates are complied with in each FAA region. FAA says that the procedures contained in its Order 8110.4, "Type Certification," are adequate guidance for the issuance of Supplemental Type Certificates. The region issuing STC SA 3630 WE was informed of the situation and cancelled the STA. FAA plans no further action at this time.

Marine

M-79-32 through 37.—The U.S. Coast Guard on October 1 responded to recommendations issued last April 6 following investigation of the collision of Ferry M-V *George Prince* and Tanker SS *Frosta* on the Mississippi River at Luling-Destrehan, La., October 20, 1976. (See 44 FR 21908, April 12, 1979.)

With respect to M-79-32, which called on Coast Guard to require passenger-ferry operators to issue written instructions to master and crews concerning passenger safety in the event of a collision, Coast Guard states that on U.S. vessels, safety decisions are the responsibility of the master. The "operator" as used in M-79-32 does not have the authority, or, in many cases the expertise to develop written instructions of the nature recommended. Coast Guard says its regulations specify that it is the master's responsibility in vessels carrying passengers to prepare and post station bills; a copy of a "Notice of Station Bills and Drills" is provided. Coast Guard notes that the Safety Board classed the *George Prince* ferry as a "not-for-hire" State-owned ferry; therefore, it is neither subject to U.S. Coast Guard inspection nor regulations issued under 46 USC 391(c). Coast Guard says it has no authority to require this type of ferry operation to develop or post written emergency procedures. Coast Guard also states that the Safety Board's report indicated that a good percentage of the passengers in the subject accident had seen the signs marking life jacket storage and attempted to distribute some prior to the collision; also, many passengers realized the need to leave their vehicles. In the case of inspected ferry operations nationwide, Coast Guard notes that the safety record is good and considers this recommendation unnecessary as not materially improving vessel or passenger safety. No further response is considered necessary.

Recommendation M-79-33 asked Coast Guard to require passenger-ferry operators providing short-trip services, wherein time precludes adequate indoctrination of passengers on board about the location and use of personal flotation devices and safety equipment, to post appropriate information at ferry terminals for passengers to read before boarding. Coast Guard says no evidence was found that passenger peformance or casualty outcome would have been noticeably improved by additional warning signs posted in a terminal waiting room given similar conditions of immediacy experienced in this collision. In addition, Coast Guard said it has no authority to require posting of informational signs at ferry terminals.

In response to M-79-34, which asked Coast Guard to require pilots to ring "stand-by" on main engines or otherwise alert the engineroom when approaching cross-traffic lanes where emergency engine maneuvers may be required on U.S. navigable waterways, Coast Guard notes that 33 CFR 164.15

addresses this subject for all listed congested or confined waters; however, the list of locations considered congested or confined only made it to the notice of proposed rulemaking stage. An analysis of the comments indicated that the regulation would not significantly improve navigation safety as the precautions listed in § 164.15 are standard practice on most vessels near pilotage waters. The concern is that one list of precautions would not be appropriate for the many different conditions encountered. Also, requiring an alert at specific points could be overly repetitious in some cases and less than adequate in others. Coast Guard's primary objection to M–79–34 is that too frequent use of this communication device will degrade its effectiveness.

Recommendation M–79–35 asked Coast Guard to include in the Western Rivers Rules of the Road: (A) a requirement that crossing ferries keep clear of channel-bound traffic and avoid any maneuver toward such traffic which may be misinterpreted; (B) requirements for immediate responses, using consistent language, in all rules involving the exchange of signals to reach maneuvering agreements; (C) interpretive rulings relative to "proper look-out," clarifying lookout location, times of posting, and acceptable communications with the conning officer, as applicable to self-propelled vessels and towing vessels when towing; and (D) an appropriate cautionary note concerning the closing of pilot house windows and doors, and the effect on maintaining a proper lookout.

With reference to M–79–35A, Coast Guard says that unified inland rules have been drafted to replace the Western Rivers Rules. Rule 15 of the draft rules will provide for right-of-way to ascending or descending power-driven vessels over crossing vessels. As to M–79–35B, Coast Guard states that implementation of the draft rules will eliminate the inconsistent wording found in existing rules concerning timeliness of response to whistle signals. Regarding M–79–35C, Coast Guard notes that the proposed rules will contain a more specific rule concerning lookouts. It will place the burden on the master to insure that the lookout is located, equipped, and functioning properly to fulfill his duties. Coast Guard disagrees with the need to prescribe location of the lookout. As to M–79–35D, Coast Guard says that a cautionary note against closing of windows and doors would not alter the master's responsibility to maintain a proper lookout through personal sight and hearing or by an indirect relay. Further response will be made to M–79–35 upon publication of the final rules.

Recommendation M–79–36 asked Coast Guard to coordinate action with the National Oceanic and Atmospheric Administration and the Corps of Engineers, Department of the Army to use greater graphic emphasis in illustrating ferry crossings on charts, and include the use of text "CAUTION—FERRY CROSSING" or similar warning to alert channel-bound vessels of such crossings. In response, Coast Guard states that professional seamen are trained and tested at nearly all levels to determine ability to read and comprehend navigational charts and publications. This includes the ability to recognize the need for caution in areas so designated on nautical charts by symbols. Chart symbols for ferry crossings are fully recognized by all mariners as identifying a situation demanding special caution, and the addition of the word "CAUTION" will clutter a chart rather than improve awareness of a hazard, Coast Guard stated.

In response to M–74–37 which recommended that Coast Guard study the feasibility of using nonskid decking, grating, or other vehicle restraints to minimize vehicle skidding or shifting on ferry decks in the event of a collision, Coast Guard notes that its Marine Board of Investigation report concludes that the capsizing was the result of the FROSTA's momentum. Momentum caused by the shifting of deck cargo was secondary and the possible delaying of the shifting of the vehicles for a second or two through use of nonskid decking would not have had any significant effect on the outcome of the casualty. Coast Guard believes that positive restraining devices would hamper the roll-on roll-off operations such as the *George Prince* was involved in. Also, it would be unreasonable to design restraining devices to prevent slippage at large heel angles and during normal operations. Such devices are unneeded and unnecessarily restrictive.

Railroad

R–79–56.—On October 18 the Metropolitan Transportation Authority (MTA) responded to a recommendation issued following investigation of the New York City Transit Authority subway train derailment on December 12, 1978. The recommendation called on MTA to require the New York City Transit Authority to establish an inspection procedure that will detect overheated wheels before failure. (See 44 FR 48003, August 16, 1979.)

MTA reports that a monthly inspection of wheels was initiated in January 1979. This inspection is in addition to MTA's regular 10,000 mile and 30,000 mile inspections. MTA is continuing a control check on field operating practices in yards and terminals for compliance with the preservice inspection. Classification of new types of wheel defects for computer monitoring in MTA's Maintenance Data System has been adopted. Also, an active research program to develop a hot wheel detector has been initiated, as well as a program to develop and test a wheel mounted excess temperature indicator.

Note.—Single copies of the Safety Board's reports are available without charge, as long as limited supplies last. Copies of recommendation letters issued by the Board, response letters and related correspondence are also available free of charge. All requests for copies must be in writing, identified by report or recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of reports issued by the Safety Board may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

November 5, 1979.

[FR Doc. 79-34609 Filed 11-7-79; 8:45 am]

BILLING CODE 4910-58-M

[Docket No. DCA-80-AR-002]

Railroad Accident Investigation Hearing: Lawrence, Kans.

Notice is hereby given that the National Transportation Safety Board will convene an accident investigation hearing at 9:00 a.m. (local time) December 4 through December 6, 1979, in the Skyline Room of the Holiday Inn, 23rd and Iowa Streets, Lawrence, Kansas 66044.

The public hearing will be held in connection with the Safety Board's investigation of an accident involving the derailment of Amtrak train No. 4. The Southwest Limited, on track of the Atchison, Topeka and Santa Fe Railway Company, which occurred at Lawrence, Kansas, on October 2, 1979.

Elmer Garner,

Hearing Officer.

November 5, 1979.

[FR Doc. 34610 Filed 11-07-79; 8:45 am]

BILLING CODE 4910-58-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

November 5, 1979.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Each entry contains the following information:

The name and telephone number of the agency clearance officer;

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk (*).

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447-6201

Revisions

Agricultural Marketing Service
Application for Permit to Export Tobacco Seed and Plants
TB-31
On occasion
Research Institutes; 84 responses; 14 hours
Charles Ellett, 395-5080

Extensions

Federal Crop Insurance
Regulations—Crop Insurance Program
On occasion
Farms with Crop Insurance; 50,000 responses; 4,200 hours
Charles Ellett, 395-5080

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377-3627

Revisions

Bureau of the Census
*Annual Retail Trade Report
B-151, 152, 153
Annually
Retail Business Firms; 32,000 responses; 9,600 hours
Office of Federal Statistical Policy and Standard, 673-7974

Bureau of the Census
Selected electronic and associated products, including telephone and telegraph apparatus (shipments)
MA-36N
Annually
Manufacturers of electronic products; 3,350 responses; 3,350 hours
Office of Federal Statistical Policy and Standard, 673-7974

Maritime Administration
*U.S. Merchant Vessel Locator Filing System (USMER)
MA-797
Other (See SF-83)
U.S. Flag Merchant-Vessels Operating in Foreign Commerce of the United States; 66,000 responses; 11,000 hours
Richard Sheppard, 395-3211

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—William Riley—245-7488

Revisions

Food and Drug Administration
Nuclear Medicine Quality Assurance Project
Single time
Hospitals (Nuclear Medical Department); 400 responses; 400 hours
Richard Eisinger, 395-3214

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Floyd I. Sandlin—376-0436

Revisions

Bureau of Customs
*Report of Diversion
Customs, 26
On occasion
Commercial Vessel Owner, master or Agent; 5,000 responses; 417 hours
Marsha D. Traynham, 395-6140

Extensions

Bureau of Customs
*Declaration for free entry of articles for colleges, religious institutions, etc.
CF-3321
On occasion
Importers (Education, Scientific and Religious Institutions); 10,000 responses; 1,000 hours
Marsha D. Traynham, 395-6140

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—Bruce H. Allen—426-1887

Revisions

Federal Aviation Administration
Ophthalmological evaluation for glaucoma
FAA-8500-14
On occasion
Certain applicants for airman medical certificates; 8,000 responses; 2,000 hours
Diane Steed, 395-3176

Comments and Questions

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questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

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DEPARTMENT OF AGRICULTURE

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TB-31
On occasion
Research Institutes; 84 responses; 14 hours
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Federal Crop Insurance
Regulations—Crop Insurance Program
On occasion
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DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377-3627

Revisions

Bureau of the Census
*Annual Retail Trade Report
B-151, 152, 153
Annually
Retail business firms; 32,000 responses; 9,600 hours

OFFICE OF FEDERAL STATISTICAL POLICY AND STANDARD, 673-7974

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Maritime Administration
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MA-797
Other (See SF-83)
U.S. Flag merchant vessels operating in foreign commerce of the United States; 66,000 responses; 11,000 hours
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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—William Riley—245-7488

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Food and Drug Administration
Nuclear Medicine Quality Assurance Project
Single time
Hospitals (Nuclear Medical Department); 400 responses; 400 hours
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DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Floyd I. Sandlin—376-0436

Revisions

Bureau of Customs
*Report of Diversion
Customs, 26
On occasion
Commercial vessel owner, master or agent; 5,000 responses; 417 hours
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Extensions

Bureau of Customs
*Declaration for free entry of articles for colleges, religious institutions, etc.
CF 3321
On occasion
Importers (education, scientific and religious institutions); 10,000 responses; 1,000 hours
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DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—Bruce H. Allen—426-1887

Revisions

Federal Aviation Administration
Ophthalmological evaluation for glaucoma
FAA-8500-14
On occasion
Certain applicants for airman medical certificates; 8,000 responses; 2,000 hours
Diane Steed, 395-3176

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Agency Clearance Officer—Wallace Velander—755-3122

Revisions

*Qualifications inquiry professional and scientific positions
NASA 676
On occasion
Business associates of applicants; 400 responses; 80 hours
Richard Sheppard, 395-3211

*Employment inquiry for job applicants
NASA 606
On occasion
Business associates of applicant; 700 responses; 175 hours
Richard Sheppard, 395-3211

Report of Government-owned/ contractor-held property
NASA 1018
Annually
Government contractors; 3,000 responses; 6,000 hours
Richard Sheppard, 395-3211

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—389-2282

Revisions

*DMA Consumer Feedback Card
VA 40-9970 (NR)
On occasion
Veterans and veterans' families; 1,150 responses; 96 hours
Richard Eisinger, 395-3214

Stanley E. Morris,
Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79-34741 Filed 11-7-79; 8:45 am]
BILLING CODE 3110-01-M

Privacy Act; Notice of New Systems

The purpose of this notice is to give members of the public an opportunity to comment on Federal agency proposals to establish or alter personal data systems subject to the Privacy Act of 1974.

The Act states that "each agency shall provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or alter any system of records in order to permit an evaluation of the probable or potential effects on such proposal on the privacy and other personal or property rights of individuals * * *"

OMB policies implementing this provision require agencies to submit reports on proposed new or altered systems to Congress and OMB 60 days prior to the issuance of any data collection forms or instructions, 60 days

before entering any personal information into the new or altered systems, or 60 days prior to the issuance of any requests for proposals for computer and communications systems or services to support such systems—whichever is earlier.

The following reports on new or altered systems were received by OMB between October 1, 1979 and October 26, 1977. Inquiries or comments on the proposed new systems or changes to existing systems should be directed to the designated agency point-of-contact and a copy of any written comments provided to OMB. The 60 day advance notice period begins on the report date indicated.

Department of Health, Education and Welfare

System Name: Investigative Files of the Inspector General

Report Date: September 28, 1979

Point-of-Contact: Mr. John M. Allen, Office of the Inspector General, Department of Health, Education and Welfare, Washington, D.C. 20201.

Summary: The Office of the Inspector General of HEW proposes to partially automate this existing system of records. The system consists of records of subjects of criminal investigations or persons about whom allegations have been made, but for which no investigation was opened. The system consists of records of subjects of cirminal investigations or persons about whom allegations have been made, but for which no investigation was opened. The system will be expanded by the preparation of computerized summaries of investigations for use in case management. The summaries will include such information as name and address of subjects, class of subjects, reasons for investigation, dates of phases of investigations, and final disposition of investigation. Disclosure and other records maintenance policies will not be changed by this alteration; the report states that HEW is "not automating the entire investigative file, rather only summary information."

Department of the Interior

System Name: Integrated Records Management System

Report Date: October 15, 1979

Point-of-Contact: Mr. Warren Dahlstrom, Departmental Privacy Act Officer, Department of the Interior, Washington, D.C. 20240.

Summary: This new system of records will be maintained by the Bureau of Indian Affairs in order to utilize a computer to report information on land leasing, use, ownership, income, and water resources, as well as individual Indians. The system was designed to "respond to the resources management information requirements of tribal governments, tribal members, and the BIA in its trust relationship." This information had previously been maintained manually.

Department of Agriculture

System Name: Public Involvement Respondents on Soil Conservation Activities

Report Date: October 15, 1979

Point-of-Contact: Mr. John B. Brush, Chief, Records and Communications Management Branch, U.S. Department of Agriculture, Washington, D.C. 20013.

Summary: The Soil Conservation Service proposes to establish this new system of records to provide "information identifying possible long-term effects and benefits to the Soil Conservation Service." It will consist of surveys and general program proposals which affect the general public or particular segments of the public. Records will be used internally only to study conservation and use of farmlands and other natural resources.

System Name: Federal Finance Cost Sharing Information Applicable to Individual Participants in USDA-Soil Conservation Service Programs

Report Date: October 19, 1979

Point-of-Contact: Mr. John B. Brush, Chief, Records and Communications Management Branch, U.S. Department of Agriculture, Washington, D.C. 20013.

Summary: This system will also be maintained by the Soil Conservation Service, and be used to report cost sharing data on participants in SCS programs to the Internal Revenue Service for tax purposes.

Department of Transportation

System Name: Office of Inspector General Management Information Systems

Report Date: October 5, 1979

Point-of-Contact: Mr. Frank S. Sato, Inspector General, Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590.

Summary: This new system of records will be maintained and used by the DOT Inspector General to manage workload and case assignments. It will consist of records of OIG staff and information on their work experience, background, job series, and assignment information. The system will be used internally only, to produce management reports such as time and attendance, workload status, travel, and miscellaneous management information reports.

Office of Personnel Management

System Names: (1) Personnel Research and Test Validation Records; (2) Applicant Race, Sex, Ethnicity, and Disability Status Records

Report Date: October 5, 1979

Point-of-Contact: Dr. Philip A. D. Schneider, Jr., Assistant Director for Workforce Information, Office of Personnel Management, Washington, DC 20415.

Summary: The first system, Personnel Research and Test Validation Records represents a change to a previously proposed system of records of the same title. The original proposal was for a centrally maintained system of records on current and former Federal employees, as well as applicants for Federal employment. OPM determined upon reviewing the proposal that it would be more appropriate to provide not only for records maintained by OPM, but also for similar records maintained by other agencies, and thus has proposed to the system to be a government-wide system of records. The records will be used for the development, application, and validation of written tests and research and evaluation of personnel/organizational measurement and selection methods. The second system, Applicant Race, Sex, Ethnicity, and Disability Status Records, is entirely new, and will also be government-wide in scope. It is established to implement the Minority Recruitment Program mandated by the Civil Service Reform Act and to assist agencies in affirmative action programs. OPM notes that information will be maintained only on those individuals who voluntarily provide it and will be maintained in such a way that information on an individual's race, sex, ethnic origin, or disability will not be available to selecting officials.

Department of Defense

System Name: System for Command Accounting and Monitoring of Accounts

Report Date: October 17, 1979

Point-of-Contact: Mr. William Cavaney, Department of Defense, 1735 N Lynn Street, Arlington, VA 22209.

Summary: This new system of records is proposed by the Navy to maintain a data base to provide officials of the Navy Regional Data Automation Center (NARDAC) with information for monitoring project development, personnel resources, and financial management. It will consist of automated records on approximately 1300 civilian, military, and contractor employees of NARDAC.

Department of Labor

System Name: Mine Safety and Health Special Investigations

Report Date: October 17, 1979

Point-of-Contact: Mr. R. B. Baker, Privacy Act Officer, Department of Labor, Arlington, VA 22203.

Summary: This report presents the revision of a system of records maintained by the Mine Safety and Health Administration. The system had included records on alleged violations of the Federal Mine Safety and Health Act of 1977 and alleged discrimination in violation of the Act in the context of metal and nonmetal mining. It is now being expanded to include similar records relating to coal mining. This action by the agency is taken pursuant to the Federal Mine Safety and Health Act of 1977, which amended the Federal Coal Mine and Safety Act of 1969.

David R. Leuthold,

Budget and Management.

[FR Doc. 79-34621 Filed 11-7-79; 8:45 am]

BILLING CODE 3110-01-M

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Docket 301-19]

Associated Tobacco Manufacturers

On October 22, 1979 the Chairman of the Section 301 Committee received a petition from the Associated Tobacco Manufacturers alleging unreasonable trade practices and policies by the Government of Japan which burden or restrict United States Commerce. The petition was filed pursuant to Section 301 of the Trade Act of 1974, as amended. (19 U.S.C. 2411 et seq.). The text of the petition follows:

Before the Office of the Special Representative for Trade Negotiations

In the Matter of: United States Exports of Pipe Tobacco to Japan.

Complaint Under Section 301 of the Trade Act of 1974

On behalf of the Associated Tobacco Manufacturers: Peter Buck Feller, Robert W. Johnson, McClure & Trotter, 1100 Connecticut Ave. NW., Washington, D.C. 20036, (202) 659-3400.

October 19, 1979.

Complaint Under Section 301 of the Trade Act of 1974

Introduction

When Thomas Jefferson served as Minister Plenipotentiary to negotiate trade agreements on behalf of the United States, he sought the relaxation of the official French tobacco monopoly which operated to restrict tobacco imports and consumption. In a letter to Count de Vergennes, the Secretary of Foreign Affairs under Louis XVI, Jefferson condemned the French tobacco monopoly in the following terms: "The monopoly of the purchase of tobacco . . . is contrary to the spirit of trade and to the disposition of merchants . . . where but one person is allowed to buy it, and where, of course, that person fixes its price . . ." (August 15, 1785)*

The pernicious character of a state tobacco monopoly, described by Jefferson, is evidenced today by the pricing practices of the Japan Tobacco and Salt Monopoly (JTS) and the unreasonable and unjustifiable burden they place on American pipe tobacco exports to Japan. We ask the Special Trade Representative—Jefferson's modern counterpart—to take all necessary steps under the authority of section 301 of the Trade Act of 1974 to achieve substantial reduction in the pricing, distribution, and other barriers maintained by JTS against U.S. pipe tobacco.

Summary

The Complainant is a trade association, Associated Tobacco Manufacturers, the majority of whose members are United States manufacturers of pipe and chewing tobacco.

The basis for the Complaint is that the Japan Tobacco and Salt Public Corporation (JTS), an instrumentality of the Government of Japan, (a) maintains unreasonable import restrictions which impair the value of trade commitments made to the United States or which burden or restrict United States commerce in pipe tobacco, and (b) engages in acts or policies which are unreasonable and which burden or restrict United States' commerce in such pipe tobacco.

Complainant requests the Special Representative for Trade Negotiations to recommend that the President take all appropriate and feasible steps within his power, including the institution of retaliatory actions authorized by section 301(a), to obtain a substantial reduction of such burdens and restrictions.

JTS Restrictions on U.S. Commerce

1. Unreasonable Pricing.—The Japan Tobacco and Salt Public Corporation (JTS) is an instrumentality of the Government of Japan. Pipe tobacco retailers in Japan must purchase their pipe tobacco from JTS. That is, JTS is an official monopoly and, as such, is the sole commercial source of pipe tobacco and other tobacco products, including imports. Retail prices are fixed by law in accordance with policies established by Japan's Ministry of Finance and JTS. JTS is exempt from duties on pipe tobacco.[1]

Under this monopoly system the retail prices of imported pipe tobacco in Japan are set at exorbitantly high levels. Such pipe tobacco prices are unreasonable and have the effect of severely restricting United States exports of pipe tobacco to Japan. The Japanese pricing practices under this system are therefore actionable under section 301(a) of the Trade Act of 1974.

The unreasonable nature of imported pipe tobacco prices charged in Japan can be readily demonstrated by comparing wholesale and retail prices for U.S. pipe tobacco in Japan with the landed costs (CIF). The comparison, set forth in Tables 1 and 2, reveals that the retail prices of U.S. pipe tobacco cover an enormous profit. Table 2 indicates that JTS prices include a monopoly profit of between 50.7% and 51.2% in *excess* of a normal profit of 20.6%. Such retail prices are between five and six times the landed costs (CIF) of imported American pipe tobacco, and almost twice the prices of equivalent Japanese brands. See Table 4.

2. Restrictions on Distribution.—New tobacco products in Japan are first marketed in a "test" status. Distribution of new imported pipe tobacco products is restricted to 29 JTS Tobacco Service Centers and 10 Tobacco Centers while they are in a "test" status. Although some JTS domestic brands are also limited to test marketing in these 39 test outlets, many other domestic brands have received more extensive test marketing on a geographic basis.[2] In order to achieve "regular" status, new brands must remain in "test" status for a minimum time period and must reach, and maintain, a stated minimum volume of sales.[3] For imported tobacco products, the minimum "test" marketing period is one year (formerly two years). For domestic products, the minimum period is six months.

Once "regular" status is achieved by an imported pipe tobacco brand, its distribution is restricted to some 14,000 high-volume retail outlets that are authorized to sell foreign tobacco products, while "regular" Japanese pipe tobaccos can be marketed in nearly 250,000 retail outlets. This is not to say, however, that imported pipe tobacco is carried in all 14,000 authorized outlets. We have reason to believe that less than 3,800 of these outlets sell imported pipe tobacco.

Furthermore, distribution of imported pipe tobacco brands is hampered by the "30-carton rule", whereby a shop must order at least 30 cartons of imported, or domestic, pipe tobacco per month. However, orders of imported and domestic tobaccos cannot be commingled for purposes of the 30-carton rule. This means that a retailer that wants to carry both domestic and imported tobaccos must order at least 60 cartons (30 cartons imported, 30 cartons domestic) per month to retain its authority to distribute pipe tobaccos. This is unreasonable because the purpose of the rule—to ensure that authorized outlets do a sufficient volume of business to justify "authorization" by JTS—is already satisfied by delivery of 30 cartons of imported or domestic in any combination. The prohibition on commingling serves no legitimate purpose.

Each of these elements in the Japanese distribution system—the limited number of outlets for "test" marketing, the length of time in "test" status, the limited number of outlets for "regular" brands, and the minimum delivery requirements—unfairly discriminates against imported pipe tobacco in favor of domestic Japanese products.

3. Advertising Restrictions.—Unreasonable restrictions are placed on the advertising and merchandising of pipe tobacco products. All tobacco advertising is regulated by JTS. Advertising in Japanese media is permitted

*Koch and Peden, *The Life and Selected Writings of Thomas Jefferson* (Random House Modern Library, 1944) at p. 369.

only if a price change is announced. No press releases about the product are permitted except JTS releases announcing the introduction of the product. The only place information about the product may appear is in the JTS catalogue for imported brands. While advertising by exporters of U.S. pipe tobacco is tightly restricted, JTS merely "exercises restraint" in the advertising of Japanese pipe tobacco. Restrictions on advertising of U.S. products are mandated while restrictions on advertising of Japanese products are merely discretionary. This is clear discrimination against the U.S. product, resulting in very limited public exposure of imported U.S. pipe tobacco brands.

4. Discriminatory Import Storage and Bond Requirement.—U.S. exporters of pipe tobacco to Japan now must sell under a particularly burdensome bond system. Previously, payment was remitted for shipments upon delivery. Under the bond system, fully adopted in April, 1978, the pipe tobacco is placed in bond upon arrival and payment for goods is made only as JTS makes periodic withdrawals of inventory from storage. The U.S. exporter must pay space rental and storage charges in the bonded warehouse and bears the risk of loss until JTS takes delivery. Moreover, the U.S. exporter must carry the burden of financing the goods until they are drawn out of the bonded warehouse. As far as we know, this consignment system does not apply to JTS's own brands. There exists, therefore, unjust discrimination against U.S. imports.

5. Cumulative Effect.—As stated above, new tobacco products, while in "test" status, are restricted to a limited number, 39, of service and tobacco centers. In order to receive a wider distribution, in the 14,000 high-volume retail outlets authorized to sell foreign tobacco products, it is necessary to achieve "regular" status which is attained by remaining in "test" status for not less than one year and by reaching a stated level of sales. However, the pricing system, the distribution system, restrictions on advertising, and the bond system make it extremely difficult, if not impossible, for a newly-introduced American pipe tobacco product to achieve "regular" status. In order to achieve "regular" status, sales of a test product are required to be more than 3,200 kg per year and, to maintain "regular" status, must be 4,000 kg per year. Imported tobacco products are thus required to capture almost 2% of the total tobacco market, 184,000 kg in 1978, utilizing only one hundredth of one percent, .01%, of the total number of sales outlets in the country. It is obviously difficult to find the requisite number of buyers for an artificially expensive product, the distribution of which is limited and about which there is little information available. The cumulative effect is clear discrimination against imports of U.S. pipe tobacco.

Restrictive Effect on U.S. Commerce

The United States pipe tobacco industry has the technology and productive capacity to produce and sell a large quantity of pipe tobacco to Japanese consumers at modest prices. Historically, pipe smoking represented the greatest use of tobacco in Japan.[4] Total volume of pipe tobacco imported from the United States, however, has decreased substantially since March 1976. The Japanese Government has, by its unreasonable restrictions on and discriminatory practices against U.S. pipe tobacco, severely curtailed the existing market for U.S. pipe tobacco and retarded the development of a larger market, primarily because the prices charged by JTS are approximately twice the prices charged for similar Japanese pipe tobacco brands and the distribution system for imported products is limited; secondarily, because the advertising and marketing restrictions imposed by JTS constitute an additional non-tariff barrier.

U.S. pipe tobacco consumption is generally price sensitive. The same is likely to hold true for Japan. The quantity of product sold is directly related to the price at which it sells and to the extent of distribution and promotion of the product. For example, in December, 1975, JTS raised prices of pipe tobacco from 40% to as much as 50% for some brands. There was a resulting drop in consumption of 15% the first year, from a 10-year high of 338,000 kg, and large reductions each year thereafter. From March, 1976 through March, 1979 total consumption of pipe tobacco decreased by 45.6%. Consumption of imported pipe tobacco, however, decreased even more sharply, by 50.7%, and the market share of imported tobacco consequently decreased by 5.6%. If consumption of imported pipe tobacco had increased at the annual rate that existed prior to the December, 1975 price increase, consumption would have been 361.15 mt in 1979. Using projected figures, the cumulative loss of consumption, caused by JTS price increases, of imported pipe tobacco from 1976–1979 can be calculated to have been 160.13 mt, worth approximately $1.28 million, at $8/kg, the average export price, f.a.s., for U.S. pipe tobacco bound for Japan. Imported sales lost because of distribution and other restrictions are also substantial.

If retail prices were reasonable, and if distribution of the products were broadened, much more U.S. pipe tobacco would be sold in Japan. From a comparison of the ratio of per capita pipe tobacco and cigarette consumption in the U.S., and cigarette consumption in Japan, one can calculate the expected per capita pipe tobacco consumption in Japan. Since the tobacco markets in Japan and the United States are so similar, this projected figure will represent the potential market for United States pipe tobacco in Japan. This potential market can be estimated at 1580 metric tons worth approximately $12 million. Thus, it can be seen that the market currently open to United States pipe tobacco, 30 metric tons worth $240,000, is only a small fraction of the potential market.

Remedy

The U.S. pipe industry believes that a 51% reduction in the retail price of U.S. pipe tobacco sold in Japan, and the elimination of the distribution and other offensive restrictive practices cited above, would put imported and domestic pipe tobacco on an equal basis and would permit annual U.S. pipe tobacco exports to Japan to return to previous levels and to grow substantially within the next few years. Long term growth would have already occurred had it not been for the excessive retail prices charged over the past four years, the limited and discriminatory distribution system, and other unreasonable restrictions which JTS has maintained.

Retail price and availability are the most significant factors affecting consumption of U.S. pipe tobacco in Japan. Therefore, reduction of the retail price in Japan to a reasonable level and institution of a wider and more equitable distribution system are the essential ingredients in permitting a recovery and meaningful expansion of U.S. pipe tobacco exports to Japan. The relaxation of the Japanese marketing restrictions noted above would help facilitate U.S. pipe tobacco exports, but only if the JTS monopoly prices are lowered by 51% or more and the distribution system is rectified. Accordingly, we are filing this Section 301 Complaint to enable the President to make full use of his powers to obtain the elimination of the unreasonable restrictions set forth above.

Should the Section 301 consultative process also fail to bring about the elimination of these restrictions, we would recommend that retaliatory action be taken against imports from Japan. In our view, an appropriate candidate for such retaliatory action would be fully automatic weighing machinery classified under TSUS Item 662.26 and other scales under Item 662.30.[5] Retaliatory action, sufficient to reduce annual scale imports under Items 662.26 and 662.30 by an amount of at least $1.28 million would match the effect of unreasonable JTS price restrictions on U.S. commerce.

We have been advised that the Government of Japan is contemplating the introduction of a 110% *ad valorem* (CIF) tariff on pipe tobacco imports in the near future and the imposition of a 21.6% national excise tax in substitution for JTS's monopoly profit. It seems incomprehensible to us that Japan should propose to erect a 110% tariff barrier and a 21.6% excise tax barrier on pipe tobacco imports in this context. Such action would only aggravate the unfair trade practices to which this Complaint is addressed.

Respectfully submitted,

Peter Buck Feller,

On Behalf of The Associated Tobacco Manufacturers.

October 19, 1979.

Footnotes

[1] According to the U.S. Department of Commerce, the Government of Japan has consistently maintained that, since JTS is a state-owned monopoly, it is exempt from customs duties. This position has been communicated to STR and the Trade Facilitation Committee of U.S. Department of Commerce, and is noted in the GATT.

[2] Source: Memorandum of Conversation, Subject: U.S.-Japan Bilateral Consultations on U.S. Manufactured Tobacco Exports of August 1979—Government-Industry Session on Distribution, Marketing, and Advertising of August 21.

[3] For pipe tobacco JTS formerly imposed the following requirements:

(a) The volume of sales of a "regular" brand must be more than 4,000 kgs. per year. When the volume of sales of a "regular" brand drops below 4,000 kgs. per year, it becomes a "test" brand.

(b) When the volume of sales of a new brand, i.e., "test" brand, is more than 3,200 kgs. for two years running, the new brand becomes a "regular" brand. All new brands are imported as "test" brands.

(c) When the volume of sales of a "test" brand falls below 400 kgs. per year, JTS ceases importation.

Now "test" marketing period is one year for imported tobacco, six months for domestic.

[4] Source: JTS Publication, "The Japanese Tobacco Industry", 1979.

[5] Imports of fully automatic scales from Japan under TSUS Item 662.26 totalled $2,501,022 from January–October 1978. Imports under Item 662.30 totalled $804.944.

Nonconfidential Summary

Table 1.—*Prices of United States Pipe Tobacco in Japan*

	Brand A	Brand B
Manufacturers selling price	[42]	[44]
Ocean freight insurance	[07]	[07]
Landed price, CIF:		
$	[48]	[49]
¥	[110]	[95]
Retail price:		
$	[2.50]	[2.70]
¥	[650]	[600]
Ratio retail price/CIF	[5.5]	[5.5]

Exchange rate, ¥221=$1.00 Data as of July 11, 1979.

Table 2.—*Prices, costs, and JTS Profits—U.S. Pipe Tobacco*

a. Brand	Brand A	Brand B
b. Landed price, CIF	[110]	[95]
c. Retail price	[650]	[600]
d. Retailer margin 7 percent	[45]	[40]
e. JTS wholesale price	[580]	[550]
f. JTS retained earnings —2 percent of retail	[10]	[10]
g. Handling and distribution:		
Import charge	[1][5.4]	[5.8]
Delivery charge	[2][22.0]	[23]
h. Local tax, 28.4 percent of retail	[165]	[165]
i. Monopoly profit, (e)—(f)—(g)—(h)—(b)	[260]	[225]
j. JTS cost, (b)+(f)+(g)+(h)	[315]	[300]
k. JTS profit, i/j (percent)	71.6	71.25
l. Normal profit [3] (percent)	20.6	20.55
m. JTS excess profit, k—l (percent)	51.2	50.7

Exchange rate, Y221=$1.00. Data as of July 11, 1979.

[1] ¥111.72/Kg.

[2] ¥3520.8/CS.

[3] Normal profit based on 10-year average (1963–72) after-tax profit of 5.8 percent profit on sales, for all U.S. tobacco manufacturers. (Source: SEC, *Statistical Series*, Releases Nos. 1081, 1231, 1302, 1538, 1555, 1595, 1629, 1812, 1891, 2352; FTC–SEC, Quarterly Financial Report for Manufacturing Corporations, through 4th quarter 1972.) 5.8 percent after-tax profit is equivalent to about 12 percent pretax profit on sales. This represents, for the above brands, 20.6 percent and 20.55 percent profit on costs, respectively.

Table 3.—*Sales of Pipe Tobacco in Japan*

[Source: JTS via U.S. Embassy, Tokyo]

Fiscal year	1,000 kgs			Imported share of total (percent)
	Domestic sales	Imported sales	Total	
Apr. 1, 1978 to Mar. 31, 1979.	81	103	184	56.0
Apr. 1, 1977 to Mar. 31, 1978.	99	124	223	55.6
Apr. 1, 1976 to Mar. 31, 1977.	135	152	287	53.0
Apr. 1, 1975 to Mar. 31, 1976.	129	209	338	61.8
Apr. 1, 1974 to Mar. 31, 1975.	110	177	287	61.7
Apr. 1, 1973 to Mar. 31, 1974.	104	140	244	57.4
Apr. 1, 1972 to Mar. 31, 1973.	72	112	184	60.9
Apr. 1, 1971 to Mar. 31, 1972.	63	68	131	51.9
Apr. 1, 1970 to Mar. 31, 1971.	58	55	113	48.7
Apr. 1, 1969 to Mar. 31, 1970.	63	50	113	44.2

Summary of JTS Sales Figures for Pipe Tobacco Imported Into Japan

	Total imports (kilograms)	From U.S.A.	Percent of total
October 1976 to March 1977	74,886	25,537	34.1
April 1977 to September 1977	65,318	21,221	32.5
October 1977 to March 1978	57,955	17,780	30.7
April 1978 to September 1978	49,601	14,792	30.
October 1978 to March 1979	52,687	15,547	29.5
April 1979 to June 1979	29,191	8,491	29.1

Table 4

	Type of blend	Net weight	Retail price
JTS Pipe Tobaccos, Net Weight, and Retail Price			
Asuka	English	50g	Y500
Big Horn (black)	American	50g	400
Big Horn (red)	European	50g	400
Rock'n chair	American	40g	300
Momoyama	English	50g	300
U.S. Pipe Tobaccos, Net Weight, and Retail Price in Japan			
Brand A		50g	[650]
Brand B		50g	[600]

Interested parties are invited to submit views on the petition. Submissions should conform to the requirements for section 301 complaints and comments as outlined in the Code of Federal Regulations 15 CFR 2006. Twenty copies of the submission should be sent to Chairman, Section 301 Committee, Office of the Special Representative for Trade Negotiations, 1800 G Street, N.W., Room 715, Washington, D.C. 20506. Submissions should be received by the Chairman no later than the close of business on December 3, 1979.

Michael Gadbaw,

Chairman, Section 301 Committee.

[FR Doc. 79-34608 Filed 11-7-79; 8:45 am]

BILLING CODE 3190-01-M

POSTAL RATE COMMISSION

[Docket No. MC78-3]

Electronic Mail Classification Proposal, 1978

November 2, 1979.

Notice is hereby given that pursuant to the "Chairman's Order Setting Date for Oral Argument", dated November 1, 1979, Oral Argument in this proceeding is scheduled to be held on Wednesday, November 21, 1979, at 9:00 a.m., Hearing Room, Postal Rate Commission, 2000 L Street, NW., Washington, D.C.

David F. Harris,

Secretary.

[FR Doc. 79-34486 Filed 11-7-79; 8:45 am]

BILLING CODE 7715-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1723]

California; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that Imperial County and adjacent counties within the State of California constitute a disaster area because of damage resulting from a earthquake which occurred on October 15, 1979. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on December 20, 1979, and for economic injury until close of business on July 21, 1980, at:

Small Business Administration, District Office, 880 Front Street, Federal Building—Suite 4–S–29, San Diego, California 92101.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: October 26, 1979.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 79-34573 Filed 11-7-79; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1725]

California; Declaration of Disaster Loan Area

Los Angeles County, California, constitutes a disaster area because of

damage resulting from a fire which occurred on September 11–18. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on December 31, 1979, and for economic injury until the close of business on July 30, 1980, at:

Small Business Administration, District Office, 350 S. Figueroa St.—6th Floor, Los Angeles, California 90071.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: October 30, 1979.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 79-34574 Filed 11-7-79; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1726]

California; Declaration of Disaster Loan Area

Santa Barbara County, California, constitutes a disaster area because of damage resulting from a fire which occurred on September 18–21, 1979. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on December 31, 1979, and for economic injury until the close of business on July 30, 1980, at:

Small Business Administration, District Office, 350 S. Figueroa St., 6th Floor, Los Angeles, California 90071.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: October 30, 1979.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 79-34575 Filed 11-7-79; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1727]

California; Declaration of Disaster Loan Area

Ventura County, California, constitutes a disaster area because of damage resulting from a fire which occurred on September 18–20, 1979. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on December 31, 1979, and for economic injury until the close of business on July 30, 1980, at:

Small Business Administration, District Office, 350 S. Figueroa St., 6th Floor, Los Angeles, California 90071.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: November 1, 1979.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 79-34576 Filed 11-7-79; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-0140]

Dadeland Capital Investment Corp.; Surrender of License

Notice is hereby given that pursuant to Section 107.105 of the Small Business Administration (SBA) Rules and Regulations governing Small Business Investment Companies (SBIC) (13 CFR (1979)), Dadeland Capital Investment Corporation, 7545 North Kendall Drive, Miami, Florida 33156 (a subsidiary of Dadeland National Bank) incorporated under the laws of the State of Florida has surrendered its license No. 04/04–0140, issued by SBA October 5, 1978.

Dadeland Capital has complied with all conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended (Act), and pursuant to the above-cited Regulation, the license of Dadeland Capital is hereby accepted and it is no longer licensed to operate as an SBIC.

Dated: October 31, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-34572 Filed 11-7-79; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1722]

Indiana; Declaration of Disaster Loan Area

Vanderburgh County and adjacent counties within the state of Indiana constitute a disaster area as a result of natural disaster as indicated:

County, Natural Disaster(s), Date(s)

Vanderburgh, Flooding, 9/27/79.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 30, 1979, and for economic injury until the close of business on July 30, 1979, at:

Small Business Administration, District Office, Federal Building—5th Floor, 575 North Pennsylvania Street, Indianapolis, Indiana 46204.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: October 30, 1979.

Harold A. Theiste,

Acting Administrator.

[FR Doc. 79-34577 Filed 11-7-79; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1728]

Louisiana; Declaration of Disaster Loan Area

The following 2 Parishes and adjacent Parishes within the state of Louisiana constitute a disaster area as a result of natural disasters as indicated.

Parishes, Natural Disaster(s), Dates

Cameron, Excessive Rain and Wind, 7/24/79–7/26/79.

Calcasieu, Excessive Rain and Wind, 7/24/79–7/26/79.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 30, 1980, and for economic injury until the close of business on July 30, 1980, at:

Small Business Administration, District Office, Plaza Tower, 1001 Howard Avenue, 17th Floor, New Orleans, Louisiana 70113.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: October 30, 1979.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 79-34578 Filed 11-7-79; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1724]

Nebraska; Declaration of Disaster Loan Area

Brown and Frontier counties and adjacent counties within the state of Nebraska constitute a disaster area as a result of natural disaster as indicated:

County, Natural Disaster(s), Date(s)

Brown, High Winds and Possibility of Tornado, 9/7/79.

Frontier, High Winds, Hail and Heavy Rain, 8/17/79 and 8/25/79.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 30, 1980, and for economic injury until July 30, 1980, at:

Small Business Administration, District Office, Empire State Building, 19th and Farnum Street, Omaha, Nebraska 68102.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: October 30, 1979.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 79-34579 Filed 11-7-79; 8:45 am]

BILLING CODE 6025-01-M

[Declaration of Disaster Loan Area No. 1720]

Ohio; Declaration of Disaster Loan Area

Cuyahoga, Franklin, Hamilton, Licking, Summit and Wayne Counties, and adjacent counties within the State of Ohio, constitute a disaster area as a result of flooding caused by heavy rains on September 13–14, 1979. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on December 20, 1979, and for economic injury until the close of business on July 21, 1980, at:

Small Business Administration, District Office, 1240 East 9th Street, Room 317, Cleveland, Ohio 44199

or

Small Business Administration, District Office, 85 Marconi Boulevard, Columbus, Ohio 43215

or

Small Business Administration, Disaster Branch Office, 550 Main Street, Room 5028, Cincinnati, Ohio 45202

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: October 19, 1979.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 79-34580 Filed 11-7-79; 8:45 am]

BILLING CODE 6025-01-M

[Declaration of Disaster Loan Area No. 1713]

Tennessee; Declaration of Disaster Loan Area

The following 4 counties and adjacent counties within the state of Tennessee constitute a disaster area as a result of natural disaster as indicated:

County, Natural Disaster(s), and Date(s)

Williamson, heavy rain, high wind, and flooding; 9/13/79–9/20–21/79

Hardeman, heavy rain, high wind, and flooding; 9/13/79

Chester, heavy rain, high wind, and flooding; 9/13/79

Davidson, heavy rain, high wind, and flooding; 9/13–14/79

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 30, 1980, and for economic injury until the close of business on July 30, 1980, at: Small Business Administration, District Office, Parkway Towers, Room 1012, 404 James Robertson Parkway, Nashville, Tennessee 37219.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: October 30, 1979.

Harold A. Theiste,

Acting Administrator.

[FR Doc. 79-34581 Filed 11-7-79; 8:45 am]

BILLING CODE 6025-01-M

[Declaration of Disaster Loan Area No. 1721]

Washington; Declaration of Disaster Loan Area

Douglas County and adjacent counties within the State of Washington constitute a disaster area as a result of natural disaster as indicated:

County, natural disaster(s), and date(s)

Douglas, drought; 1/1/79–8/30/79

Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on April 30, 1980, and for economic injury until the close of business on July 30, 1980, at: Small Business Administration, District Office, 915 Second Avenue, Federal Building Room 1744, Seattle, Washington 98174.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: October 30, 1979.

Harold A. Theiste,

Acting Administrator.

[FR Doc. 79-34582 Filed 11-7-79; 8:45 am]

BILLING CODE 6025-01-M

FEDERAL COMMUNICATIONS COMMISSION

Radio Technical Commission for Aeronautics (RTCA); Special Committee 137—Airborne Area Navigation Systems; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 137 on Airborne Areas Navigation Systems to be held on November 27–29, 1979, in Conference Rooms 7A–B–C, DOT/Federal Aviation Administration Building, 800 Independence Avenue, S.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Fourth Meeting held June 5–7, 1979; (3) Review Report of Working Group 1 on Accuracy, Error Budget and Error Combination Techniques; (4) Reveiw Report of Working Group 2 on Operational Requirements; (5) Consideration of Actions Required by the Editorial Working Group; (6) Assignment of Tasks; and (7) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on October 30, 1979.

Karl F. Bierach,

Designated Officer.

[FR Doc. 79-34168 Filed 11-07-79; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 143—Ground Based Automated Weather Observation Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 143 on Ground Based Automated Weather Observation Equipment to be held on November 30, 1979, in RTCA Conference Room 261, 1717 H Street, N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Second Meeting held October 10, 1979; (3) Report of Working Group Activities; (4) Assignment of Tasks; and (5) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on October 30, 1979.

Karl F. Bierach,

Designated Officer.

[FR Doc. 79-34189 Filed 11-7-79; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

[Docket No. FE79-01; Notice 1]

Automotive Fuel Economy Standards; Notice of Interpretation

AGENCY: National Highway Traffic Safety Administration, (NHTSA), Department of Transportation.

ACTION: Notice of interpretation.

SUMMARY: This notice announces the agency's interpretation of the extent to which the law permits, with respect to 1979 and 1980, monetary credits earned by manufactures of light trucks for exceeding fuel economy standards in one year to be applied to civil penalty liabilities for violating those standards in the other year. This interpretation is being issued at the request of several manufactures to assist them is planning compliance with light truck fuel economy standards.

FOR FUTHER INFORMATION CONTACT: Mr. Theodore Bayler, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590, 202-755-9384.

SUPPLEMENTARY INFORMATION: Section 502(b) of the Motor Vehicle Information and Cost Savings Act ("the Act"), 15 U.S.C. 2002(b), requires the Secretary of Transportation to establish average fuel economy standards for light trucks manufactured in each model year beginning with 1979. That provision also authorizes the Secretary to establish separate fuel economy standards for different classes of light trucks. The Secretary used this authority to establish separate 1979 standards for "4-wheel general utility vehicles" with a gross vehicle weight rating (GVWR) not greater than 6,000 lbs. and for "all other" light trucks in the same GVWR range. Manufacturers were, however, given the option of having all of their 6,000 lbs. and under GVWR light trucks comply with the more stringent standards for "all other" light trucks, rather than comply separately with the two standards.

Different classes were established by the agency beginning with the 1980 model year. Separate standards were established for two- and four-wheel drive light trucks, and subclasses were established within those classes for captive import (i.e., truck manufactured abroad and sold through a domestic manufacture's dealer network) and domestic light trucks. A separate standard was also established for "limited product line light trucks," i.e., those produced by companies whose light trucks employ exclusively engines which are not also used in passenger cars. The change in the light truck classification was made because of the simultaneous change in the applicability of the fuel economy standards to cover light trucks up to 8,500 pounds GVWR. The new classification system reflects the makeup of the larger fleets regulated in 1980 and the differences in the fuel economy improvement potential of the principal types of light trucks in that fleet. See discussion of this classification system in 42 FR 63185-7, December 15, 1977.

Compliance with fuel economy standards is determined on the basis of the production-weighted average of the fuel economy ratings of all the vehicles subject to a standard in a given model year. The enforcement provisions of the Act extend this averaging concept to compliance determinations for different model years. Civil penalties for violating a standard applicable to a class of light trucks in a model year are assessed at the rate of five dollars per vehicle for each tenth of a mile-per-gallon by which the average fuel economy of a manufacture's vehicles subject to the standard falls short of that standard. Monetary credits for exceeding a standard are earned at the same rate. These credits may be applied to offset civil penalties which are assessed either in the immediately proceeding or following model year. See section 508 of the Act.

A key limitation with respect to the carrying backward or forward of credits is that "any credit . . . may only be applied to automobiles of the same class for which the credit was earned." See Conference Report on the Act, H.R. Rep. No. 94-700, 94th Cong., 1st Sess. 159 (1975), and section 508(a)(3) of the Act. It appears that this requirement is intended to prevent manufactures from defeating the purpose of a classification system by applying credits earned for trucks in one class against penalties for violating the standard in another class; rather, each class of trucks is expected to comply with standards (at least on average over a period of years) or be penalized. However, the requirements of section 508, as elaborated in the Conference Report, could be read to prohibit the manufactures from using earned credits simply because the agency decides to change the boundaries of existing classes. Therefore, the agency sought comment on how the requirement that credits be transferred only within the classes should be applied where the agency changed truck classifications, as it did between 1979 and 1980. See the agency's notice of proposed rulemaking on the 1980-81 light truck fuel economy standards, 42 FR 63194, December 15, 1977.

Only the Center for Auto Safety and Ford Motor Company commented on the issue in response to the agency's request. The Center for Auto Safety argued that the requirements in the Act that credits must be applied only within a class is absolute, and only when a manufacture's product offerings happend to coincide with the agency's new and old classes, so that the classes are in effect identical, could credits be transferred. Ford, on the other hand, argued that credits earned for vehicles in one class should be applicable to penalties in any class (in the prior or subsequent year) which overlaps with the former class.

American Motors Corporation provided comments on the issue after the completion of the 1980-81 rulemaking. That company suggested that the 1979 "general utility vehicle" class and the 1980 four wheel drive class be treated as identical for purposes of applying credits; the same would be true for the 1979 standard for "all other" trucks and the 1980 two-wheel drive standard. American Motors proposed that credits be transferable only within these pairs of standards.

The agency interprets section 508 of the Act to require as much commonality as possible between classes in transferring credits, but not absolute identity. The intent of the Act is clearly to grant credits for "overachievement" in a particular model year by a manufacturer, and it would frustrate that intent if there were to be a forfeiture of credits when NHTSA decides to change the scope of classes.

In transferring credits earned in the 1979-80 model years the agency will attempt to assure that those credits are applied to offset civil penalties on the same types of vehicles as those which generated the credits. This result will be pursued by pro-rating the earned credits according to the number of vehicles in the credit-earning class which would fall in the class subject to a civil penalty in the prior or subsequent year.

For example, in applying 1979 credits to 1980, credits earned by four-wheel drive general utility vehicles in 1979 would be applicable to any penalties assessed against domestic four-wheel drive light trucks or captive import four-

wheel drive light trucks in 1980, with the amount applicable to each 1980 four-wheel drive class to be determined based on the portion of the 1979 utility vehicles which is captive imports and the portion which is domestic. If all 1979 utility vehicles were domestic, 1979 credits for that class of light truck would be applicable only to domestic four-wheel drive light trucks in 1980.

Similarly, in applying 1980 credits to 1979, credits earned by 1980 four-wheel drive captive import trucks would be divided according to the proportion of those trucks which meet the definition of 4-wheel drive general utility vehicle and credits would be assigned on a pro-rata basis to the two 1979 truck classes, if either 1979 standard were violated. If the manufacturer elected to comply with the single, combined 1979 standard, then all credits earned by 1980 trucks would be applicable to 1979 civil penalties. These assignments of credits would be made without regard to the gross vehicle weight ratings of affected vehicles, since none of the affected truck classifications depend on GVWR.

Issued on November 1, 1979.

Frank Berndt,

Chief Counsel.

[FR Doc. 79-34390 Filed 11-7-79; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-79-28]

Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of petitions issued.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Publication of this notice and any information it contains or omits is not intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: November 28, 1979.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-24), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on November 2, 1979.

Donald P. Byrne,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
(None received during this period.)			

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
12464	Air France	14 CFR Parts 21, 61, 63, and 91	To amend Exemption No. 1690U, as amended, to allow certain foreign airmen to operate U.S.-registered leased aircraft beginning in early October 1979. *Granted 10/18/79.*
17324	Gulf Aviation Co., Ltd	14 CFR Parts 21, 61, 63, and 91	To amend Exemption No. 2468, as amended, to update the list of airman who are permitted to obtain U.S. airman certificates for the operation of leased, U.S.-registered L-1011 aircraft. *Granted 10/17/79.*
18569	Empresa de Transporte Aereo del Peru	14 CFR Parts 21, 61, 63, and 91	To amend Exemption No. 2656, as amended, to add U.S.-registered, L-1011-1 aircraft N10114 and to include 18 additional pilots in command, co-pilots, and flight engineers in the appendix. *Granted 10/31/79.*
19282	CFM International	14 CFR §§ 33.7(c)(17) and 33.90	To permit demonstration of compliance with the fixed time overhaul requirement by use of a planned inspection program alternate procedure. Note: The petitioner amended the original petition to delete request for exemption from § 33.90. *Granted 10/31/79.*
19421	Braniff International	14 CFR §§ 91.32(b)(1)(ii) and 121.333(c)(2).	To allow the petitioner to operate B-747SP aircraft above flight level 410 without one pilot at the controls of the aircraft wearing and using an oxgen mask. *Granted 10/29/79.*
19505	Swift Aire Lines	14 CFR § 135.173	To allow petitioner to operate its DH-114 Heron aircraft without thunderstorm detection equipment. *Granted 10/30/79.*
19633	Zephyrhills Para Center, Inc	14 CFR §§ 91.15 (a), (a)(2), 105.43 (a) and (a)(2).	To permit foreign nationals to participate in the Zephyrhills October Fest Boogie and the Zephyrhills Thanksgiving Boogie without complying with the parachute equipment and packing requirements of Section 105.43. *Granted 10/26/79.*
19654	Gulfstream American	14 CFR § 21.165	The petitioner requested a temporary exemption from Section 21.165 to permit the installation of used engines in new production Model G-1159 aircraft. *Granted 10/30/79.*
19711	Flying Tiger Line	14 CFR § 121.291(b)	To permit petitioner to begin B-747-249F operations without first conducting a full-scale ditching demonstration. *Granted 10/26/79.*

[FR Doc. 79-34467 Filed 11-7-79; 8:45 am]

BILLING CODE 4910-13-M

Federal Railroad Administration

[Docket No. RFA 505-79-4]

Receipt of an Application for Financial Assistance Under Section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976

Project. Notice is hereby given that Richard B. Ogilvie, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company ("Applicant") having its principal business address at 516 West Jackson Boulevard, Chicago, Illinois 60606, has filed an application with the Federal Railroad Administration ("FRA") under Section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976, 45 U.S.C. 831 for the United States to purchase a trustee certificate in the principal amount of $32,887,218.

The project consists of six elements, which are delineated as follows:

Element I—Chicago, Illinois to Milwaukee, Wisconsin Mile Post 20.34 to Mile Post 88.25. This project involves the rehabilitation of double main track, including the installation of cross ties, ballast, welded rail, switch ties, and highway grade crossings. This covers 58.15 track miles at an estimated cost of $14,160,915.

Element II—New Lisbon, Wisconsin to Wausau, Wisconsin Mile Post 0.00 to Mile Post 92.0. This project involves the rehabilitation of single main track, including the installation of cross ties, welded rail, turnouts, switch ties and ballast. This project covers 92.0 miles of track at an estimated cost of $12,542,805.

Element III—Repairs to track equipment done in Maintenance-of-Way Shop located at Tomah, Wisconsin at an estimated cost of $717,035.

Element IV—Replacement of Bridge G-276, Mile Post 72.5 at Knowlton, Marathon County, Wisconsin at an estimated cost of $1,918,720.

Element V—The staff required for construction, engineering, accounting and control of total project, at an estimated cost of $557,996.

Element VI—Contingencies for Elements I through V, at an estimated cost of $2,989,747.

These lines are in the core plan of the reorganization of the applicant's company.

Justification for the Projects

The applicant represents the following:

Element I—This segment of line is the primary Chicago-Twin Cities route and is the most dense segment of any Milwaukee line. If the line is not rehabilitated, slower speeds will affect costs by incurring additional crew, locomotive and car expense and impair the performance of Amtrak.

Element II—This segment of line is a primary feeder to the Chicago-Twin Cities main line. The line primarily serves the paper industry in central Wisconsin. A new coal fired electric plant will be located on the line in 1981. The present condition on the line requires rehabilitation.

Element III—The repairs for maintenance of way equipment are required to accomplish the work efficiently. It is economically justified through the savings of labor costs and track quality.

Element IV—The present bridge that will be replaced has a load limit of 220,000 pounds and is at Knowlton, Wisconsin on the Wisconsin Valley Line. This bridge must be rehabilitated to accommodate unit coal trains scheduled to begin in October 1981. These trains require a load limit of 263,000 pounds.

Element V—The staff is required to assure proper supervision and meet the reporting requirements of the agreement.

Comments. Interested persons may submit written comments on the application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590, not later than December 10, 1979. Such submission shall indicate the docket number shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor. The comments will be taken into consideration by the Federal Railroad Administration in evaluating the application. However, formal acknowledgement of the comments will not be provided. If the commenter wishes Federal Railroad Administration's acknowledgement of receipt of the comments, it may enclose a self-addressed, stamped post card which will be returned by the Federal Railroad Administration.

William E. Loftus,

Acting Associate Administrator for Federal Assistance, Federal Railroad Administration.

October 30, 1979.

[FR Doc. 79-34500 Filed 11-7-79; 8:45 am]

BILLING CODE 4910-06-M

DEPARTMENT OF TREASURY

Internal Revenue Service

[Delegation Order No. 81 (Rev. 10), Amend. 2]

Delegation of Authority

AGENCY: Internal Revenue Service.

ACTION: Delegation of Authority.

SUMMARY: The authority vested in the Commissioner of Internal Revenue by the Department of the Treasury by memorandum dated October 2, 1979 for examining and certification personnel authorities for Revenue Agents, GS-5/7 is delegated to the Director, Personnel Division and Regional Commissioners.

EFFECTIVE DATE: November 1, 1979.

FOR FURTHER INFORMATION CONTACT: Richard F. Duncan, 1514, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, DC 20224, (202) 566-6431 (Not Toll-Free).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the Federal Register for Wednesday, November 8, 1979.

A. W. D'Amato,

Director, Personnel Division.

Date of issue: November 1, 1979.

Effective Date: November 1, 1979

Subject: Delegation of Examining and Certification Personnel Authorities for Internal Revenue Agents, GS-5/7.

The authority vested in the Commissioner by the Department of Treasury memorandum dated October 2, 1979 (for recruitment and examination of applicants for Internal Revenue Agents at the GS-5 and GS-7 levels, issuance and establishment of competitor inventories, and issuance of certificates of eligibles) is hereby delegated in the National Office to the Director, Personnel Division and in the regions to Regional Commissioners.

The authority of the Regional Commissioners may be redelegated no lower than Section Chief, Regional Personnel Branch.

This Amendment supplements Charts 1 and 2 of Attachment B to Delegation Order No. 81 (Rev. 10), issued April 16, 1979, which is printed in the Federal Register dated April 9, 1979, Vol. 44, Number 69, Pages 21110-21133.

Jerome Kurtz,

Commissioner.

[FR Doc. 34613 Filed 11-7-79; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Sugars and Syrups From Canada; Antidumping; Withholding of Appraisement Notice and Determination of Sales at Less Than Fair Value

AGENCY: U.S. Treasury Department.

ACTION: Withholding of Appraisement and Determination of Sales at Less Than Fair Value.

SUMMARY: This notice is to advise the public that an antidumping investigation has resulted in a determination that sugars and syrups from Canada are being sold at less than fair value within the meaning of the Antidumping Act, 1921. Appraisements of entries of this merchandise will be suspended for 3 months. This case is being referred to the United States International Trade Commission for a determination concerning possible injury to an industry in the United States.

EFFECTIVE DATE: November 8, 1979.

FOR FURTHER INFORMATION CONTACT: Vincent Kane, Trade Analysis Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5492).

SUPPLEMENTARY INFORMATION: On March 19, 1979, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from the Amstar Corporation, alleging that sugars and syrups from Canada are being sold at less than fair value, thereby causing injury to, or the likelihood of injury to, an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) ("the Act"). On the basis of this information, an "Antidumping Proceeding Notice" was published in the Federal Register on April 30, 1979 (43 FR 25284).

The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury, to an industry in the United States. However, the notice also indicated that there was substantial doubt that imports of such merchandise from Canada were causing, or were likely to cause, injury. Accordingly, the United States International Trade Commission was advised of such doubt pursuant to section 201(c)(2) of the Act (19 U.S.C. 160(c)(2)).

On June 4, 1979, the United States International Trade Commission decided it could not find "no reasonable indication" that an industry in the United States was being, or was likely to be, injured, by reason of the importation of sugars and syrups from Canada (44 FR 32049). Therefore, the investigation proceeded.

For the purposes of this notice the term "sugars and syrups" means sugars and syrups as provided for in item numbers 155.20 and 155.30, Tariff Schedules of the United States Annotated (TSUSA). The subject merchandise is produced from raw sugar derived from sugar cane and sugar beets. The sugar is refined into granulated or powdered sugar, icing, or liquid sugar.

Determination of Sales at Less Than Fair Value

I hereby determine that for the reasons stated below, sugars and syrups from Canada, are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of Reasons on Which This Determination Is Based

a. *Scope of the Investigation.* Sales of two Canadian producers, Redpath Sugars, Ltd., and Atlantic Sugar, Ltd., were investigated. These two producers accounted for 77 percent of Canadian sugar exports to the United States during the period under investigation.

b. *Basis of Comparison.* For purposes of this determination, the proper basis of comparison is between purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used for all export sales to unrelated United States purchasers since all such sales were made prior to the time of exportation of the merchandise. Home market price, as defined in § 153.2, Customs Regulations (19 CFR 153.2), was used since such or similar merchandise was sold in the home market in sufficient quantities to provide an adequate basis for fair value comparisons.

U.S. spot market sales were compared with Canadian spot market sales made on the same day since prices for spot sales in both markets frequently fluctuated considerably from day to day. U.S. sales pursuant to longer term contracts were separately compared to Canadian sales made pursuant to similar contracts concluded on the same day and requiring delivery during the same period of time as provided for in the U.S. contract. Although such comparisons limited the number of U.S. sales used to 40 percent of the total, by value, they provide a basis of comparison more equitable and appropriate under the Act than one which would include additional sales, but with significantly differing delivery terms (e.g., one year rather than 90 days). The approach used differs from Treasury decisions in *Concord Grapes from Canada,* 34 FR 7460 (1969) and *Chicken Eggs in the Shell from Mexico,* 36 FR 5387 (1971). However, in connection with our recent Tentative Determination in *Certain Fresh Winter Vegetables from Mexico* (which will be published in the Federal Register on November 5, 1979), we noted the impropriety of the earlier methodology.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning imports and home market sales during the period October 1, 1978, through March 31, 1979.

c. *Purchase Price.* For purposes of this determination, since the merchandise was purchased or agreed to be purchased, prior to the time of exportation, by the person by whom or for whose account it was imported, within the meaning of section 203 of the Act (19 U.S.C. 162), the purchase price has been calculated on the basis of the c.i.f. or f.o.b. duty paid price to that person, as appropriate. Adjustments were made for freight, insurance, duty, import fee, Customs brokerage, a commission, and a cash discount, as applicable. An addition was made for Customs duty paid upon importation into Canada of raw material used to produce the exported product, which duty was rebated upon exportation of the merchandise to the United States pursuant to section 203 of the Act (19 U.S.C. 162). Although petitioner claims the Canadian exporter cannot trace the imported sugar on which rebate is granted to the exported product, under the principle of substitutability, also recognized in U.S. law 19 U.S.C. 1313 and the Customs Regulation § 22.5(d), 19 CFR 22.5(d), the drawback is properly credited to purchase price.

The adjustments for freight, insurance, import fee, duty and brokerage were made pursuant to section 203 of the Act (19 U.S.C. 162) as charges incurred in transferring the merchandise from the point of shipment in Canada to the point of delivery in the United States.

d. *Home Market Price.* For purposes of this determination, the home market price has been calculated on the basis of the f.o.b. plant price with adjustments for a cash discount, quantity rebate,

competitive discount, and differences in packing where appropriate. An additional adjustment was made on sales made by Redpath Sugars, Ltd., for a commission paid in the home market or, when no commission was paid, for home market selling expenses equal to the commissions paid on corresponding U.S. sales. A similar adjustment was granted for Atlantic Sugar, Ltd., for the sum of the weighted-average commissions and selling expenses incurred in the home market equal to the commissions paid on U.S. sales. The adjustments for both Redpath and Atlantic were made pursuant to § 153.10, Customs Regulations (19 CFR 153.10). A number of other adjustments were requested by each manufacturer and were rejected.

Redpath requested adjustments for differences in circumstances of sale between Canadian and U.S. sales under § 153.10, Customs Regulations (19 CFR 153.10), for alleged differences in technical services, promotional expense and credit costs. With respect to the technical services and promotional expenses, insufficient documentation has been provided to establish precisely the nature of the differences in the types of services provided or expenses incurred in the two markets or that the expenses shown were directly related to the sales under consideration. Lacking this information no adjustment has been granted. The adjustment for differences in credit terms was based upon the fact that payment terms on U.S. sales are shorter than on home market sales. However, buyers in both markets also received identical cash discounts for payment within a specified time, which all buyers appear to have used. Thus, no actual differences in payment times on U.S. sales as opposed to home market sales were experienced. Accordingly, no adjustments has been granted.

Redpath has also requested an adjustment under § 153.11, Customs Regulations (19 CFR 153.11), based on its claim that the sugar sold for consumption in Canada is refined from raw sugar which is more expensive than the raw cane sugar used in the sugar exported to the U.S. There are, however, no differences in the refined sugar actually sold in the two markets nor any requirement that the refined sugar sold for domestic consumption be made from higher cost raw cane sugar. The decision to use the higher cost raw beet sugar only in domestic sales of sugar is a discretionary resource allocation by the firm. There being no differences between the merchandise sold in the two markets, no adjustment under § 153.11 is warranted.

Redpath is granted certain rebates on its purchases of imported raw sugars which it says are exclusively used for export sales. All home market sales of sugar are made from raw beet sugars upon which no such rebate is granted. Redpath has argued that this cost savings is strictly attributable to export sales and should form the basis for an adjustment in calculating fair value. However, the use of lower cost imported sugar to make the exported product cannot support a claim for adjustments in the absence of evidence that there is a perceivable difference in the merchandise sold in the two markets. In the cases involving *Steel Wire Strand from Japan*, 43 FR 23671 (1978), *Spun Acrylic Yarn from Japan*, 44 FR 61492 (1979), and the investigation of *Carbon Steel Wire Rod from France*, 43 FR 30956 (1978), Treasury decided that differences in production costs do not support adjustments if the merchandise sold in the two markets is identical and the production costs savings do not relate to allowable categories of adjustments.

Atlantic Sugar, Ltd., has argued that in choosing a home market sale to compare with a sale to the United States, Treasury should analyze all the home market industrial sales which occurred on the same date as the sale to the United States, including sales made pursuant to long-term contracts as well as spot contracts. All sales made to the United States were to industrial users pursuant to spot contracts. Given the nature of sugar pricing practices, it has been determined that it would be inappropriate to compare spot sales prices in one market with prices charged pursuant to long-term contracts in the other. Therefore, fair value comparisons have been made using only Atlantic's home market spot sales to industrial users in both markets.

e. *Results of Fair Value Comparisons.* Using the above criteria, comparisons were made on approximately 40 percent of the sales of sugars and syrups to the United States during the period under consideration. For Redpath, those comparisons indicate that the purchase price was less than the home market price of such or similar merchandise on about 96 percent of the sales compared. Margins ranged from approximately 0.05 percent to 49.5 percent. The weighted-average margin of all sales was approximately 20.15 percent. For Atlantic those comparisons indicate that the purchase price was less than the home market price of such or similar merchandise on 100 percent of those sales compared. Margins ranged from 5.5 to 30.4 percent. The weighted-average margin on all sales was approximately 19.25 percent.

The Secretary has provided an opportunity to known interested parties to present written and oral views pursuant to § 153.40, Customs Regulations (19 CFR 153.40). Written views have been presented and considered. There was no request for presentation of oral views.

Based on the reasons noted above, Customs officers are being directed to withhold appraisement of sugars and syrups from Canada, in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

This withholding of appraisement notice, which is published pursuant to § 153.35(a), Customs Regulations (19 CFR 153.35(a)), shall become effective upon the date of publication of this notice in the Federal Register. It shall cease to be effective at the expiration of 3 months from the date of this publication unless previously revoked.

The United States International Trade Commission is being advised of this determination.

This determination is published pursuant to section 201(b) of the Act (19 U.S.C. 160(b)).

Robert H. Mundheim,
General Counsel of the Treasury.

[FR 79-34589 Filed 11-7-79; 8:45 am]
BILLING CODE 4810-22-M

U.S. Tax Court Nominating Commission; Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the United States Tax Court Nominating Commission will meet in the General Counsel's office in the Treasury Department on December 10, 1979, at 11:00 a.m. The Commission was established by Executive Order 12064 of June 5, 1978 (43 FR 24661).

The members of the Commission will examine the qualifications of persons to be recommended to the President for appointment to the United States Tax Court. This process will necessarily involve consideration of information of a personal nature relating to candidates for appointment. Discussion of sensitive and confidential matters relating to such persons in a meeting open to the public would constitute a clearly unwarranted invasion of personal privacy of the individuals being considered for appointment to the Tax Court.

Meetings of the Commission must be conducted in a manner conducive to a frank exchange of views and searching evaluation of the qualifications of candidates for appointment to the Tax

Court. Open meetings would have a chilling effect on candid comments by Commission members about the qualifications of such candidates and would inhibit the ability of the Commission to obtain comments of third parties. Open meetings would thus significantly frustrate the Commission's efforts to implement its primary function under the executive Order.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that this meeting will concern matters within section 552b(c)(6) and 9(B) of Title 5, United States Code, and that the public interest requires that this meeting be closed to public participation.

Robert H. Mundheim,

General Counsel.

November 5, 1979.

[FR Doc. 79-34611 Filed 11-7-79; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Addition to Building Nos. 1 and 2, Air Conditioning, Patient Support and Privacy System, VAMC, Newington, Conn.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the construction of an Addition to Building Nos. 1 and 2 at the Veterans Administration Medical Center (VAMC) at Newington, Connecticut.

The project proposes the construction of a two-story addition with possibly a three-story tower to building nos. 1 and 2, with future vertical expansion capabilities. In addition, interior renovation work is planned for interior spaces of building nos. 1 and 2.

Development of the project will have minor impacts on the human and natural environment as they affect topography, surface runoff and erosion. In addition, construction noise, dust, fumes and visual impacts will exist during construction of the project. Minor open space and visual impact will result from project development. The historic character of the station will be somewhat adversely affected.

Mitigation of the project's impact on the environment include erosion control measures, slope stabilization, and on-site abatement methods. Compatibility of exterior architectural material will be provided for. Provision for historic coordination and planning will be undertaken.

Findings conclude the proposed action will not cause a significant adverse effect on the physical and human environment, and therefore, does not require preparation of an Environmental Impact Statement. This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, § 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs (004A), Room 1018, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: October 30, 1979.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-34519 Filed 11-7-79; 8:45 am]

BILLING CODE 8320-01-M

National Security Information

This notice is published pursuant to the provisions of Section 5-402 of Executive Order 12065 (43 FR 28949) dated June 28, 1978. The Veterans Administration is issuing revised and updated guidelines pertaining to National Security Information. The revised guidelines will be issued as MP-1, Part I, Chapter 5, Section B, Information Security, Veterans Administration Manual approved October 31, 1979 and are published in their entirety below:

Additional information regarding the Veterans Administration guidelines may be obtained from Mr. William L. Rettew, Jr., Assistant Inspector General for Investigations, Veterans Administration Central Office, Washington, D.C. 20420, telephone 202-389-2875.

Dated: October 31, 1979.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

MP-1, Part I, General Administrative, Chapter 5. Security, Section B. Information Security

1. Purpose. This section supplements Executive Order 12065, "National Security Information" and Information Security Oversight Office (ISOO) Directive No. 1 as they apply to VA operations.

2. Policy. It is VA policy to act in accordance with Executive Order 12065 and Information Security Oversight Office Directive No. 1 in matters relating to national security information.

3. Responsibilities. a. The Administrator is directly responsible for the information security program within the VA. The Administrator has designated the Inspector General as the VA official responsible for implementation, conduct and oversight of the information security program.

b. Supervisory and operating personnel are responsible for safeguarding all classified information coming within custody or control of their organizations and are expected to be familiar with the contents of this manual and with all pertinent provisions in Executive Order 12065 and Information Security Oversight Office Directive No. 1. This material will be fully utilized as though it were actually repeated in this section.

4. Access Requirements. a. In the interest of economy and efficiency the number of personnel cleared for access to classified information of any category must be kept to minimum requirements. Personnel already cleared should be used when possible to avoid the delay and expense involved in clearance procedures. The "need-to-know" rule must be vigorously applied. Classified material shall be kept to as few locations as possible consistent with realistic access requirements.

b. A certificate of security clearance by the VA in an employee's personnel folder evidences an authoritative determination that an individual is eligible from a security standpoint for access to classified information in the performance of assigned duties in accordance with employee's degree of clearance and "need-to-know."

c. Access by historical researchers and former Presidential appointees may be obtained by (1) written agreements from requestors to safeguard the information to which they are given access, and (2) written consent to the review of their notes and manuscripts for the purpose of determining that no classified information is contained therein. A determination of trustworthiness is a precondition to a requestor's access.

5. Handling of Classified Information. a. *Within Central Office.* All incoming and outgoing "Top Secret" classified information will be channeled through the Assistant Inspector General for Investigations (51) for control purposes when initially received and finally dispatched from Central Office. "Secret"

and "Confidential" classified information will be channeled for purposes of accountability and disposal directly through classified information control officers in using departments, staff offices and field stations.

b. *Throughout VA.* The same degree of security prescribed for transmission outside of a department or agency will be afforded on transmission within VA (including interoffice and intraoffice transmissions where direct contact of officials concerned or by specifically designated pesonnel is the preferred method).

c. *Dissemination.* Except as otherwise provided by Section 102 of the National Security Act of 1947, 61 Stat. 495, 50 U.S.C. 403 (1970 and Supp. V 1975), classified information originating outside the VA shall not be disseminated outside the VA without the consent of the originating agency.

d. *Establishing Classified Controls.*

(1) *General.* VA records control schedules will authorize the retention and disposition of classified record and nonrecord material. The paperwork management policies and procedures contained in MP–1, part II, chapter 1, will be followed, as applicable, in classified records management.

(2) *Specific.*

(a) Department, staff office heads, comparable officials, and field station heads, will be held accountable and responsible for the establishment and maintenance of a central control in their respective offices to safeguard and facilitate the handling and transmission of classified information or material.

(b) In order to insure maximum control in the receipt, filing and transmission of classified information or material within prescribed security channels, officers and officials accountable and responsible for safeguarding classified information will:

1. Assure themselves that all employees who are required to handle classified information or material have been cleared by the Assistant Inspector General for Investigations (51).

2. Maintain liaison with the Assistant Inspector General for Investigations (51), with respect to all policy and procedural matters pertaining to the safeguarding of classified information.

3. Conduct such orientation and training program as necessary to insure that all personnel in their office are cognizant of their individual responsibility and thoroughly understand the security program, including strict compliance with provisions of E.O. 12065; Information Security Oversight Office Directive No. 1; and these implementing instructions.

4. Maintain a control record (Classified Document Register), VA Form 09–4246 of all classified information or material received and dispatched through their offices. The control record is also to reflect the location and intraoffice movement of such information or material retained in their respective organizational element.

5. Designate classified information control officers and alternates as necessary who will exercise control and flow of classified information and material to insure proper protection, accountability and disposal. The use of VA Form 50–4245, Classified Material Receipt; VA Form 09–4246, Classified Document Register; and VA Form 50–4252, Certificate of Destruction of Classified Records, is prescribed. The Classified Information Control Officer will maintain:

a. Record of all equipment used in filing and storing classified information and material.

b. The names, home addresses, and telephone numbers of all individuals who are in possession of lock combinations to such equipment.

c. Conduct an annual inventory not later than first work day in September of each year, (RCS–51–1), or at such other times as is required, of all classified information or material, and report the results thereof to the Assistant Inspector General for Investigations (51). This inventory shall include department and staff offices obtaining inventory of classified information from field stations under their jurisdiction and reporting to this office with their report. Also, report at the same time that necessary inspection within their area has been made to insure that procedural safeguards prescribed herein are taken to protect classified information and material at all times.

e. *Storage.* Classified information shall be stored only in facilities or under conditions adequate to prevent unauthorized persons from gaining access to it.

(1) *Top Secret.* Top secret information shall be stored in a GSA-approved, safe-type, steel file cabinet having a built-in, three-position, dial-type combination lock or within an approved vault, or vault-type room, or in other storage facility that meets the standards for top secret established under the provisions of subparagraph (3) below. In addition, the Administrator shall prescribe such additional, supplementary controls as are deemed appropriate to restrict unauthorized access to areas where such information is stored.

(2) *Secret and confidential.* Secret and confidential information shall be stored in a manner and under the conditions prescribed for top secret information, or in a container or vault that meets the standards for secret or confidential, established pursuant to the provisions of subparagraphs (3) or (4) below.

(3) *Standards for security equipment.* The General Services Administration shall, in coordination with agencies originating classified information, establish and publish uniform standards, specifications, and supply schedules for containers, vaults, alarm systems, and associated security devices suitable for the storage and protection of all categories of classified information. Any agency may establish more stringent standards for its own use. Whenever new security equipment is procured, it shall be in conformance with the standards and specifications referred to above and shall, to the maximum extent practicable, be of the type designated on the Federal Supply Schedule, General Services Administration.

(4) *Exception to standards for security equipment.* (a) Secret and confidential information may also be stored in a steel filing cabinet having a built-in, three-position, dial-type, changeable combination lock, or a steel filing cabinet equipped with a steel lock bar, provided it is secured by a three-position, changeable, combination padlock approved by GSA for the purpose. The storage of secret information in the steel filing cabinets described above requires the use of such supplementary controls as the Administrator deems necessary to achieve the degree of protection warranted by the sensitivity of the information involved.

(b) For protection of bulky secret and confidential material (for example, weaponry containing clasified components) in magazines, strong rooms, or closed areas, access openings may be secured by changeable combination or key-operated, high-security padlocks approved by GSA. When key-operated padlocks are used, keys shall be controlled in accordance with subparagraph (6) below.

(5) *Combinations*—(a) *Equipment in service.* Combinations to dial-type locks shall be changed only by persons having appropriate security clearance, and shall be changed whenever such equipment is placed in use, whenever a person knowing the combination no longer requires access to the combination, whenever a combination has been subjected to possible compromise, whenever the equipment is taken out of service, and at least once every year. Knowledge of combinations protecting classified information shall be limited to the minimum number of

persons necessary for operating purposes. Records of combinations shall be classified no lower than the highest level of classified information to be stored in the security equipment concerned.

(b) *Equipment out of service.* When security equipment having a built-in combination lock is taken out of service, the lock shall be reset to the standard combination 50–25–50. Combination padlocks shall be reset to the standard combination 10–20–30.

(6) *Keys.* The Administrator shall establish administrative procedures for the control and accountability of keys and locks whenever key-operated, high-security padlocks are utilized. The level of protection provided such keys shall be equivalent to that afforded the classified information beig protected. Under no circumstances may keys be removed from the premises. They shall be stored in a secure container.

(7) *Responsibilities of custodians.* Persons entrusted with classified informaton shall be responsible for providing protection and accountability for such informtion at all times and for locking classified information in approved security equipment whenever it is not in use or under direct supervision of authorized persons. Custodians shall follow procedures that insure unauthorized persons do not gain access to classified information.

(8) *Inspections.* Individuals charged with the custody of classified information shall conduct the necessary inspections within their areas to insure adherence to procedural safeguards prescribed to protect classified information. Agency security officers shall insure that periodic inspections are made to determine whether procedural safeguards prescribed by agency regulations are in effect at all times.

f. *Transmittal.* Classified information shall be enclosed in opaque inner and outer covers before transmitting. The inner cover shall be a sealed wrapper or envelope plainly marked with the assigned classification and addresses of both sender and addressee. The outer cover shall be sealed and addressed with no identification of the classification of its contents. A receipt shall be attached to or enclosed in the inner cover, except that confidential information shall require a receipt only if the sender deems it necessary. The receipt shall identify the sender, addressee, and the document, but shall contain no classified information. It shall be immediately signed by the receipt and returned to the sender.

Any of these wrapping and receipting requirements may be waived by the Administrator under conditions that will provide adequate protection and prevent access by unauthorized persons.

(1) *Transmittal of top secret.* The transmittal of top secret information shall be by specifically designated personnel, by State Department diplomatic pouch, by a messenger-courier system specially created for that purpose, or over authorized secure communications circuits.

(2) *Transmittal of secret.* The transmittal of secret material shall be effected in the following manner:

(a) *The 50 States, District of Columbia, and Puerto Rico.* Secret information may be transmitted within and between the 50 States, District of Columbia, and Puerto Rico by one of the means authorized for top secret information, by the U.S. Postal Service registered mail, or by protective services provided by U.S. air or surface commercial carriers under such conditions as may be prescribed by the Administrator.

(b) *Canadian Government Installations.* Secret information may be transmitted to and between United States Government and Canadian Government installations in the 50 States, the District of Columbia, and Canada by United States and Canadian registered mail with registered mail receipt.

(c) *Other areas.* Secret information may be transmitted from, to, or within areas other than those specified in subparagraphs (a) or (b) above by one of the means established for top secret information, or by U.S. registered mail through Army, Navy, or Air Force Postal Service facilities provided that the information does not at any time pass out of U.S. citizen control and does not pass through a foreign postal system. Transmittal outside such areas may also be accomplished under escort of appropriately cleared personnel aboard U.S. Government and U.S. Government contract vehicles or aircraft, ships of the United States Navy, civil service manned U.S. Naval ships, and ships of U.S. Registry, Operators of vehicles, captains or masters of vessels, and pilots of aircraft who are U.S. citizens and who are appropriately cleared may be designated as escorts.

(3) *Transmittal of confidential information.* Confidential information shall be transmitted within and between the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and U.S. territories or possessions by one of the means established for higher classifications, or by U.S. Postal Service certified, first-class, or express mail service when prescribed by the Administrator. Outside these areas, confidential information shall be transmitted only as is authorized for higher classifications.

g. *Loss or possible compromise.* Any person who has knowledge of the loss or possible compromise of classified information shall immediately report the circumstances to the Assistant Inspector General for Investigations. In turn, the originating agency shall be notified about the loss or compromise in order that a damage assessment may be conducted and appropriate measures taken to negate or minimize any adverse effect of such a compromise. An immediate inquiry shall be initiated by the agency for the purpose of taking corrective measures and appropriate administrative, disciplinary, or legal action.

h. *Destruction.* Nonrecord classified information that has served its intended purpose shall be destroyed in accordance with procedures and methods approved by the Administrator. The method of destruction selected must preclude recognition or reconstruction of the classified information or material.

6. Original Classification. "Original classification" is defined as being an initial determination that information requires protection against unauthorized disclosure in the interest of national security, and a designation of the level of classification. The VA is not an agency having original classification authority, but the VA is responsible for the proper handling of classified information received from agencies having original classification authority. In any instance when an employee or contractor of the VA originates information believed to require classification, the information shall be protected in the manner prescribed by this Manual. The information shall be transmitted promptly under appropriate safeguards to the agency which has appropriate subject matter interest and classification authority. If it is not clear which agency should get the information, it shall be sent to the Assistant Inspector General for Investigations (51) for a determination. In the event a determination cannot be made, the Assistant Inspector General for Investigations shall send the information to the Director of the Information Security Oversight Office for a determination.

7. Derivative Classification and Marking. a. *Definition.* "Derivative classification" as used in this manual means a determination that information is in substance the same as information that is currently classified, and a designation of the level of classification.

b. *Classification Designations.* Information classified by original classification authorities and which may

need subsequent derivative classification by the VA may be classified in one of the three following designations:

(1) *"Top Secret"*. "Top Secret" is applied by original classification authorities only to information, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security.

(2) *"Secret"*. "Secret" is applied by original classification authorities only to information, the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security.

(3) *"Confidential"*. "Confidential" is applied by original classification authorities to information, the unauthorized disclosure of which reasonably could be expected to cause identifiable damage to the national security.

c. *Responsibility.* Derivative application of classification markings is the responsibility of those who incorporate, paraphrase, restate, or generate in new form information that was previously classified by an original classification authority, and of those who apply markings in accordance with an authorized classification guide. Care must be taken to determine whether the paraphrasing, restatement, or summarizing of classified information has removed the basis for classification. Information requiring a derivative classification shall be referred to the Assistant Inspector General for Investigations who will resolve questions, if any, with the department or agency which originally classified the information.

d. *Marking derivatively classified documents.* Derivatively classified documents shall be marked at the time of origination as follows:

(1) The classification authority shall be shown on a "classified by" line; e.g., "Classified by (Insert source of original classification)." If the classification is derived from more than one source, the single phrase "multiple sources" may be shown, provided that identification of each such source is maintained with the file or record copy of the document.

(2) The identity of the office originating the derivatively classified document shall be shown on the face of the document.

(3) Dates or events for declassification or review shall be carried forward from the source material and shown on a "declassify on" or "review for declassification on" line. If the classification is derived from more than one source, the latest date for declassification or review applicable to the various source materials shall be applied to the new information.

(4) Identity of the extension authority and the reason for extension shall be carried forward from the source material and shown on an "extended by" or "reason for extension" line. (Derivative classifiers are not authorized to extend classification but only to transfer markings whenever these appear on the source material.)

(5) The overall classification of a document shall be marked, stamped, or affixed permanently at the top and bottom of the outside of the front cover (if any), on the title page (if any), on the first page, and on the outside of the back cover (if any). Each interior page of a classified document shall be marked or stamped at the top and bottom either according to the highest classification of the content of the page, including the designation "Unclassified" when appropriate, or according to the highest overall classification of the document. In any case, the classification marking of the page shall not supersede the classification marking of portions of the page marked with lower levels of classification.

(6) Derivative classifiers shall identify the level of classification of each classified portion of a document (including subjects and titles), and those portions that are not classified. Portion marking shall be accomplished by placing a parenthetical designator immediately preceding or following the text that it governs. The symbols "(TS)" for Top Secret, "(S)" for Secret, "(C)" for Confidential, and "(U)" for unclassified shall be used for this purpose.

(7) A transmittal document shall indicate on its face the highest classification of the information transmitted by it and the classification, if any, of the transmittal document. For example, an unclassified transmittal document should bear the notation substantially as follows: "Unclassified When Classified Enclosure is Detached."

8. Declassification and Downgrading. a. The VA does not have the authority to declassify or downgrade information classified under Executive Order 12065 or prior orders. b. The Inspector General shall maintain a continuous review of all classified information in the Veterans Administration and will downgrade all classified information that is marked for automatic downgrading, and upon notification from the original classification authority, assign a lower classification designation when such downgrading is appropriate.

9. Mandatory Review for Declassification. a. All requests for mandatory review for declassification shall be directed to the Assistant Inspector General for Investigations. Upon request for declassification, the Assistant Inspector General for Investigations shall acknowledge receipt of the request. If the request does not reasonably describe the information sought, the requestor shall be notified that unless additional information is provided or the scope of the request is narrowed, no further action will be undertaken. b. As the VA does not have exclusive declassification authority, the Assistant Inspector General for Investigations will determine the appropriate department or agency to take action on the request and shall forward the request to that department or agency for review, together with a copy of the document containing the information requested, where practicable, and with a recommendation to withhold any of the information if appropriate. Unless the agency that classified the information objects on grounds that its association with the information requires protection, the Assistant Inspector General for Investigations shall also notify the requestor of the referral.

10. Challenges to Classification. Holders of classified information are encouraged to challenge classification in cases where there is reasonable cause to believe that information is classified unnecessarily, improperly, or for an inappropriate period of time. Requests should be sent to the Assistant Inspector General for Investigations who will, within 30 days, resolve the question of classification with the original classification authority and provide notification to the challenger of the results. When requested, anonymity of the challenger shall be preserved.

[FR Doc. 79-34518 Filed 11-7-79; 8:45 am]
BILLING CODE 8320-01-M

INTERSTATE COMMERCE COMMISSION

[ICC Order No. P-27]

Atchison, Topeka & Santa Fe Railway Co.; Passenger Train Operation

It appearing, That the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between New Orleans, Louisiana, and Los Angeles, California. The operation of these trains requires the use of the tracks and other facilities of Southern Pacific Transportation Company (SP). A portion of the SP tracks at Beaumont, Texas, are temporarily out of service because of a derailment. An alternate route is

available via The Atchison, Topeka and Santa Fe Railway Company.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

(a) Pursuant to the authority vested in me by order of the Commission served March 6, 1978, and of the authority vested in the Commission by section 402(c) of the Rail Passenger Service Act of 1970 (45 USC § 562 (c)), The Atchison, Topeka and Santa Fe Railway Company (ATSF) is directed to operated trains of the National Railroad Passenger Corporation (Amtrak) over the ATSF wye track at Beaumont, Texas.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(d) *Effective date.* This order shall become effective at 6:30 p.m. October 17, 1979.

(3) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 18, 1979, unless otherwise modifed, changed, or suspended by order of this Commission.

This order shall be served upon The Atchison, Topeka and Santa Fe Railway Company and upon the National Railroad Passenger Corporation (Amtrak), and a copy shall be filed with the Director, Office of the Federal Register.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 79-34553 Filed 11-7-79; 8:45 am]

BILLING CODE 7035-01-M

[Rule 19, Ex Parte No. 241; Amdt. No. 2 to Exemption No. 169]

Exemption Under Provision of Mandatory Car Service Rules

Upon further consideration of Exemption No. 169 issued July 25, 1979.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 169 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 is amended to expire January 15, 1980.

This amendment shall become effective October 31, 1979.

Issued at Washington, D.C., October 25, 1979.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 79-34554 Filed 11-7-79; 8:45 am]

BILLING CODE 7035-01-M

Fourth Section Applications for Relief

November 2, 1979.

These applications for long- and short-haul relief have been filed with the I.C.C.

Protests are due at the I.C.C. on or before November 23, 1979.

FSA No. 43761, Southwestern Freight Bureau, Agent No. B-35, annual volume rates on ethylene glycol and triethylene glycol, in tank cars, from stations in Texas, to stations in North Carolina and South Carolina, in Supp. 32 to its Tariff ICC SWFB 4615, effective December 1, 1979. Grounds for relief—market competition, reduced minimum weight.

FSA No. 43762, Yangming Marine Transport Corporation No. 2, joint rail/water container rates on general commodities, between rail carriers terminals on the Atlantic and Gulf Coast, *and* Ports in Japan, South Korea, Taiwan and Hong Kong, in its Tariff ICC YMLU 700. Grounds for relief—water competition.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-34549 Filed 11-7-79; 8:45 am]

BILLING CODE 7035-01-M

Global Van Lines, Inc.; Released Rates Application No. MC 1504

AGENCY: Interstate Commerce Commission.

ACTION: Notice, Released Rates Application No. MC 1504.

SUMMARY: Global Van Lines, Inc. wants to establish rates on commodities used in the manufacture of computers and computer equipment in mixed loads with household goods as defined by the Commission, when each article is released to a declared value from $5.00 to $10.00 per pound, the same as in Released Rate Order MC-484.

ADDRESSES: Anyone seeking copies of this application should contact: Mr. Alan F. Wohlstetter or Mr. Joseph F. Mullins, Jr., Attorneys at Law, 1700 K St. N.W., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Mr. Max Pieper, Unit Supervisor, Bureau of Traffic, Interstate Commerce Commission, Washington, D.C. 20423, Telephone (202) 275-7553.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 U.S.C. 10730, formerly Section 20(11) of the Interstate Commerce Act for and on behalf of Global Van Lines, Inc.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-34552 Filed 11-7-79; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29161F]

Magner-O'Hara Scenic Railway—Operation in the State of Mich.

Magner-O'Hara Scenic, represented by Joel G. Magner, Magner-O'Hara Scenic Railway, 808 S. Garfield Avenue, Traverse City, MI 49684, hereby give notice that on the 15th day of October, 1979, it filed with the Interstate Commerce Commission at Washington, DC, an application pursuant to 49 U.S.C. 10901 for authority to operate a scenic railway.

Applicant proposes to operate a scenic railway between Detroit, MI and Traverse City, MI., further the applicant proposes to own no track, but proposes to acquire joint trackage rights on the Chesapeake and Ohio from the vicinity of milepost 169.5 in Traverse City to the Ann Arbor Interchange at Thompsonville around milepost 142.6 on the Ann Arbor (Federal line AA 1301) from milepost 270.4 at Thompsonville to milepost 128.98 at the limits of the Ashley yard, then on the Grand Trunk Western at Ashley at about milepost 20.48 of the Greenville Subdivision to Detroit at milepost .20 of the Holly Subdivision. The applicant further proposes to offer charter services over the aforementioned trackage, and additionally the entire Ann Arbor line. (Federal line 1301).

The scenic railway will operate in Grand Traverse, Benzie, Manistee, Wexford, Missaukee, Osceola, Clare, Isabella, Gratiot, Clinton, Shiawassee, Genesee, Oakland, and Wayne Counties in the State of MI.

Traveling from Northwest Michigan to Southeast Michigan, the line begins at Traverse City on the Chesapeake and Ohio at milepost 169.5 and proceeds through the villages of Grawn, Interlochen, and Bendon to the village of Thompsonville at milepost 142.6; then on the Ann Arbor from Thompsonville at milepost 270.4 through the villages of Copemish, Pomona, Harlan, Mesick, Yuma, and Boon, the City of Cadillac, the villages of Lucas, McBain, Marion, Temple, Lake George, Farwell, Clare, and Rosebush, the City of Mount Pleasant, the villages of Shepherd, Forest Hill, Ithaca, and North Star to the Village of Ashley at milepost 128.98; then on the Grand Trunk Western Greenville Subdivision from Ashley at about milepost 20.48 through the villages of Bannister, Elsie, and Carland, the City of Owosso, the villages of Corunna, Vernon, Durand, Gaines, and Linden, the City of Fenton, the villages of Holly, Davisburg, Clarkston Station, and Drayton Plains, and the cities of Pontiac, Birmingham, Royal Oak and Ferndale, to the City of Detroit at milepost .20 of the Holly Subdivision.

The total mileage of scenic railway service the applicant proposes to operate is approximately 262 miles.

In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act, 1969*, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—Nat'l Environmental Policy Act, 1969, supra*, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-34555 Filed 11-7-79; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29149]

Northmont Industries, Inc., Lease of Everett Railroad, Co.—Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed exemption in Finance Docket No. 29149.

SUMMARY: Northmont Industries, Inc. proposed to lease and operate the Everett Railroad Company. Northmont is now the owner of Mercersburg Railway, Inc. and the proposed transaction would give it control of two railroads. A petition was filed on September 28, 1979, for exemption from 49 U.S.C. 11343 which requires prior consideration and approval of the transaction by the Interstate Commerce Commission. Northmont Industries is seeking exemption from this section under 49 U.S.C. 10505, on the basis that approval of this transaction (1) is not necessary to carry out the national transportation policy; (2) would be an unreasonable burden upon the parties and (3) would serve little or no useful public purpose.

DATES: Comments must be received on or before December 10, 1975.

ADDRESS: Send comments to: Interstate Commerce Commission, 12th St. and Constitution Ave., NW., Washington, D.C. 20423. All written statements will be available for public inspection during regular business hours at the same address. Comments should make reference to the docket number (Finance Docket No. 29149).

FOR FURTHER INFORMATION CONTACT: Michael Erenberg (202) 275-7245.

SUPPLEMENTARY INFORMATION: By petition filed September 28, 1979, Northmont Industries, Inc. requests exemption pursuant to 49 U.S.C. 10505 from the provisions of 49 U.S.C. 11343 with respect to its proposed lease of the Everett Railroad Company. The lease is for a period of five years. Northmont presently owns and operates the Mercersburg Railway, Inc. This proposed transaction would give Northmont control of two railroads. The two railroads combined involve a total of 17.24 miles of lightly used main line track in Pennsylvania with total annual operating revenues of approximately $90,000.

The Exemption

The acquisition of control of two carriers by a person that is not a carrier, requires the approval and authority of the Commission under 49 U.S.C. 11343. To seek Commission approval, an application must be filed in compliance with the ICC *Railroad Acquisition, Control, Merger, Consolidation, Coordination Project, Trackage Rights and Lease Procedures*, 49 CFR Part 1111 (1978). Northmont Industries has requested an exemption from 49 U.S.C. 11343 to avoid the procedural steps, time, and expense required by the statute and implementing regulations. Petitioner states that the proposed transaction is the type Congress intended the Commission to exempt from detailed regulation when it enacted 49 U.S.C. 10505 in 1976.

The petitioner states that prior approval of the transaction is not necessary to protect the public interest because the two railroad companies involved are small and the impact of the transaction is only local. The petitioner has indicated that the two carriers have 17.24 miles of main line track combined, annual operating revenue of $90,000 combined and no connections or parallel operations vis-a-vis their respective lines. Northmont Industries states that, in view of the foregoing, pursuing a formal application process would place an unreasonable burden on petitioner and serve no public purpose.

Any exemption, were it granted in this proceeding, would be limited solely to this proceeding; after consummation of control, the Commission would retain full jurisdiction over the carriers involved.

Before granting an exemption, we are required to provide the opportunity for a proceeding. This request for comments on the requested exemption of the proposed transaction is that opportunity. All comments filed in response to this notice, along with the petition of Northmont Industries will be used to determine whether or not the exemption under 49 U.S.C. 10505 should be granted.

This proceeding is instituted under the authority of 49 U.S.C. 10505 and pursuant to 5 U.S.C. 553, 559.

This proceeding is not a major Federal action significantly affecting energy consumption or the quality of the human environment.

Dated: October 29, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham,

Clapp, Christian, Trantum, Gaskins, and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-34550 Filed 11-7-79; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 213]

Permanent Authority Decision-Notice

Decided: November 1, 1979.

The following applications are governed by Special rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

We Find:

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient protests, filed on or before December 10, 1979 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

Agatha Mergenovich,

Secretary.

MC 125433 (Sub-169F), filed November 2, 1978, and previously published in the Federal Register on December 28, 1978. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: Gary B. Weight (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic pipe and plastic pipe fittings*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (a) between Bakersfield, Sun Valley, and Santa Ana, CA, on the one hand, and, on the other, Houston and Dallas, TX, Kansas City, MO, Cleveland, OH, Chicago, IL, Friedensberg, PA, Oklahoma City, OK, Denver, CO, and points in IN, LA, MI, MN, NE, WI, and TX, and (b) between Cleveland, OH, on the one hand, and, on the other, Bakersfield, Sun Valley, and Santa Ana, CA, Houston and Dallas, TX, Kansas City, MO, Stone Mountain, GA, Chicago, IL, Friedensberg, PA, Pinellas Park, Miami, Jacksonville, and Pompano Beach, FL, Oklahoma City, OK, Denver, CO, and points in IN, LA, MI, MN, NE, WI, and TX, restricted in (1) and (2) above against the transportation of commodities in bulk, in tank vehicles, and further restricted against the transportation of commodities which because of size or weight require the use of special equipment. (Hearing site: Los Angeles, CA, or Salt Lake City, UT.)

Note.—The purpose of this republication is to restrictively amend the application, and to correct the territorial description in (b) above.

[FR Doc. 79-34551 Filed 11-7-79; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 164]

Permanent Authority Decisions

Correction

In FR Doc. 79168, appearing at the page 54582, in the issue of Thursday,

September 20, 1979, on page 54597, in the last column, the second paragraph, designated as "MC 114552 (Sub-219F) SENN TRUCKING," in the eleventh line down, correct "MA" to read "VA".

BILLING CODE 1505-01-M

[Permanent Authority Decisions Volume No. 165]

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 79-31148 appearing at page 58576 in the issue for Wednesday, October 10, 1979, make the following corrections:

(1) On page 58578, in the middle column, in the paragraph "MC 107403 (Sub-121F)" for "Matlack, Inc.", "(Sub-121F)" should read "(Sub-1215)".

(2) On page 58579, in the middle column, in the paragraph "MC 119702 (Sub-68F)", the applicant name should be corrected to read: "STAHLY CARTAGE CO.".

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Central Park Ave. Exxon; Proposed Remedial Order

Pursuant to 10 CFR §205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to John Van Hasselt, D/B/A 2461 Central Park Ave. Exxon, Yonkers, NY. This Proposed Remedial Order charges John Van Hasselt with pricing violations in the amount of $1,121, connected with the retail sale of gasoline during the time period 8/1/79 through 10/11/79.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward F. Momorella, Program Manager for Product Retailers, Department of Energy, Northeast Enforcement District, 1421 Cherry Street, 10th Floor, Philadelphia, Pa. 19102. On or before November 23, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 "M" Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR §205.193.

Issued in Philadelphia, Pennsylvania, on the 19th day of October 1979.

Herbert M. Heitzer,

District Manager, Office of Enforcement, Northeast District.

[FR Doc. 79-34508 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

Dick Himmel Service, Inc.; Proposed Remedial Order

Pursuant to 10 CFR Section 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Dick Himmel, d.b.a. Dick Himmel Service, Inc., Buffalo, N.Y. This Proposed Remedial Order charges *Dick Himmel Service* with pricing violations in the amount of $3,517, connected with the retail sale of gasoline during the time period 8/1/79 through 10/3/79.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward F. Momorella, Program Manager for Product Retailers, Department of Energy, Northeast Enforcement District, 1421 Cherry Street, 10th Floor, Philadelphia, Pa. 19102. On or before November 23, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 "M" Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR Section 205.193.

Issued in Philadelphia, Pennsylvania, on the 19th day of October 1979.

Herbert M. Heitzer,

District Manager, Office of Enforcement, Northeast District.

[FR Doc. 79-34515 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

Gugino's Exxon; Proposed Remedial Order

Pursuant to 10 CFR § 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Charles Gugino, d/b/a Gugino's Exxon, Niagara Falls, New York. This Proposed Remedial Order charges Gugino's Exxon with pricing violations in the amount of $1,772, connected with the retail sale of gasoline during the time period August 1, 1979 through September 18, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward F. Momorella, Program Manager for Product Retailers, Department of Energy, Northeast Enforcement District, 1421 Cherry Street, 10th Floor, Philadelphia, Pa. 19102. On or before November 23, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR Section 205.193.

Issued in Philadelphia, Pennsylvania, on the 19th day of October 1979.

Herbert M. Heitzer,

District Manager, Office of Enforcement, Northeast District.

[FR Doc. 79-34511 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

Long Point Marina; Proposed Remedial Order

Pursuant to 10 CFR § 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Jack Lloyd, D/B/A Long Point Marina, Bemus Point, New York. This Proposed Remedial Order charges Long Point Marina with pricing violations in the amount of $300, connected with the retail sale of gasoline during the time period 8/1/79 through 9/21/79.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward F. Momorella, Program Manager for Product Retailers, Department of Energy, Northeast Enforcement District, 1421 Cherry Street, 10th Floor, Philadelphia, Pa. 19102. On or before November 23, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 "M" Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR Section 205.193.

Issued in Philadelphia, Pennsylvania, on the 19th day of October. 1979.

Herbert M. Heitzer,

District Manager, Office of Enforcement Northeast District.

[FR Doc. 79-34510 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

Rainboro Bridge Exxon; Proposed Remedial Order

Pursuant to 10 CFR § 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Paul G. Poulos, d.b.a. Rainboro Bridge Exxon, Niagara Falls, NY. This Proposed Remedial Order charges Rainboro Bridge Exxon with pricing violations in the amount of $960, connected with the retail sale of gasoline during the time period 8/1/79 through 9/18/79.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward F. Momorella, Program Manager for

Product Retailers, Department of Energy, Northeast Enforcement District, 1421 Cherry Street, 10th Floor, Philadelphia, Pa. 19102. On or before November 23, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 "M" Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR Section 205.193.

Issued in Philadelphia, Pennsylvania, on the 19th day of October 1979.

Herbert M. Heitzer,

District Manager, Office of Enforcement, Northeast District.

[FR Doc. 79-34512 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

Sherman Banks' Proposed Remedial Order

Pursuant to 10 CFR § 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Sherman Banks, D/B/A Sherman Banks Service Station, Buffalo, N.Y. This Proposed Remedial Order charges Sherman Banks with pricing violations in the amount of $1846, connected with the retail sale of gasoline during the time period 8/1/79 through 10/2/79.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward F. Momorella, Program Manager for Product Retailers, Department of Energy, Northeast Enforcement District, 1421 Cherry Street, 10th Floor, Philadelphia, Pa. 19102. On or before November 23, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 "M" Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR Section 205.193.

Issued in Philadelphia, Pennsylvania, on the 19th day of October 1979.

Herbert M. Heitzer,

District Manager, Office of Enforcement, Northeast District.

[FR Doc. 79-34514 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

Tom-Val Service Station; Proposed Remedial Order

Pursuant to 10 CFR § 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Tom-Val Service Station, Bronx, New York. This Proposed Remedial Order charges Tom-Val with pricing violations in the amount of $14,676, connected with the retail sale of gasoline during the time period 8/1/79 through 9/13/79.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward F. Momorella, Program Manager for Product Retailers, Department of Energy, Northeast Enforcement District, 1421 Cherry Street, 10th Floor, Philadelphia, Pa. 19102. On or before November 23, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 "M" Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR Section 205.193.

Issued in Philadelphia, Pennsylvania, on the 19th day of October 1979.

Herbert M. Heitzer,

District Manager, Office of Enforcement, Northeast District.

[FR Doc. 79-34513 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

Yough Lake Marina; Proposed Remedial Order

Pursuant to 10 CFR § 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to American Marina Dev. Corp., d/b/a/ Yough Lake Marina, Addison, Pa. This Proposed Remedial Order charges American Marina with pricing violations in the amount of $14,680, connected with the retail sale of gasoline during the time period August 1, 1979 through September 26, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward F. Momorella, Program Manager for Product Retailers, Department of Energy, Northeast Enforcement District, 1421 Cherry Street, 10th Floor, Philadelphia, Pa. 19102. On or before November 23, 1979 any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR Section 205.193.

Issued in Philadelphia, Pennsylvania, on the 19th day of October 1979.

Herbert M. Heitzer,

District Manager, Office of Enforcement, Northeast District.

[FR Doc. 79-34509 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

Lenny's Sunoco; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Leonard Handsor D/B/A Lenny's Sunoco, Buffalo, New York. This Proposed Remedial Order charges Leonard Handsor with pricing violations in the amount of $1490, connected with the retail sale of gasoline during the time period August 1, 1979 through October 3, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward F. Momorella, Program Manager for Product Retailers, Department of Energy, Northeast Enforcement District, 1421 Cherry Street, 10th Floor, Philadelphia, Pa. 19102. On or before November 23, 1979, any aggrieved person may file a Notice of Objection with the office of Hearings and Appeals, 2000 "M" Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR Section 205.193.

Issued in Philadelphia, Pennsylvania, on the 19th day of October 1979.

Herbert M. Heitzer,

District Manager, Office of Enforcement, Northeast District.

[FR Doc. 79-34506 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

Parkside Service Center; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Parkside Service Center, Brooklyn, New York. This Proposed Remedial Order charges Parkside Service Center with pricing violations in the amount of $3,262, connected with the retail sale of gasoline during the time period August 3, 1979 through September 14, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward F. Momorella, Program Manager for Product Retailers, Department of Energy, Northeast Enforcement District, 1421 Cherry Street, 10th Floor, Philadelphia, Pa. 19102. On or before November 23, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 "M" Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR Section 205.193.

Issued in Philadelphia, Pennsylvania, on the 19th day of October 1979.

Herbert M. Heitzer,

District Manager, Office of Enforcement, Northeast District.

[FR Doc. 79-34507 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

Professional Towing; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Steven Toth D/B/A Professional Towing, Kenmore, New York. This Proposed Remedial Order charges Steven Toth with pricing violations in the amount of $866, connected with the retail sale of gasoline during the time period August 1, 1979 through October 2, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward F. Momorella, Program Manager for Product Retailers, Department of Energy, Northeast Enforcement District, 1421 Cherry Street, 10th Floor, Philadelphia, Pa. 19102. On or before November 23, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 "M" Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR Section 205.193.

Issued in Philadelphia, Pennsylvania, on the 19th day of October 1979.

Herbert M. Heitzer,

District Manager, Office of Enforcement, Northeast District.

[FR Doc. 79-34505 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

Welsh Brothers Amoco; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Ken Welsh, D/B/A Welsh Brothers Amoco, W. Seneca, New York. This Proposed Remedial Order charges Ken Welsh with pricing violations in the amount of $480.00, connected with the retail sale of gasoline during the time period August 1, 1979 through October 5, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward F. Momorella, Program Manager for Product Retailers, Department of Energy, Northeast Enforcement District, 1421 Cherry Street, 10th Floor, Philadelphia, Pa. 19102. On or before November 23, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 "M" Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR Section 205.193.

Issued in Philadelphia, Pennsylvania, on the 19th day of October 1979.

Herbert M. Heitzer,

District Manager, Office of Enforcement, Northeast District.

[FR Doc. 79-34504 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-31-NG]

Importation of Mexican Natural Gas

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of establishment of ERA Docket, and requests for intervention.

SUMMARY: This notice establishes ERA Docket No. 79-31-NG in which all filings in this proceeding are to be made and all potential interveners in this proceeding are requested to make themselves known to the ERA as soon as possible. When and if an application is received from the participants, a copy will be sent to such interested parties of record and will also be open to public inspection in ERA's public docket room.

FOR FURTHER INFORMATION CONTACT:

Mr. Finn K. Neilsen, Director, Import/Export Division, 2000 M Street, NW., Room 4126, Washington, D.C. 20461, telephone (202) 254-8202.

Mr. Martin S. Kaufman, Office of General Counsel, 12th and Pennsylvania Avenue, NW., Room 5116, Washington, D.C. 20461, telephone (202) 566-9380.

SUPPLEMENTAL INFORMATION: Pursuant to the *U.S.-Mexican Joint Announcement, Natural Gas,* the Governments of the United States of America and Mexico have agreed to authorize and support, as a matter of policy, commercial transactions kwhich are within the following framework:

* * * * *

The initial volume of natural gas deliveries will be 300 MMcf day, commencing as soon as contracts are signed, regulatory approvals are obtained, and gas is available for delivery.

The initial price will be $3.625 per million Btu as of January 1, 1980. This initial price is subject to reconsideration prior to January 1, 1980, if the price for natural gas from comparable sources exceeds that amount prior to said date.

The arrangement shall continue withour limitation subject to the understanding that the gas to be supplied is surplus associated gas in excess of Mexican national demand, that the gas being purchased is to meet U.S. needs not covered from other sources, and that therefore the contractual provisions will provide that either nation, on the basis of its own determination of its national interest, taking into account its domestic supply and demand for natural gas, may cause the termination of the arrangement upon 180 days notice to the other nation.

The initial price will be adjusted quarterly by the same percentage as the change in world crude oil prices pursuant to a specific formula to be agreed upon by the contracting parties.

* * * * *

This understanding reached by the two governments opened the way for the negotiation of commercial contracts. Six U.S. energy companies (Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., Texas Eastern Corp., El Paso Natural Gas Company, Transcontinental Gas Pipe Line Corporation, Southern Natural Gas Co., and Continental Resources Co.) are negotiating a contract with Petroleos Mexicanos (Pemex), the Mexican State Oil Company to buy natural gas from Mexico. The companies have formed a new entity, Border Gas, Inc., to purchase the gas. Each participant will receive gas in proportion to their percentage of ownership in the company. The proposed import is expected to use existing pipelines and facilities.

Because this international contract is subject to appropriate governmental approvals, the ERA expects to receive a formal application from Border Gas, Inc., requesting authorization to import the natural gas from Pemex pursuant to Section 3 of the National Gas Act. It is ERA's desire to complete the review and consideration of such application by December 31, 1979. Accordingly, the ERA requests that any potential interveners review the intergovernmental framework and petition ERA for intervener status if they believe they may have an interest in the anticipated application of Border Gas, Inc. All petitions for intervention must cite ERA Docket No. 79-31-NG and should be sent to the Department of Energy, Economic Regulatory Administration, Import/Export Docket Room, Room 4126, 2000 M Street, NW., Washington, D.C. 20461.

Upon receipt of the formal application of Border Gas, Inc., ERA will publish notice in the Federal Register and invite additonal petitions for intervention, comments on the application and requests for hearing to be filed with ERA, in accordance with the rules of practice and procedure (18 CFR 1.8) and the regulations under the Natural Gas Act (18 CFR 157.10). Such petitions for intervention, comments, protests, or requests for hearing will be accepted for consideration if filed within the comment period, which, given this advance notice, will be no longer than 15 days from the date of publication in the Federal Register of notice of the filing of the application with ERA.

Any person wishing to become a party to the proceeding or to participate as a

party in any hearing which may be convened therein must file a petition to intervene in accordance with the above mentioned rules.

Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the ERA by Section 3 of the Natural Gas Act and the rules of practice and procedure, a formal hearing will not be held on the proposed application if no petition to intervene and request for hearing is filed within the required time, and if the ERA on its own review of the matter finds that a grant of the application is in the public interest. However, if, during the comment period, a request for hearing is timely filed by an intervener and is granted by ERA, or if the ERA on its own motion believes that such a hearing is required, further notice of such hearing will be duly given.

Issued in Washington, D.C., on November 6, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 79-34872 Filed 11-7-79; 11:23 am]

BILLING CODE 6450-01-M

Powerine Oil Co.'s Application for Motor Gasoline Market Withdrawal in Petroleum Administration for Defense District III

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Application and Request for Comments.

SUMMARY: The Economic Regulatory Administration of the Department of Energy hereby gives notice that on May 18, 1979, Powerine Oil Company (Powerine), in accordance with the provisions of 10 CFR Section 211.14(d), filed an application to withdraw from its marketing and allocation obligations in Petroleum Administration for Defense District III as Powerine is seeking to terminate all marketing and allocation of motor gasoline in that district.

A copy of Powerine's application, with proprietary material deleted, may be examined between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, at the Economic Regulatory Administration, Office of Petroleum Operations, 2000 M Street, N.W., Room 6222, Washington, D.C. 20461.

DATE: Interested firms may submit comments on Powerine's application until close of business, November 30, 1979.

ADDRESS: Send comments to: Economic Regulatory Administration, Office of Petroleum Operations, Room 6222, 2000 M Street, N.W., Washington, D.C. 20461, Attn: Alan T. Lockard.

FOR FURTHER INFORMATION CONTACT:

John A. Carlyle, Economic Regulatory Administration, Office of Petroleum Operations, Room 6222-C, 2000 M Street, N.W., Washington, D.C. 20461, Telephone: (202) 254-3330.

Joel M. Yudson, Office of the General Counsel, Room 6A-127, 1000 Independence Avenue, S.W., Washington, D.C. 20461, Telephone: (202) 252-6744.

Issued in Washington, D.C., on the 2nd day of November 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 79-34607 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 52855-1336-25-77]

Sunflower Electric Cooperative, Inc.

AGENCY: Economic Regulatory Administration Department of Energy.

ACTION: Notice of request for classification.

SUMMARY: On June 7, 1979, Sunflower Electric Cooperative, Inc., (Sunflower) requested the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) to classify Sunflower Unit S-5 as an existing facility pursuant to Section 515.6 of the Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule), 10 CFR § 515.6, issued by ERA on March 15, 1979 (44 FR 17464) and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA). FUA imposes certain statutory prohibitions against the use of natural gas and petroleum by new and existing electric powerplants. ERA's decision in this matter will determine whether Sunflower Unit S-5 is a new or existing powerplant. The prohibitions which apply to existing powerplants are different from those which apply to new powerplants. The purpose of this Notice is to invite interested persons to submit written comments on this matter prior to the issuance of a final decision by ERA. In accordance with 10 CFR § 515.26, no public hearings will be held.

DATES: Written comments are due on or before November 29, 1979.

ADDRESSES: Ten copies of written comments will be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461, Phone (202) 634-2170.

James W. Workman, Acting Director, Division of Existing Facilities Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3128I, Washington, D.C. 20461, Phone (202) 254-7442.

G. Randolph Comstock (Office of the General Counsel), Room 6G-087, 1000 Independence Ave., S.W., Washington, D.C. 20585, Phone (202) 252-2967.

Robert L. Davies, Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, N.W., Room 3128L, Washington, D.C. 20461, Phone (202) 634-0557.

SUPPLEMENTARY INFORMATION:

Sunflower Electric Cooperative, Inc. (Sunflower) is a nonprofit corporation organized under the laws of the State of Kansas. Sunflower supplies wholesale electric service to eight distribution cooperatives in western Kansas.

Sunflower stated that it executed a contract in November 1977, for the construction of 49.6 MW, natural gas and fuel oil-fired combustion turbine, to be known as Sunflower Unit S-5 in Finney County, Kansas, and that commercial operation is scheduled for June 1979.

On June 7, 1979, pursuant to ERA's Revised Interim Rule, 10 CFR Part 515, issued by ERA on March 15, 1979, Sunflower requested that ERA classify Sunflower Unit S-5 as an "existing" facility. In accordance with 10 CFR § 515.6 a powerplant will be classified as existing if the cancellation, rescheduling or modification of the construction or acquisition of a powerplant would result in a substantial financial penalty or an adverse effect on the electric system reliability. Sunflower supported its request for classification by providing evidence in support of its claim that there would be a significant impairment of system reliability if Sunflower Unit S-5 was not permitted to proceed as a natural gas/oil burning facility. A summary of the evidence requirements and MDU's response to those requirements follows:

Adverse effect on electric system reliability.—Pursuant to 10 CFR § 515.6(b), ERA will classify a facility as existing upon a demonstration that the reserve margin in the electric region in which the powerplant will be located would be reduced to less than 20 percent during the 12-month period after the proposed powerplant was to begin operation, assuming that the proposed powerplant is not completed. Demonstration of an adverse effect on

the utility's ability to provide service during the 12-month period following scheduled operation and/or an adverse effect on reliability after the 12-month period may also be made.

In response to the evidence requirements of 10 CFR § 515.7(c)(1), Sunflower provided the following materials:

Description of Sunflower and the service areas of the member cooperatives Sunflower serves including its interconnections with other utilities.

Projections of peakload, capacity resources including purchased power arrangements, and reserve margin for Sunflower for the 1979–1983 period; reserve margin for Sunflower varies from 11.8 to 6.4 percent over this period.

Sunflower also describes the limitations of its interconnections with the Western Power Division of Central Telephone and Utilities Corporation (WPD) and the steps Sunflower is taking to strengthen its power supply system in the future.

ERA hereby invites all interested persons to submit written comments on this matter.

The public file, containing Sunflower's request for classification and supporting materials is available for inspection upon request at: ERA, Room B–110, 2000 M Street, N.W., Washington, D.C. 20461, Monday-Friday, 8:00 a.m.–4:30 p.m.

Issued in Washington, D.C. on November 2, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-34606 Filed 11-7-79; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 2914]

Alabama Electric Cooperative; Notice Granting Intervention

November 1, 1979.

On March 8, 1979, the Alabama Electric Cooperative (AEC) filed an application for a preliminary permit to study the feasibility of installing hydroelectric generating facilities at the existing Corps of Engineers Claiborne Lock and Dam located at river mile 81.78 on the Alabama River in Monroe County, Alabama. The proposed project has been designated as FERC Project No. 2914. Public notice of the filing of the application was issued on June 25, 1979, with August 27, 1979, as the last day for filing protests or petitions to intervene.

On August 22, 1979, the City of Monroeville, Alabama (Monroeville) filed a petition to intervene. No response to the petition has been received.

In its petition, Monroeville states that it is a municipality and political subdivision of the State of Alabama. Monroeville further states that: (1) it is located in Monroe County, Alabama in the vicinity of the proposed project; (2) the proposed project and the high voltage transmission lines leading from the project may have an impact upon: (a) the electric reliability of that portion of the Alabama Power Company's system (which is electrically interconnected with AEC's system) that serves Monroeville and its citizens; (b) the fish, wildlife, and other natural resources in and adjacent to the Alabama River; (c) the water level or levels of the River and possible erosion or other environmental damage resulting from irregular fluctuations of such levels; and (d) the future use of the Alabama River by Monroeville citizens for recreational purposes, including fishing, hunting, and other natural resource activities; and (3) the City's interests are not adequately represented by any other party to the proceeding.

It appears to be in the public interest to allow the City of Monroeville, Alabama to participate in this proceeding.

Pursuant to Section 3.5(a) of the Commission's Rule of Practice and Procedure, 18 CFR § 3.5(a) (1978), as promulgated by Federal Energy Regulatory Commission rulemaking in Docket No. RM78–19 (issued August 14, 1978), 18 CFR 3.5(a)(5), the City of Monroeville, Alabama is permitted to intervene in this proceeding subject to the Commission's Rules and Regulations under the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r). Particiaption of the Intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene. The admission of the Intervenor shall not be construed as recognition by the Commission that the Intervenor might be aggrieved by any order entered in this proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34523 Filed 11-7-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP80–14]

Columbia Gas Transmission Corp.; Application

November 1, 1979.

Take notice that on October 4, 1979, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue S.E., Charleston, West Virginia 25314, filed in Docket No. CP80–14 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon certain gas facilities and for a certificate of public convenience and necessity authorizing the construction and operation of gas facilities located in the States of Ohio, New York, Pennsylvania, and West Virginia, all as more fully set forth in the application which is on file with the Commission and open to the pubic inspection.

Columbia's proposed construction program consists of the following projects:

1. The construction and operation of two 575-horsepower and one 800-horsepower compressor units and the abandonment of seven existing 500-horsepower compressor units at York Compressor Station located in Medina County, Ohio.

Columbia states the York Compressor Station units have deteriorated to a point that their continued operation and maintenance is no longer economically feasible. Columbia asserts that replacement parts for these units are no longer commercially available and have to be custom made at considerable expense and downtime and that the time required to manufacture parts for these obsolete units is no longer compatible with operating schedules.

2. The construction and operation of approximately 3.0 miles of 8-inch transmission pipeline and the relocation of measuring and regulating facilities located in Putnam County, West Virginia.

Columbia has an existing 10-inch high pressure pipeline which extends in a southwesterly direction from a point near Lanham Compressor Station to one of Columbia's existing storage fields. An existing point-of-delivery (POD) to Columbia Gas of West Virginia, Inc., located near Nitro, West Virginia, is supplied from this pipeline. Encroachment along this pipeline in the area of the existing POD, by apartment building and other developments, mandates that Columbia either reduce the pipeline operating pressure in this area or replace approximately 1.5 miles of 10-inch pipeline, the measurement and regulation facilities for the POD to Columbia Gas of West Virginia, Inc. and measurement to and from storage, it is said.

Columbia has determined that the most efficient long-range operation of its 10-inch pipeline and the POD to Columbia Gas of West Virginia, Inc. can be achieved by providing a new high pressure gas supply source to the 10-inch pipeline between storage and the POD, and reducing the operating

pressure on the 10-inch line between a point near Lanham and the new supply source. Therefore, Columbia proposes to construct 3.0 miles of 8-inch pipeline to connect one of its primary high pressure pipeline systems to its existing 10-inch pipeline at a less congested point southwest of the existing POD to Columbia Gas of West Virginia, Inc. The POD would remain at the existing location but the measurement and regulation for the POD and measurement to and from storage would be relocated to the interconnection of the proposed 8-inch and the existing 10-inch.

Replacement Projects

The segments of pipelines that Columbia proposes to replace generally consist of bare steel and wrought iron pipe which were originally installed with inadequate protection against corrosion. With few exceptions, these facilities were installed in the early 1900's and are becoming increasingly difficult to maintain and operate. Columbia has determined that if it is to continue to provide safe and reliable service to its existing wholesale customers, these pipeline segments must be replaced.

It is indicated that changes in replacement pipe sizes are proposed because of changes in gas availability from local production areas, changed market patterns and changes in supply sources. Columbia has determined for each project, the optimum diameter replacement pipe based on present and future anticipated market requirements and the anticipated availability of locally produced and purchased volumes of gas.

3. The construction and operation of approximately 1.2 miles of 10-inch transmission pipeline replacing a like amount of 8-inch pipeline located in Rockland County, New York.

The segment of an 8-inch transmission pipeline to be replaced constitutes a portion of the pipeline which is the sole source of supply from Columbia for two points of delivery to Orange and Rockland Utility, Inc. (Orange and Rockland) in Rockland County, New York. Orange and Rockland has requested an increase in its total daily entitlement of 6,700 Mcf per day commencing November 1, 1979 in Docket No. CP79-460. In addition, Columbia anticipates that further increases may be requested in subsequent years. Therefore, Columbia proposes to replace, for condition, a section of its existing 8-inch pipeline with larger diameter pipe in order to provide additional operating flexibility in this pipeline.

4. The construction and operation of approximately 0.7 mile of 4-inch transmission pipeline replacing a like amount of 10-inch pipeline located in Pickaway County, Ohio.

The segment of 10-inch pipeline to be replaced is a portion of the pipeline which is the sole source of supply for the Communities of Five Points, Fox and Williamsport, Ohio.

5. The construction and operation of approximately 4.9 miles of 12-inch transmission pipeline replacing, in three sections, a like amount of 18-inch and 20-inch pipeline in Hocking County, Ohio.

The segments of 18-inch and 20-inch transmission pipeline to be replaced are portions of the pipeline which extends in a northwesterly directon from Ravenswood, West Virginia to Crawford Compressor Station. This pipeline is the primary source of supply for all markets located along the pipeline in Hocking, Athens and Meigs Counties, Ohio.

6. The construction and operation of approximately 0.4 mile of 6-inch transmission pipeline replacing, in two sections, a like amount of 4-inch pipeline located in Hocking County, Ohio.

The segments of 4-inch pipeline to be replaced constitute a portion of the pipeline which is the primary source of supply for the communities of New Straitsville, Shawnee, Corning, Hemlock, Drakes and Buckingham, Ohio. Although the replacement is based on condition of the pipeline, Columbia feels it is advisable to make the replacement with a larger diameter pipe in the event that local production declines and Columbia must transport additional volumes through this pipeline as the primary source of supply.

7. The construction and operation of approximately 4.5 miles of 24-inch transmission pipeline replacing, in three sections, approximately 4.4 miles of 16-inch pipeline located in Franklin County, Ohio.

The segments of 16-inch pipeline to be replaced are a portion of the pipeline system utilized to serve the city of Columbus, Ohio and surrounding area. It is said that the replacement with larger diameter pipe is consistent with Columbia's past replacements on this pipeline.

8. The construction and operation of approximately 0.5 mile of 12-inch transmission pipeline replacing, in two sections, a like amount of 8-inch pipeline located in Miami County, Ohio.

The segments of 8-inch pipeline to be replaced are a portion of the pipeline which is the sole source of supply for the communities of Christiansburg, St. Paris, New Carlisle, Troy, Alcony, North Hampton, Donnelsville, and Casstown, Ohio. Columbia is making this replacement because of condition of the pipeline. However, replacement with larger diameter pipe is required, it is indicated, due to a reversal of flow direction subsequent to the original installation of this pipeline. Flow in this pipeline is presently from west to east and the pipeline size currently telescopes in the opposite direction.

9. The construction and operation of approximately 1.9 miles of 8-inch transmission pipeline replacing a like amount of 10-inch pipeline located in Hancock County, Ohio.

The segment of 10-inch pipeline to be replaced is a portion of the pipeline which is the sole source of supply to Vanlue Gas Company, Arlington Gas Company, Forrest Gas Company and the market of Wharton, Ohio.

10. The construction and operation of approximately 3.3 miles of 6-inch transmission pipeline replacing a like amount of 10-inch pipeline located in Crawford and Wyandot Counties, Ohio.

The segment of 10-inch pipeline to be replaced is a portion of the pipeline which is the sole source of supply for the communities of Harpster, Morrel, Nevada and Wyandot located in Wyandot County, Ohio.

11. The construction and operation of approximately 0.6 mile of 3-inch transmission pipeline replacing a like amount in Richland County, Ohio.

The segment of 4-inch pipeline to be replaced is a portion of the pipeline which is the sole source of supply for the town of Butler, Ohio.

12. The construction and operation of approximately 1.1 miles of 20-inch transmission pipeline replacing a like amount of 12-inch pipeline located in Richland County, Ohio.

The segment of 12-inch transmission pipeline to be replaced is a portion of the pipeline which is the primary source of supply to the Mansfield, Ohio, market area. The replacement with larger diameter pipe reflects Columbia's anticipation of additional growth in the Mansfield market area.

13. The construction and operation of approximately 0.7 mile of 4-inch transmission pipeline replacing a like amount of 8-inch pipeline located in Lorain County, Ohio.

The segment of 8-inch pipeline to be replaced is a portion of the pipeline which is the sole source of supply for the communities of Spencer, Penfield and Litchfield, Ohio.

14. The construction and operation of approximately 0.5 mile of 6-inch transmission pipeline replacing, in two sections, a like amount of 8-inch pipeline located in Medina County, Ohio.

The segments of 6-inch pipeline to be replaced are a portion of the pipeline which is the sole source of supply for the community of Chatham, Ohio, and transports locally producted volumes to York Compressor Station.

15. The construction and operation of approximately 4.7 miles of 10-inch transmission pipeline replacing, in two sections, a like amount of 8-inch pipeline located in Carroll and Columbiana Counties, Ohio.

The two sections of transmission pipeline to be replaced constitute a portion of the pipeline system which extends from Dungannon Station in Columbiana County, a point of receipt from Tennessee Gas Pipeline Company, a Division of Tenneco Inc., to St. Clairsville, Belmont County, Ohio. The direction of flow in this pipeline system has been reversed from the original design to transport gas volumes from Tennessee Gas Pipeline Company south to St. Clairsville. The replacement with larger diameter pipe reflects the reversed direction of flow and is consistent with Columbia's past replacements on the pipeline it is said.

16. The construction and operation of approximately 0.3 mile of 30-inch transmission pipeline replacing a like amount of 8-inch pipeline located in Columbiana County, Ohio.

The segment of 8-inch pipeline to be replaced constitutes a portion of Columbia's pipeline which is the sole source of supply serving Negley, Ohio.

17. The construction and operation of approximately 0.9 mile of 3-inch transmission pipeline replacing, in two sections, a like amount of 10-inch, 8-inch and 4-inch pipeline located in Wayne County, Ohio.

The segments of transmission pipeline to be replaced constitute a portion of the pipeline which is the sole source of supply for the community of Lattasburg, Ohio.

18. The construction and operation of approximately 0.3 mile of 4-inch transmission pipeline replacing a like amount of 3-inch pipeline located in Holmes County, Ohio.

The segment of 3-inch pipeline to be replaced is a portion of the pipeline which transports locally produced and purchased volumes from Coshocton and Holmes County, Ohio. The replacement with larger diameter pipe reflects Columbia's anticipation of additional development of local production in these counties.

19. The construction and operation of approximately 2.4 miles of 2-inch transmission pipeline replacing a like amount of 3-inch pipeline located in Carroll County, Ohio.

The segment of 3-inch pipeline to be replaced is the sole source of supply for the community of Kilgore, Ohio.

20. The construction and operation of approximately 3.7 miles of 4-inch transmission pipeline replacing a like amount of 3-inch pipeline located in Holmes County, Ohio.

The segment of 3-inch pipeline to be replaced is a portion of the pipeline which is the sole source of supply for the community of Clark, Ohio. The replacement with larger diameter pipe will permit additional flexibility in Columbia's purchase of local production in adjancent areas, it is indicated

21. The construction and operation of approximately 0.7 mile of 2-inch transmission pipeline replacing, in two sections, a like amount of 10-inch pipeline located in Marshall County, West Virginia.

The segment of 10-inch pipeline to be replaced is a portion of the pipeline which is the sole source of supply for attached mainline consumers.

22. The construction and operation of approximately 0.2 mile of 2-inch and 0.2 mile of 1-inch transmission pipeline replacing, in two sections, a like amount of 10-inch pipeline located in Marshall County, West Virginia.

The segments of 10-inch pipeline to be replaced are a portion of the pipeline which is the sole source of supply for four mainline consumers in Marshall County, West Virginia.

23. The construction and operation of approximately 0.8 mile of 4-inch transmission pipeline replacing a like amount of 10-inch pipeline located in Wetzel County, West Virginia.

The segment of 10-inch pipeline to be replaced constitutes a portion of Columbia's pipeline system which is the sole source of supply for the community of Middlebourne, West Virginia.

24. The construction and operation of approximately 0.4 mile of 2-inch transmission pipeline replacing approximately 0.2 mile of 10-inch pipeline located in Marshall County, West Virginia.

The segment of 10-inch pipeline to be replaced is a portion of the pipeline which is the sole source of supply for mainline consumers and in addition transports volumes of locally produced and purchased gas.

25. The construction and operation of approximately 0.9 mile of 10-inch transmission pipeline replacing a like amount of 16-inch pipeline located in Marshall County, West Virginia.

The segment of 16-inch pipeline to be replaced is a portion of the transmission system which serves part of the market requirements of the City of New Martinsville, West Virginia.

26. The construction and operation of approximately 0.4 mile of 1-inch transmission pipeline replacing a like amount of 2-inch pipeline located in Barbour County, West Virginia.

The segment of 2-inch pipeline to be replaced is a portion of the pipeline which is the sole source of supply for attached mainline consumers.

27. The construction and operation of approximately 1.3 miles of 6-inch transmission pipeline replacing a like amount of 12-inch pipeline located in Barbour County, West Virginia.

The segment of 12-inch pipeline to be replaced is a portion of the pipeline which is the sole source of supply for several communities located in Barbour, Tucker and Preston Counties, West Virginia.

28. The construction and operation of approximately 0.4 mile of 3-inch transmission pipeline replacing a like amount of 12-inch pipeline located in Washington County, Pennsylvania.

The segment of 12-inch pipeline to be replaced is a portion of the pipeline which is the primary source of supply for the community of McDonald, Pennsylvania.

29. The construction and operation of approximately 0.3 mile of 2-inch pipeline replacing 0.8 mile of 4-inch pipeline located in Washington County, Pennsylvania.

The segment of 4-inch pipeline to be replaced is being routed to an alternate location permitting the reduction in pipeline length.

30. The construction and operation of approximately 0.4 mile of 6-inch transmission pipeline replacing a like amount of 12-inch pipeline located in Lawrence County, Pennsylvania.

The segment of 12-inch transmission pipeline to be replaced constituties a portion of the pipeline system which is the primary source of supply for the market requirements of the communities of West Liberty, Slippery Rock and Harrisville, Pennsylvania.

31. The construction and operation of approximately 1.3 miles of 4-inch transmission pipeline replacing a like amount of 6-inch pipeline located in Clarion County, Pennsylvania.

The segment of 6-inch pipeline to be replaced is a portion of the pipeline utilized to transport locally produced and purchased gas from the New Bethlehem and Brookville Fields to Rimersburg Compressor Station.

32. The construction and operation of approximately 0.3 mile of 4-inch transmission pipeline replacing a like amount of 6-inch pipeline located in Yates County, New York.

The segment of 6-inch pipeline to be replaced is a portion of the pipeline

which is the sole source of supply for the Village of Dundee located in Yates County, New York.

33. The construction and operation of approximately 1.0 mile of 2-inch transmission pipeline replacing a like amount of 6-inch pipeline located in Bedford County, Pennsylvania.

The segment of 6-inch pipeline to be replaced is the sole source of supply for attached mainline consumers.

Columbia requests permission and approval to abandon certain natural gas facilities which are no longer used or useful in Columbia's operations. The proposed abandonments are related to the depletion of local gas supply and changed operational patterns. The proposed abandonments would not result in any loss of gas supply nor the termination of service to any customer, Columbia says.

34. The abandonment of approximately 1.1 miles of 12-inch, 8-inch, 6-inch, 2-inch and 1-inch transmission pipeline, in three separate sections, located in Bedford and Fulton Counties, Pennsylvania.

35. The abandonment of approximately 3.1 miles of 16-inch transmission pipeline located in Beaver County, Pennsylvania.

36. The abandonment of a point of delivery to Columbia Gas of West Virginia, Inc. and related facilities located in Wayne County, West Virginia.

Columbia Gas of West Virginia, Inc. has advised Columbia that it no longer requires Point of Delivery Number 560 located in Wayne County, West Virginia. Total deliveries to Columbia Gas of West Virginia, Inc., would not be affected by the abandonment of the point of delivery.

37. The abandonment of approximately 7.7 miles of 18-inch transmission pipeline located in Greene County, Ohio.

Columbia estimates that the total cost of its proposed construction program would be $7,666,000 which would be financed by internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 20, 1979, file with the Federal Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice, that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rule of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34524 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP80-23]

Columbia Gas Transmission Corp. and Panhandle Eastern Pipe Line Co.; Application

November 1, 1979.

Take notice that on October 11, 1979, Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325, and Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, (Applicants) filed in Docket No. CP80-23 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of minor tap facilities by Panhandle necessary to provide additional points of delivery to Columbia, and authorizing 7 additional delivery points for the delivery of gas by Columbia to Columbia Gas of Ohio, Inc. (Columbia Gas of Ohio), an existing wholesale customer of Columbia, all as more fully set forth in the application on file with the Commission and open to public inspection.

Panhandle requests authorization to construct 7 interconnection tap facilities to provide additional points of delivery to Columbia. The total estimated cost of such interconnecting tap facilities is $3,150, which cost would be financed by Panhandle from cash on hand. Columbia requests authorization to deliver gas to Columbia Gas of Ohio at 7 new points of delivery in Fulton, Lucas, and Defiance Counties, Ohio. Applicants state that the additional points of delivery would ultimately serve 7 customers [1] who are entitled to gas service under right-of-way agreements with Panhandle.

Applicants indicate that the proposed points of delivery are required to provide service as soon as possible during the 1979-80 heating season.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

[1] The seven customers are Howard Corsuch, William Crocket, William Buckermeyer, Dale L. Klopfenstein, Carl N. Pinkelman, Thomas Herr, and Michael Stock.

unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34528 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP80-21]

Columbia Gas Transmission Corp.; Application

November 1, 1979.

Take notice that on October 10, 1979, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP80-21 an application pursuant to Section 7 of the Natural Gas Act and Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon various field compression and related metering and appurtenant facilities, for the 12-month period commencing March 1, 1980, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Columbia to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Columbia's system salable capacity or service from that authorized prior to the filing of the instant application.

Columbia states the total cost of proposed construction and abandonment under 157.7(g) of the Regulations would not exceed $3,000,000. Columbia requests a waiver of the cost limitation for single projects prescribed by Section 157.7(g)(2)(iii) in order to increase the single project cost limit from $500,000 to $750,000. Columbia requests the waiver because of the increase in construction costs since 1973 when the cost limitations for field gas compression facilities were established.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34525 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP64-21]

East Tennessee Natural Gas Co.; Petition To Amend

November 1, 1979.

Take notice that on October 2, 1979, East Tennessee Natural Gas Company (Applicant), P.O. Box 10245, Knoxville, Tennessee 37919, filed in docket No. CP64-21 a petition to amend the order of December 3, 1963 [1] issued in said docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize Applicant to provide Authorized Overrun Service (AOS) to certain jurisdictional resale and non-jurisdictional direct customers, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Applicant proposes to provide AOS service to its G, SG, and direct customers in the same manner and under the same conditions as presently offered to its CD, CR, and CPR customers. It is stated that the proposed service would be provided only if Applicant in its sole opinion has sufficient capacity and gas volumes to make deliveries without detriment to firm service customers. It is further stated that any AOS volumes taken by any resale or direct customer would not increase such customer's curtailment period quantity entitlement and that when it is not allocating gas supplies pursuant to Section 24 of its tariff, the purchase of AOS volumes would not be allowed unless Applicant's gas supply is in excess of all customers' contract requirements.

Any person desiring to be heard or to make any protest with reference to said petition should on or before November 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to be come a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34527 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP76-37]

El Paso Natural Gas Co.; Petition To Amend

November 1, 1979.

Take notice that on October 9, 1979, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP76-37 a petition to amend the Commission's order of December 3, 1975 (53 FPC ——),[1] issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize an increase in the quantities of gas which may be transported and delivered by petitioner to Southwest Gas Corporation (Southwest) from 50,000 Mcf per day to 70,000 Mcf per day, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by Commission order issued December 3, 1975, as amended, Petitioner was authorized to

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

transport up to 50,000 Mcf of natural gas per day to Southwest on a best-efforts basis, at various delivery points within the State of Arizona and at the Arizona-Nevada Boundary.[2]

Petitioner states that it has evaluated the capacity of its San Juan Triangle facilities and determined that the available capacity is inadequate to transport both its own gas supplies and the gas to be tendered to petitioner for the account of Southwest and other shippers under similar transportation agreements. As a result, Petitioner states, it applied in Docket No. CP79-337 for authorization to construct additional pipeline facilities on its San Juan Triangle Facilities and on its San Juan mainline system located in Colorado, New Mexico, and Arizona, to enable Petitioner to transport its own supply and gas being made available by Northwest. Petitioner and Southwest, it is stated, have executed an amended transportation agreement dated August 22, 1979, which provides for (i) the transportation of a specified contract quantity of up to 70,000 Mcf per day, (ii) the possible construction and/or modification of facility additions and (iii) the rates to be paid by Southwest for services provided by Petitioner. Accordingly, Petitioner requests amendment of the Commission's order issued December 3, 1975, as amended, so as to authorize the transportation and delivery, by Petitioner to Southwest, of up to 70,000 Mcf of natural gas per day pursuant to the amended transportation agreement.

In the event Petitioner is authorized to construct and operate facility additions required on the San Juan Triangle and/or on the San Juan mainline system, pursuant to the terms and conditions of the transportation agreement, as amended, Southwest agrees to pay Petitioner an amount equal to the product of ninety-five percent of the "Contract Quantity" times the rate in effect and reflected from time to time as the "San Juan Triangle Facilities Demand Charge," as set forth on Sheet No. 1-D.2 of Petitioner's FERC Gas Tariff, Third Revised Volume No. 2, or superseding tariff, plus an amount equal to the higher of (i) the appropriate volumes times the rate in effect and reflected from time to time as the "Mainline Transmission Charge—Arizona," and appropriate volume times the rate in effect and reflected from time to time as the "Mainline Transmission Charge—Nevada," as set forth on Sheet No. 1-D.2 of Petitioner's FERC Gas Tariff, Third Revised Volume No. 2, or superseding tariff, for each Mcf transported; or (ii) the product of ninety-five percent of the "Contract Quantity," times the rate in effect and reflected from time to time as the "San Juan Mainline Facilities Demand Charge," as set forth on Sheet No. 1-D.2 of Petitioner's FERC Gas Tariff, Third Revised Volume No. 2 or superseding tariff.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34528 filed 11-17-79; 8:45 am]

BILLING CODE 6450-01-M

[2]Such natural gas is imported by Northwest Pipeline Corporation (Northwest) for sale and delivery to certain of its existing customers, including Southwest. Petitioner receives a portion of such gas from Northwest, for Southwest's account, at the Ignacio Receipt Point located in LaPlata County, Colorado.

[Docket No. CP79-508]

FRM, Inc.; Application

November 1, 1979.

Take notice that on September 28, 1979, FRM, Inc. (FRM), P.O. Box 1249, Jackson, Mississippi 39205, filed in Docket No. CP79-508 an application pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA) for authorization to transport natural gas and for approval of rates for this service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

FRM asserts that it purchases, transports and sells natural gas wholly within the State of Mississippi for ultimate consumption within such state, with none of the natural gas moving in interstate commerce. Accordingly, FRM claims to be exempt from regulation by the Commission, under the provisions of Section 1(b) of the Natural Gas Act, and would, therefore, qualify as an intrastate pipeline pursuant to Section 2(16) of the NGPA.

FRM states that United Gas Pipe Line Company (United) has entered into a contract with FRM for the transportation of up to 1,000 Mcf of natural gas per day which gas is produced from the #1 Goode Well located in Monticello Field, Lawrence County, Mississippi. FRM proposes to transport the gas from FRM's transmission line, located in Section 13, Township 7N, Range 21W, Lawrence County, Mississippi, to United's nearest transmission line located in Lawrence County, Mississippi.

FRM states that the rate for the transportation service is 7.0 cents per Mcf plus provision for 1 percent line loss. FRM further states that the term of the contract between FRM and United is for two years, with two year extensions subject to approval of the Commission.

FRM states that it is essential to it that: (1) the facilities and services that are provided by FRM remain exempt from Commission jurisdiction; (2) FRM be exempted from any accounting or reporting requirements to the Commission other than reporting the volumes transported; (3) the transportation service be terminated without further action by FRM, and without further order by the Commission at the end of the first two-year period or such extension as may be sought from and granted by the Commission; and (4) the rate as stated be approved without modification.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34529 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP79-10]

Great Lakes Gas Transmission Co.; Informal Settlement Conference

October 25, 1979.

Take notice that on November 8 and 9, 1979, at 9:30 a.m., an informal conference of all interested persons will be convened for the purpose of discussions in this proceeding relating to the proposed settlement submitted to Staff for its review on October 4, 1979. The conference will be held at a meeting room of the Federal Energy Regulatory Commission at 825 North Capitol Street, N.E., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention as a party in this proceeding.

All parties will be expected to come fully prepared to discuss the merits of the issues arising in this proceeding and to make commitments with respect to such issues and any offers of settlement or stipulation discussed at the conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34530 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-505]

Natural Gas Pipeline Co. of America; Application

November 1, 1979.

Take notice that on September 27, 1979, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP79-505 an application pursuant to Section 7 of the Natural Gas Act and Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)), for a certificate of public convenience and necessity authorizing the construction, relocation and abandonment during the 12-month period commencing October 1, 1979, and operation of various field gas compression and related measuring and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant also requests a waiver of the single and total-project cost limitations contained in Section 157.7(g)(iii) of the Regulations and proposes to construct facilities at the following costs:

(a) single-project onshore at costs up to $1,000,000;

(b) single-project offshore at costs up to $2,000,000;

(c) total cost of all projects up to $6,000,000.

Such request is predicated upon the climbing inflation which has eroded the usefulness of the budget authorization since the Commission last revised the cost limitations, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34531 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. CP75-341 and CP75-342]

Northwest Pipeline Corp.; Petition To Amend

November 1, 1979.

Take notice that on October 11, 1979, Northwest Pipeline Corporation (Northwest), 315 East Second South, Salt Lake City, Utah 84111, filed in Docket Nos. CP75-341 and CP75-342,[1] a petition to amend the orders in the instant dockets pursuant to Section 3 of the Natural Gas Act by authorizing an increase in import prices consistent with a recent order of the National Energy Board (NEB) of Canada, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

Northwest requests authorization to continue to import gas purchased from Westcoast Transmission Company Limited (Westcoast) at Sumas, Washington (Sumas), and Kingsgate, British Columbia (Kingsgate),[2] at such price as has been established by the Government of Canada on October 9, 1979, which equates to $3.45 (US) per Mcf, effective November 3, 1979.

Northwest states that Westcoast has been issued License Nos. GL-4 and GL-41, as amended for the Kingsgate and Sumas exports, respectively, by the NEB. Northwest states further that it received authorization to import the subject volumes at successively higher prices in Docket Nos. CP74-341 (Sumas import point) and CP74-342 (Kingsgate import point).

Northwest asserts that the Economic Regulatory Administration (ERA) by its order of April 30, 1979, in Docket No. 70-10-NG granted Northwest's request to continue such importation of natural gas at the increased border price of $2.30 per Mcf. It is further asserted that the ERA granted an interim order on August 10, 1979, in Docket No. 79-22-NG to permit continued imports at $2.80 per Mcf.

Northwest states that it must pay Westcoast the export price for gas as ordered by the NEB in order that Westcoast can comply with its export

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[2] Northwest states it is authorized to purchase from Westcoast up to 800,000 Mcf per day at 14.9 psia at Sumas and 151,731 Mcf at 14.73 psia on a peak day and 51,000,000 Mcf at 14.73 psia annually at Kingsgate.

licenses or Northwest would lose the subject gas which comprises approximately three-fifths of Northwest's annual gas supply.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34532 Filed 11-7-79 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP80-15]

The Nueces Co.; Application

November 1, 1979.

Take notice that on October 5, 1979, The Nueces Company (Applicant), Fidelity Union Tower, Dallas, Texas 75201, filed in Docket No. CP80-15 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the transportation and sale of natural gas to Colorado Interstate Gas Company (CIG), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas sales agreement dated September 1, 1977, it would sell and deliver to CIG natural gas which it purchases in Adams, Bent, Cheyenne, Kiowa and Kit Carson Counties, Colorado, and Wallace and Greeley Counties, Kansas. Applicant states it would transport the gas in its existing transmission lines and deliver such gas at existing points of interconnection between Applicant's and CIG's transmission lines in Cheyenne, Kiowa, and Bent Counties, Clorado. Applicant states that it would also cause the transportation of gas from Adams County to CIG's line by use of third party facilities.

Applicant further proposes to construct and operate facilities necessary to connect four wells in the Lookout Field, Kit Carson County, Colorado. The points of delivery are:

Section 16-T16S-R48W, Cheyenne County, Colorado;
Section 32-T20S-R48W, Kiowa County, Colorado;
Section 8-T23S-R48W, Bent County, Colorado; and
Section 11-T2S-R66W, Adams County, Colorado.

Applicant states that certain facilities consisting of a pipeline to connect two wells in the McClave Field located in Kiowa and Bent Counties, Colorado (plus compression facilities), a pipeline to connect one well in the Wagon Trail Field located in Bent County, Colorado (plus compression facilities), and a pipeline to connect one well to the Kit Carson System located in Cheyenne County, Colorado, would have been installed by it as an intrastate pipeline prior to the time authorization sought herein would be issued. The acutal cost of such facilities would be utilized to adjust the cost of service as provided in the contract with CIG.

Applicant states authorization from the Commission is necessary because CIG intends to reverse the flow of gas in its pipelines with the result that gas which previously had remained within Colorado would be transported by CIG outside the state. Applicant further states that it has been informed by CIG that the reverse flow would provide gas where needed to meet CIG's existing market requirements.

Applicant states that CIG would pay it a monthly charge for transportation, compression, and dehydration which would equal 1/12 of Applicant's estimated cost of service for the contract year.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commisson's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 34533 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-27]

Panhandle Eastern Pipe Line Co.; Petition To Amend

November 1, 1979.

Take notice that on October 10, 1979, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP79-27 a petition to amend the order issued on March 13, 1979, in the instant docket, pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)), so as to reduce the time covered by the budget-type authorization to encompass the period between March 13, 1979, and December 31, 1979, and to expend a total sum not to exceed $18,000,000 as authorized by said order, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Panhandle states that it was authorized, by order issued March 13, 1979, to expend up to $18,000,000 within a twelve-month period from March 13, 1979, through March 12, 1980, for construction of gas-purchase facilities pursuant to Section 157.7(b) of the Regulations. Panhandle further states that the order additionally provided that no single project would exceed a cost of $2,000,000.

Panhandle states that it relies heavily upon appropriate budget-type authority in securing new sources of natural gas supply for its pipeline system. Panhandle's competitive ability to attach new natural gas supply sources, it

further states, is an inducement for natural gas producers to sell their product to Panhandle as opposed to selling to other purchasers. In order to maintain a competitive position in the market with respect to new natural gas supply sources, Panhandle maintains it is approaching the point of having committed the entire $18,000,000 authorized by the Commission.

Panhandle states that on September 27, 1979, the Commission took final action with respect to the proposed rulemaking respecting budget-type applications for gas-purchase facilities in Docket No. RM79-37. Panhandle further states that on October 1, 1979, in Docket No. CP80-6, it filed with the Commission its budget-type application for gas-purchase facilities for the period January 1, 1980, through December 31, 1980. Panhandle asserts that it's October 1, 1979, filing was premised upon the proposed regulations contained in Docket No. RM78-37 and the Commission's comments thereto as understood from its deliberations of September 27, 1979. Panhandle believes that a grant of its request herein made a timely approval of its pending application in Docket No. CP80-6 would place Panhandle in a proper posture to operate within the spirit of RM79-37 effective January 1, 1980.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34534 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP80-16]

Seagull Interstate Corp.; Application

November 1, 1979.

Take notice that on October 9, 1979, Seagull Interstate Corporation (Applicant), 1300 Main Street, Houston, Texas 77002, filed in Docket No. CP80-16 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity for blanket authorization to construct from time to time and operate a number of medium-range pipelines, usually less than fifteen miles long and small in diameter, to connect fields or producing areas to major long-line interstate pipelines subject to Commission regulation under the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states the purpose of this application is to enable Applicant to construct and operate facilities which would be used exclusively for the gathering and transportation of gas purchased by the interstate pipeline on whose behalf Applicant would be rendering service. Applicant states that it does not intend to buy or sell the gas transported through its facilities for its own account and would not engage in first sales as defined by the Natural Gas Policy Act (NGPA). Applicant states that the authorization requested would (a) permit Applicant to provide a new and valuable service in the development of new sources of supply for interstate customers, (b) result in gas being delivered more expeditiously to the interstate market, and (c) promote efficiency and competition in the pipeline industry. Applicant contends that although the authorization sought is unusual, it comports with several critically important policy objectives and with the underlying motivation of several recent rulemaking initiatives of the Commission under the NGPA.

Applicant states that the total estimated cost of construction of the facilities would be $5,000,000, with a single-project limit of $750,000. Based on the experience of its corporate parent, Seagull Pipeline Company, Applicant believes that most single-project expenditures would approximate $300,000 or less. However, Applicant states that it requests a single-project limit of $750,000 to cover those infrequent cases where it would be necessary to install more extensive facilities.

With reference to rates and charges, Applicant states that in some instances the price paid for the gas by the purchasing interstate pipeline and paid to Applicant for the transportation would not exceed the maximum lawful prices established for first sales of natural gas under the NGPA. Applicant further states that in instances in which the total of the amounts paid to the producer-seller and to Applicant exceed the maximum lawful price under the NGPA, Applicant would utilize a procedure by which it would initially charge an interim rate subject to refund pending the determination by the Commission of the appropriate permanent just and reasonable rate. Applicant proposes that the interim rate be the lower of:

(a) the fee for the transportation negotiated between Applicant and the pipeline on whose behalf the gas will be transported; or

(b) an amount equivalent to a 15% annual return, after deduction of taxes, on the undepreciated original investment of the project, plus direct operating expenses.

Applicant further proposes to file a report to the Commission containing all relevant data requested by the Commission within 45 days following the initiation of deliveries through a particular pipeline.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34535 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP80-1]

Southern Natural Gas Co.

Application

November 1, 1979.

Take notice that on October 2, 1979, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP80-11 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline facilities necessary to attach gas reserves purchased from Natomas North America, Inc. (Natomas) and Apache Corporation (Apache) to its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities:

(1) Approximately 13.3 miles of 12¾ inch pipeline;

(2) A receiving station consisting of measuring facilities and certain related and appurtenant facilities;

(3) A tap on Applicant's 20-inch Toca-LaComb Loop Lines.

Applicant asserts that the proposed pipeline will extend from Natomas' and Apache's field platform in Lake St. Catherine, Orleans Parish, Louisiana, across Lake St. Catherine and Lake Pontchartrain to a small platform which Applicant proposes to install adjacent to its Toca-LaComb Loop Line.

Applicant states that the installation and operation of the proposed facilities would not affect its daily pipeline delivery capacity and would enable Applicant to bring new supplies of gas into its system pursuant to a gas purchase contract entered into with Natomas and Apache dated August 1, 1979. Applicant states that the initial daily production from these interests is estimated to be approximately 7,800 Mcf.

It is asserted that the attachment of the new gas supplies through the proposed facilities would enable Applicant to meet more effectively emergency conditions caused by severe weather and to maintain and improve reliable service to its customers.

Applicant states that the total cost of the proposed facilities is estimated to be $5,184,990. It is indicated that Applicant expects that the cost of constructing the proposed facilities would be financed initially by short-term financing and for cash from current operations, and ultimately from permanent financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34536 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP80-29]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Application

November 1, 1979.

Take notice that on October 16, 1979, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP80-29 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition from Clovelly Drilling and Development Co., Inc. (Clovelly) of approximately 3,190 feet of 3½-inch O.D. pipeline extending from Clovelly's platform in State Lease No. 5873 in Vermilion Bay, Iberia Parish, Louisiana, to an existing valve on Applicant's 4-inch Tigre Lagoon Line and a measurement station on Clovelly's platform and the inclusion of the capital cost of said facilities in Applicant's rate base, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that such facilities are presently being used for delivery of gas by Clovelly to Applicant and that, pursuant to a letter agreement dated March 19, 1979, Applicant has agreed to purchase the Clovelly line in order to obtain delivery and dedication of gas reserves underlying leases located in Section 23, T 14 S, R 5 E, and State Lease 5873 in the South Tigre Field, Iberia Parish, Louisiana. Applicant estimates that approximately 8,122,000 Mcf of recoverable gas reserves (wet), as of January 1, 1979, are available for delivery through the Clovelly line. Applicant further certifies that the facilities proposed to be acquired were designed, installed, inspected, tested, and constructed, and would be operated, replaced, and maintained in accordance with Federal and other applicable safety standards and plans for maintenance and inspection.

Applicant states that the cost of acquisition would be $47,338.92, and that said cost reflects the actual cost of the facilities to Clovelly. Applicant proposes to finance this acquisition from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to

jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34537 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2892]

Terra Bella Irrigation District; Granting Intervention

November 1, 1979.

On December 8, 1978, the Terra Bella Irrigation District filed an application for a preliminary permit for the proposed Friant Dam Hydroelectric Project No. 2892. The proposed project would be located on the San Joaquin River in Fresno County, California. Public notice of the application was issued on May 3, 1979.

On August 20, 1979, the Pacific Gas and Electric Company (PG&E) filed a late petition to intervene. PG&E states that it is the licensee of FERC Project No. 96 (Kerckhoff Project) located on the main stem of the San Joaquin River, immediately upstream of Terra Bella's proposed development. PG&E contends that the proposed project may adversely affect the fisheries mitigation measures associated with its Kerckhoff Project. No response to this petition has been received.

It appears to be in the public interest to allow the Pacific Gas and Electric Company to participate in this proceeding.

Pursuant to Section 3.5(a) of the Commission's Rules of Practice and Procedure, 18 CFR § 3.5(a) (1978), as promulgated by Federal Energy Regulatory Commission rulemaking in Docket No. RM78-19 (issued August 14, 1978), 18 CFR 3.5(a)(5), Pacific Gas and Electric Company is permitted to intervene in this proceeding subject to the Commission's rules and regulations under the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r). Participation of the Intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene. The admission of the Intervenor shall not be construed as recognition by the Commission that the Intervenor might be aggrieved by any order entered in this proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34538 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP78-430]

Texas Eastern Transmission Corp. and Transcontinental Gas Pipe Line Corp.; Petition To Amend

November 1, 1979.

Take notice that on October 18, 1979, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP78-430 a joint petition to amend the order issued on September 25, 1978, in said docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize an additional exchange point and an increase in the quantity of gas exchanged, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by order issued September 25, 1978, Petitioners were authorized to exchange natural gas in accordance with the provisions of an exchange agreement dated May 23, 1978, between the Petitioners. The agreement, according to Petitioner, provides that Texas Eastern would receive for the account of Transco at the existing point of connection of Texas Eastern's system to the outlet of Gulf Oil Corporation's Venice Gas Processing Plant, Plaquemines Parish, Louisiana, up to 10,000 Mcf of gas per day, and, in exchange therefor would deliver thermally equivalent quantities of gas to Transco at the existing point of interconnection between the systems of Texas Eastern and Transco located near Ragby, Beauregard Parish, Louisiana.

By agreement dated September 26, 1979, Petitioners propose to add an additional point of receipt at which Transco would deliver to Texas Eastern an additional 7,000 Mcf of gas per day. Petitioners state the new exchange point is located in DeSoto Parish, Louisiana (Spider Point of Receipt). It is stated that the addition of the proposed Spider Point of Receipt to the existing exchange arrangement would increase the total exchange quantity from 10,000 Mcf to 17,000 Mcf of gas per day.

Texas Eastern proposes to install a measuring and regulating station at the Spider Point of Receipt pursuant to its current budget authorization.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34539 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP67-35]

Transcontinental Gas Pipe Line Corp. and Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Petition To Amend

November 1, 1979.

Take notice that on October 16, 1979, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP69-35 a joint petition to amend the order issued October 11, 1966,[1] as amended February 17, 1970, and October 20, 1971, in the instant docket pursuant to Section 7(c) of the Natural Gas Act, so as to authorize additional exchange points between Petitioners, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners state that pursuant to the order issued October 11, 1966, as amended, Petitioners were authorized to exchange quantities of natural gas at

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

various points on their respective pipeline systems.

Petitioners further state that by an agreement dated August 17, 1979, they have amended their exchange agreement so as to provide for additional points of exchange, and the capability to exchange natural gas on a thermal basis.

The proposed additional exchange points are as follows:

(A) Existing points of interconnection of the pipeline facilities of the parties;

(1) *Crowley, Louisiana*—At Mile Post 26.53 on Transco's 18-inch and 24-inch Central Louisiana Gathering System where Transco's lines cross Tennessee's 16-inch and 24-inch lines in Acadia Parish, Louisiana;

(2) *Louise, Texas*—At Mile Post 12.99 on Transco's 24-inch McMullen Lateral and Tennessee's 24-inch, 30-inch and 30-inch main line system in Wharton County, Texas; and

(3) *Katy, Texas*—At Mile Post 6.22 on Transco's 12-inch Katy Lateral and Tennessee's 24-inch, and 30-inch main line system in Waller County, Texas.

(B) Existing points where one party and a third party can exchange gas for the account of the other party;

(1) *Exxon-Katy*—At the tailgate of Exxon's Katy field in Waller County, Texas;

(2) *Texaco-Henry*—At the tailgate of Texaco's Henry Plant in T 13 S–R4E, Vermilion Parish, Louisiana;

(3) *Texaco-Paradis*—At the tailgate of Texaco's Paradis Plant located in St. Charles Parish, Louisiana.

(C) Points where one of the parties has reserves that can be delivered to the pipeline system of the other party;

(1) *Acadia Parish, Louisiana*—At a point on Transco's system in the South Crowley Field, Acadia Parish, Louisiana, where gas is delivered to Transco's system;

(2) *West Cameron Block 40*—At CXK Offshore Company's West Cameron Block 40 "A" production platform, offshore Louisiana, where gas is delivered to Transco's system.

Petitioners state that no additional facilities are necessary to effectuate exchange at these additional delivery points.

Petitioners assert that the proposed additional exchange points and the ability to exchange gas on a thermal basis would afford greater flexibility between Petitioners' respective systems.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34540 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP80-31]

Trunkline Gas Co.; Application

November 1, 1979.

Take notice that on October 16, 1979, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP80-31 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to receive up to 40,000 Mcf of natural gas per day for the account of United on a firm basis, and up to 20,000 Mcf per day on a best-efforts basis at existing points of delivery in Allen and/or Beauregard Parish, Louisiana, from Texas Eastern Transmission Corporation, pursuant to a transportation agreement dated August 31, 1979. Applicant asserts that from Allen and/or Beauregard Parish, Louisiana, it would transport said gas to United at an interconnection in either St. Mary Parish, near Garden City, Louisiana, or near Olla, LaSalle Parish, Louisiana.

Applicant states that for said transportation service, United would pay a rate of $33,600 per month. An upward or downward adjustment of 2.77 cents would be applied to any excess or deficiencies in quantities taken.

It is further stated that the monthly charge for the firm transportation quantity is subject to increase or decrease as a result of Applicant's rate proceedings. Applicant asserts that it would retain 1.0 percent of the gas received for fuel usage. Applicant further asserts that the term of the transportation service is ten years and from year to year thereafter.

Applicant states that the subject gas to be transported is purchased by United in West Cameron Block 487, offshore Louisiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34542 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP77-592]

Trunkline Gas Co., Petition To Amend

November 1, 1979.

Take notice that on October 16, 1979, Trunkline Gas Company (Petitioner), P. O. Box 1642, Houston, Texas 77001, filed in Docket No. CP77-592 a petition to amend the order issued on March 22, 1979, in the instant docket pursuant to Section 7(c) of the Natural Gas Act, so

as to authorize a two-year extension of its transportation service for Transcontinental Gas Pipe Line Corporation (Transco) commencing on January 6, 1980, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it is presently authorized to transport up to 300 Mcf of natural gas per day on a firm basis for Transco, both individually and as an agent for Transco's customer participants in the Transmac Exploration and Development Program. Petitioner transports the gas from the point of receipt in Iberia Parish, Louisiana, to an existing point of interconnection with Transco in Vermilion Parish, Louisiana.

Petitioner asserts that the order of March 22, 1979, was limited to a two-year term beginning on the date of first deliveries. Petitioner states that since the initial delivery occurred on January 6, 1978, the two-year term is due to expire on January 6, 1980. Accordingly, Petitioner requests an extension of the authorization for an additional two-year term commencing on January 6, 1980.

Petitioner further states it is presently charging Transco $213 per month for this firm transportation service and proposes no change in this charge.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34541 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP80-27]

United Gas Pipe Line Co.; Application

November 1, 1979.

Take notice that on October 15, 1979, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP80-27 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to an agreement dated October 11, 1979, Applicant proposes to transport up to 5,000 Mcf of natural gas per day for Tennessee. It is stated that Tennessee has acquired such gas from production in the South Hallsville Field Area, Harrison County, Texas, attributable to the interest of Delta Drilling Company.

Applicant states that under the transportation agreement, Tennessee would deliver or cause to be delivered up to 5,000 Mcf of gas per day to Applicant at a point of receipt located on Applicant's Blocker Field area 6-inch Field Line No. 276, Harrison County, Texas. Applicant proposes to transport and redeliver equivalent quantities, less fuel and company-used gas, at mutually agreeable points of interconnection.

Applicant states Tennessee would pay an amount per Mcf equal to Applicant's jurisdictional transportation rate in effect from time to time in Applicant's Northern or Southern Rate Zone, as applicable, based on rate filings made from time to time with the Commission, less any amount included in such applicable jurisdictional transportation rate which is attributable to fuel and unaccounted-for gas for the transportation service.

It is asserted that the proposed transportation would allow Tennessee to receive additional quantities of natural gas into its system without the costly construction of transmission facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34543 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders by the Office of Hearings and Appeals; Week of May 7 Through May 11, 1979

Notice is hereby given that during the week of May 7 through May 11, 1979, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

Baker & Botts, Washington, D.C.; DFA-0362, freedom of information.

The law firm Baker & Botts filed an appeal of a denial by the Director of the DOE Division of Freedom of Information and Privacy Act Activities of a request filed by the firm under the Freedom of Information Act. In its request, Baker & Botts had sought access to all DOE documents that refer or relate to the definitions of the terms "first sale" and "net back sale" as used in 10 CFR 212.162. In response, the Director identified seven documents as being responsive to the Baker & Botts request, but he withheld all or part of six of those documents under the exemptions contained in 5 U.S.C. 522(b)(4) [Exemption 4] and 5 U.S.C. 552(b)(5) [Exemption 5].

In considering the Appeal, the DOE found that the material withheld under Exemption 4

concerned important details of the submitter's contractual relationships with its customers and was of a type that could result in substantial harm to the competitive position of the submitter if disclosed. The DOE also determined that with the exception of a portion of one document, the material withheld under Exemption 5 consisted of memoranda containing the predecisional advisory opinions of agency personnel. The DOE held that this material was therefore properly withheld by the Director under these exemptions and the Appeal was denied with respect to these matters. The DOE further found, however, that there existed a distinct possibility that there were additional responsive documents in DOE offices not searched, and a further search was therefore ordered.

Enivronmental Policy Center, Washington, D.C.; DFA-0374, freedom of information.

The Environmental Policy Center filed an Appeal from a partial denial by the Director of the DOE Division of Transportation and Fuel Storage of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that a portion of one document initially withheld under exemption 5 should be released to the public. It also remanded the case for a further search and for more complete determinations with respect to three paragraphs of the initial request. In all other respects, the Appeal was denied.

Kayo Oil Co., Chattanooga, Tenn.; DEA-0265, motor gasoline.

Kayo Oil Company filed an Appeal from an Order issued to the firm by the Region IV Director of Fuels Regulation. This Order denied an Application for Assignment which Kayo Oil Company had filed in which it requested a base period use and supplier for a retail motor gasoline outlet it planned to construct. The DOE determined that although a retail outlet had previously existed at this location, the outlet Kayo intended to construct would constitute a new retail outlet. The DOE therefore orderered the Region IV Director of Fuels Regulation to issue an assignment order to Kayo Oil Company for this location within 30 days.

Texaco, Inc., White Plains, N.Y.; DFA-0365, freedom of information.

Texaco, Inc. filed an Appeal from a denial by the DOE Director of the Division of Freedom of Information Act and Privacy Act Activities of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). During the course of this proceeding, the DOE was informed that the Office of Fuels Regulations of the Economic Regulatory Administration, whose recommendation had served as the basis for the Director's Order, had subsequently concluded that the document should have been released. Accordingly, the DOE determined that the Texaco Appeal should be granted.

Remedial Order

Shakespeare Oil Co., Inc., Gibson and Posey Counties, Ind.; DRO-0086, crude oil.

Shakespeare Oil Company, Inc. objected to a Proposed Remedial Order which Region V of the Department of Energy issued to the firm on July 12, 1978. In the Proposed Remedial Order, the DOE Regional Office alleged that Shakespeare had treated both its Mackey and Greathouse properties as stripper well properties and had as a result made sales of crude oil at price levels in excess of those permitted under 6 CFR 150.354 and 10 CFR 212.73. The amount of the alleged excess was $175,773.68. The DOE found however that both properties were properly treated by Shakespeare as stripper well leases and that there were accordingly no pricing violations. In the case of the Mackey property, the Annis #1 well on the lease was found to have produced crude oil and therefore properly included in Shakespeare's calculation of the property's average daily production of crude oil. The Greathouse property was also found to have been a stripper well lease based on evidence that the amount of downtime utilized in the calculation of the lease's average daily production was consistent with historic downtime experienced by similar wells in a nearby field. The PRO was therefore rescinded.

Petition for Special Redress

Consumer Energy Council of America, Washington, D.C.; DSG-0052 (home heating oil).

The Consumer Energy Council of America (CECA) filed a Petition for Special Redress in which the firm requested that additional financial assistance be authorized in connection with its participation in proceedings conducted by the DOE during 1978 regarding the pricing of No. 2 (home) heating oil. In considering the request, the DOE concluded that the additional charges were reasonable and that CECA should be reimbursed for the full amount which it requested. The CECA Petition for Special Redress was therefore granted.

Request for Exception

Kenneth Luff, Inc., Denver, Colo.; DEE-1300, crude oil.

On May 31, 1978 Kenneth Luff, Inc. (Luff) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D which, if granted, would permit the firm to sell crude oil produced from the Green River Participating Area B of the Walker Hollow Unit (Walker Hollow Unit) located in Uintah County, Utah, at upper tier ceiling prices. In considering the application the DOE found that Luff's operating costs at the Walker Hollow Unit had increased to the point where the firm no longer had an economic incentive to continue production from the property unless price relief was granted. Therefore, on the basis of criteria applied in other Decisions, the DOE determined that Luff should be permitted to sell 11.28 percent of the crude produced from the Walker Hollow Unit at upper tier ceiling prices for the benefit of the working interest owners during the period November 29, 1978 through May 31, 1979.

Supplemental Orders

Asiatic Petroleum Corp. Pacific Resources, Inc.; Inter-Americas Oil Co.; Roarda, Inc.; Scanoil, Inc., Washington, D.C. DEX-0163, residual fuel oil.

On October 13, 1978, the DOE issued a Decision and Order to Asiatic Petroleum Corporation, Pacific Resources, Inc., Inter-Americas Oil Company, Roarda, Inc. and Scanoil, Inc. *Asiatic Petroleum Corp., et al.*, 2 DOE Par. 102 (1978). In that Decision and Order, the DOE granted the firms exception relief from the provisions of the Mandatory Oil Import Program, permitting them to import on a fee-exempt basis 81.2 percent of their total projected imports of residual fuel oil into District I during the 1978-79 allocation period. The firms were required to make an accounting at the end of the allocation period and pay license fees at that time for any such imports in excess of 81.2 percent of their actual totals. The level of relief chosen was intended to reflect the average market percentage of fee-exempt imports of residual fuel oil into District I.

Subsequent to the issuance of the October 13 Decision and Order, new regulations were promulgated which generally permitted District I firms to import all of their residual fuel oil needs on a fee-exempt basis through June 30, 1979. In view of this regulatory change, the DOE determined that it would no longer be equitable to limit the fee-exempt authority of the five firms involved in the *Asiatic* proceeding to 81.2 percent of their actual imports of residual fuel oil during the 1978-79 allocation period. Accordingly, the 81.2 percent limitation provided in the October 13 Decision and Order was rescinded.

UCO Oil Co. (Union Oil Co. of California, Whittier, Calif.; DEX-0166, motor gasoline.

On May 9, 1979, UCO Oil Company and Union Oil Company of California submitted a Protective Order which provided for the disclosure to Union of confidential information submitted to the DOE by UCO in connection with Applications for Exception, Stay and Temporary Stay which UCO had filed (Case Nos. DEE-2487; DES-2487; and DST-2487). In a prior proceeding on UCO's Application for Stay, the DOE had order several major oil companies, including Union, to supply motor gasoline to UCO in April and May 1979. Under the terms of the Protective Order, Union may not use the information that it receives except in connection with the pending administrative proceedings and any subsequent judicial review. In reviewing the agreement reached by the parties, the DOE noted that the disclosure of information under the Protective Order would serve to expedite and facilitate its consideration of the UCO exception request. The DOE therefore concluded that the Protective Order should be approved. The DOE pointed out that the Protective Order was an order within the meaning of Section 5(a)(3) of the Emergency Petroleum Allocation Act of 1973, as amended, and that a violation would give rise to potential civil and criminal penalties. In addition, the DOE reserved its right to impose additional sanctions on any party that violates the terms of the Protective Order.

UCO Oil Co. (Mobil Oil Corp.) Whittier, Calif; DEX-0164, motor gasoline.

On May 9, 1979, UCO Oil Company and Mobil Oil Corporation submitted a Protective

Order which provided for the disclosure to Mobil of confidential information submitted to the DOE by UCO in connection with Applications for Exception, Stay, and Temporary Stay which UCO had filed (Case Nos. DEE-2487; DES-2487; and DST-2487). In prior proceedings on UCO's Applications, for Stay and Temporary Stay, the DOE had ordered several major oil companies, including Mobil, to supply motor gasoline to UCO in March, April and May 1979. Under the terms of the Protective Order, Mobil may not use the information that it receives except in connection with the pending administrative proceedings and any subsequent judicial review. In reviewing the agreement reached by the parties, review. In reviewing the agreement reached by the parties, the DOE noted that the disclosure of information under the Protective Order would serve to expedite and facilitate its consideration of the UCO exception request. The DOE therefore concluded that the Protective Order should be approved. The DOE pointed out that the Protective Order was an order within the meaning of Section 5(a)(3) of the Emergency Petroleum Allocation Act of 1973, as amended, and that a violation would give rise to potential civil and criminal penalties. In addition, the DOE reserved its right to impose additional sanctions on any party that violates the terms of the Protective Order.

UCO Oil Co. (Texaco, Inc.), Whittier, Calif.; DEX-0165, motor gasoline.

On May 9, 1979, UCO Oil Company and Texaco, Inc. submitted a Protective Order which provided for the disclosure to Texaco of confidential information submitted to the DOE by UCO in connection with Applications for Exception, Stay, and Temporary Stay which UCO had filed (Case Nos. DEE-2487; DES-2487; and DST-2487). In prior proceedings on UCO's Applications for Stay and Temporary Stay, the DOE had ordered several major oil companies, including Texaco, to supply motor gasoline to UCO in March, April and May 1979. Under the terms of the Protective Order, Texaco may not use the information that it receives except in connection with the pending administrative proceedings and any subsequent judicial review. In reviewing the agreement reached by the parties, the DOE noted that the disclosure of information under the Protective Order would serve to expedite and facilitate its consideration of the UCO exception request. The DOE therefore concluded that the Protective Order should be approved. The DOE pointed out that the Protective Order was an order within the meaning of Section 5(a)(3) of the Emergency Petroleum Allocation Act of 1973, as amended, and that a violation would give rise to potential civil and criminal penalties. In addition, the DOE reserved its right to impose additional sanctions on any party that violates the terms of the Protective Order.

Interim Order

Energy Cooperative, Inc., East Chicago, Ind.; DEN-2816, crude oil.

On May 10, 1979, the DOE issued a Proposed Decision and Order in which it concluded that Energy Cooperative, Inc. (ECI) should be permitted to purchase 3,316,829 barrels of crude oil through the DOE Buy/Sell Program during the allocation period April 1 through September 30, 1978. In the May 10 Proposed Decision, the DOE stated that the relief afforded ECI was designed to provide the firm with sufficient crude oil to enable it to meet the refined petroleum product requirements of more than 500,000 farmers, ranchers and dairymen. In determining whether an Interim Order should be issued in this case, the DOE concluded that ECI had satisfied each of the criteria specified in 10 CFR 205.69A under which an Interim Order may be issued. The DOE concluded that ECI had shown that it was highly probable that exception relief would ultimately be approved. In reaching this conclusion, the DOE noted that the May 10 Proposed Decision had found that the eligibility requirements of the Buy/Sell Program results in a serious hardship, a gross inequity and an unfair distribution of burdens to ECI and its customers. Since any one of these factors is sufficient to justify the approval of exception relief, the DOE concluded that it was probable that an exception would ultimately be approved. In examining the second criteria which must be satisfied, the DOE found that if exception relief were not approved immediately, the farmes served by ECI's member cooperatives would incur an irreparable injury. In this regard, the DOE pointed out that the persons and businesses engaged in agricultural production use more than 50% of their annual consumption of refined petroleum products during the four month period April through July, and that the inability of this sector of the economy to acquire sufficient quantities of petroleum products during this period would result in a particular hardship to ECI's ultimate customers. Finally, the DOE concluded that the harm to third persons of the approval of immediate exception relief was not likely. On the basis of these considerations, the DOE issued an Interim Order which implemented immediately the exception relief found to be appropriate in the May 10, 1979 Proposed Decision and Order.

Petitions Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firms filed Applications for Stay and/or Temporary Stay of the provisions of Standby Regulation Activation Order No. 1. The Stay requests, if granted, would result in an increase in the base period allocation of motor gasoline pending determination of the Applications for Exception. The DOE issued Decisions and Orders which determined that the Stay requests be granted.

Company name, case No., and location

West Side Distribution Company, DES-2749; Rochester, MN.
Acree Oil Co., Inc., DES-3525; Deland, FL.
Murray Oil Company, DES-2284; Ash Grove, MO.
Marcum Oil Company, DES-2263; Savannah, MO.
Royal Farm Dairy, DES-2700; Colorado Springs, CO.
Craig Oil Company, DES-0131; Macon, GA.
Beaver Lake Camp Ground, DES-3272; Quincy, FL.
Bill's Amoco, DES-3685; Lima, PA.
Kenneth Chapman, DES-3805; Decatur, AL.
Corvo's Service Station, DES-2730; Scranton, PA.
Rapid Serrico Oil Co., DES-2373, DST-2373; Roberts, WI.

Petitions Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firm filed an Application for Temporary Stay of the provisions of Motor Gasoline Allocation Regulations. The Stay request, if granted, would result in an increase in the base period allocation of motor gasoline pending determination of the Application for Exception. The DOE issued a Decision and Order which determined that the Stay request be denied:

Company name, case No., and location

Midland Cooperatives, Inc., DES-3928; Houston, TX.

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Company name and Case No.

Associated Oil Company, DEE-4167.
Dauphin Oil Company, DEE-2794.
Davis Oil Company, DEE-2932; DST-2932.
Davison's Service, DEE-3210.
Eastport Foods, DEE-2671.
Finn Oil Company, DEE-2620; DES-2620; DST-2620.
Gary Oil Company, DEE-2757; DES-2757.
Grier Oil Company, DEE-3474; DES-3474.
Gurney's Service, DEE-4012.
I. H. Delatter & Assoc., DEE-1395.
Irvine Service, DEE-2679.
Jet Delivery, Inc., DEE-3791.
Lohr Petroleum Company, DEE-3281.
Loveland Gas & Oil, DEE-3320; DST-3320.
Marshall L. Bjork, DEE-2504.
McDonald Oil Company, DEE-3278.
Mid-City Exxon, DEE-2975.
Parmer's Shell, DEE-4125.
Rail Petroleum Company, DEE-3580.
Reinhardt Oil Corporation, DST-0041.
River Inn, DEE-3371.
Roy M. Morauer, DEE-3658.
Sears Oil Company, DEE-2947; DES-2947.
Springdale Shell, DEE-4192; DES-4192.
Travelers Petroleum, Inc., DEE-2846; DES-2846.
Tycon Exxon, DEE-3566.
W. Henry Hardy, Inc., DEE-3837.
Wells Oil Company, DEE-4086.
Allied Oilwell Service, DEE-4198; DES-4198.
Amil Borelli, DEE-3985.
Austral Oil Company, DEE-2540.
Douglas Gulf & Mower, DEE-2998; DES-2998.
Fontana Service Center, DEE-2854.
Greenbelt Oil Company, DEE-2908.
Hale Petroleum Company, DEE-2731; DST-2731.

Harold R. Weeks, DEE–4221.
Hoover Oil Company, DEE–2565.
Thomas C. Ainsworth, DEE–4128.
Webster Oil Company, DEE–3403.
Yehl & Stever Service, DEE–4195; DES–4195.
Jack's Auto Center, DEE–4138.
James C. Barger, DEE–3282.
James D. Summers, DEE–4277.
Keck, Inc., DEE–3577.
Lincoln Oil Service, DEE–2868.
Lower Broadway Exxon, DEE–2221.
Mears Shell Service, DEE–4126.
Ocean Mobil, DEE–4375.
Rose's Gas & Goodies, DEE–4188; DES–4188.
Saasta's Chevron, DEE–3890.
Save Way Gas Inc., DEE–4131.
Steve's Standard, DEE–3402.
The Gates Rubber Company, DEE–4075.
The Vermont Morgan Corporation, DEE–3940.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines,* a commercially published loose leaf reporter system.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

November 2, 1979.

[FR Doc. 79-34495 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders by the Office of Hearings and Appeals; Week of April 2 Through April 6, 1979

Notice is hereby given that during the week of April 2 through April 6, 1979, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeal

Null & Null, Garden City, New York, DFA–0316, Freedom of Information

The law firm of Null & Null appealed from the denial of a request for information which the firm filed under the Freedom of Information (FOI) Act. In its request, Null & Null sought documents relating to various enforcement actions initiated by the DOE and its predecessor agencies against Gulf Oil Corporation. The Director of the DOE Division of Freedom of Information and Privacy Acts Activities identified ten documents as responsive to the firm's requests, but withheld portions of the documents as confidential or commercial information exempt from mandatory public disclosure under Exemption 4 of the FOI Act. Null & Null contended that the Director's determination was erroneous because similar material may not be withheld from discovery in federal court proceedings. In considering this contention, the DOE noted that courts have various means, not available to agencies under the FOI Act, to prevent abuse or general public dissemination of confidential information made available through judicial discovery. The DOE thus concluded that the extent to which such information is available in court proceedings is irrelevant to determinations made under the FOI Act. After examining the withheld material, the DOE concluded that under the applicable regulatory criteria for consideration of whether information is within the scope of Exemption 4, the Director's determinations with respect to the withheld material were correct. The Null & Null Appeal was therefore denied.

Requests for Exception

Champlin Petroleum Company, Fort Worth, Texas, DEE–2033, Crude Oil

The Champlin Petroleum Company (Champlin) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell at upper tier ceiling prices a certain portion of the crude oil which it produces from the Sutton Lease located in Oklahoma County, Oklahoma. In considering the Application, the DOE found that the cost of producing crude oil from the Sutton Lease had increased to a point which exceeds the revenues the firm can obtain from the sale of the crude oil at the lower tier ceiling price. The DOE found that Champlin had no economic incentive to continue to produce crude oil from the lease, and that it was unlikely that the crude oil in the reservoir underlying the Sutton Lease could be recovered by any other firm in the absence of exception relief. The DOE therefore concluded that the application of the ceiling price rule resulted in a gross inequity to Champlin and the other working interest owners. In order to provide the working interest owners with an incentive to continue to produce, the DOE granted an exception which permits Champlin to sell at upper tier ceiling prices 56.15 percent of the crude oil produced from the Sutton Lease for the benefit of such owners.

Custer gas Service; Custer, South Dakota DEE–1077, Propane

Custer Gas Service filed an Application for Exception from the provisions of 10 CFR 212.93 in which the firm sought to be relieved of its obligation to refund revenues which it obtained by charging prices for propane in excess of maximum levels. In considering the request, the DOE found that exception relief was necessary to facilitate the firm's ability to accomplish the refunds. Accordingly, exception relief was granted which extended the timetable for the completion of the refunds.

Marathon Oil Company, Findlay, Ohio, DXE–2097, Crude Oil

The Marathon Oil Company (Marathon) 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 to Marathon and would permit the firm to sell 100 percent of the crude oil which it produces from the Middle Stevens and Upper Stevens Properties at market prices. *Marathon Oil Co.,* 2 DOE Par. 81,067 (1978). In considering the exception application, the DOE found that Marathon continued to incur increased operating expenses at the Middle and Upper Stevens Properties and that, in the absence of exception relief, the working interest owners would lack an economic incentive to continue to produce crude oil from those properties. In view of this determination and on the basis of the operating data which Marathon had submitted for the most recently completed fiscal period, the DOE concluded that exception relief should be continued to permit Marathon to sell 100 percent of the crude oil produced from the Middle Stevens Property for the benefit of the working interest owners at market prices not to exceed $14.59 per barrel and 100 percent of the crude oil produced from the Upper Stevens Property for the benefit of the working interest owners at market prices not to exceed $15.16 per barrel.

Phillips Petroleum Company, Bartlesville, Oklahoma, DXE–2019, DXE–2020, Crude Oil

The Phillips Petroleum Company (Phillips) filed two Applications for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception requests, if granted, would result in an extension of exception relief previously granted and would permit the firm to continue to sell a certain portion of the crude oil which it produces from the Holder "B" Lease and the Young "B" Lease at upper tier ceiling prices. *Phillips Petroleum Co.,* 2 DOE Par. 81,060 (1978). In considering the exception applications, the DOE found that Phillips continued to incur increased operating expenses at the Holder "B" and Young "B" Leases and that in the absence of exception relief, the working interest owners would lack an economic incentive to continue the production of crude oil at those two leases. In view of this determination and on the basis of the operating data which Phillips had submitted for the most recently completed fiscal period, the DOE concluded that exception relief should be continued to permit Phillips to sell 55.22 percent of the crude oil produced from the Holder "B" Lease and 47.56 percent of the crude oil produced from the Young "B" Lease for the benefit of the working interest owners at upper tier ceiling prices.

Powerine Oil Company, Sante Fe Springs, Company, DEE–1823, Residual Fuel Oil

The Powerine Oil Company requested an exception to facilitate the transportation of residual fuel oil from the firm's refinery in California to the East Coast market of the United States. In considering the Powerine request, the DOE observed that it had recently considered a request for similar relief, filed by the Charter Oil Company. *Charter Oil Co.,* 3 DOE Par. —— (February 16, 1979). In that Decision, the DOE concluded that any difficulties being experienced at this time by West Coast producers of residual fuel oil are not attributable to the operation of the DOE

regulatory program and that exception relief of the type requested by Charter was therefore not appropriate. After reviewing the Powerine submission, the DOE concluded that the same considerations applied in this case. The DOE also found that Powerine's particular position under the regulations did not justify the exception it had requested in this proceeding. The Powerine request was therefore denied.

Kenneth L. Tipps, Denver Colorado, DEE-2074, Crude Oil

Kenneth L. Tipps (Tipps) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell the crude oil produced from the Marick 1-A property, located in Washington County, Colorado, at upper tier ceiling prices. In considering the exception request, the DOE found that operating costs at the property had increased to the point where they exceeded the revenues which Tipps received from the sale of crude oil at lower tier ceiling prices. The DOE also found that the abandonment of the property would result in the loss of approximately 54,000 barrels of otherwise recoverable crude oil. Consequently, the DOE concluded that exception relief should be granted to Tipps in order to provide the firm with an economic incentive to continue production operations at the Marick property. In accordance with the precedent established in a number of prior Decisions, the DOE permitted Tipps to sell at upper tier ceiling prices 100 percent of the crude oil produced from the Marick property for the benefit of the working interest owners.

Requests for Temporary Stay

Port Petroleum Inc., Shreveport, Louisiana, DST-0044, Crude Oil

Port Petroleum, Inc. (Port) filed an Application for Temporary Stay in which it requested that its obligations for March 1979 under the Entitlements Program (10 CFR 211.67) be stayed pending a determination on an Application for Stay of which the firm stated it intends to file. In considering the Port request, the DOE found that the financial material which the firm had submitted preserved a *prima facie* showing that the firm currently did not have sufficient financial resources to satisfy its March 1979 entitlements purchase obligations and accordingly granted the firm's stay request.

Sun Company, Inc., Washington, D.C., DST-0034, unleaded motor gasoline

Sun Company, Inc. filed an Application for Temporary Stay from the requirement that it use a single allocation fraction for unleaded gasoline for all of its motor gasoline distribution systems as set forth in 10 CFR 211.108. In considering the Application, the DOE found that due to mechanical malfunctions at its Tulsa refinery, Sun was unable to supply the customers in its Oklahoma distribution system with the same proportion of motor gasoline as in other distribution systems. Since it therefore appeared to be impossible to maintain the same allocation ratio of unleaded motor gasoline in the Oklahoma distribution system the DOE granted Sun's request for permission to use a separate unleaded motor gasoline ratio in the Oklahoma system on a temporary basis.

Vickers Petroleum Corporation, Wichita, Kansas, DST-0045, motor gasoline

The Vickers Petroleum Corporation (Vickers) filed an Application for Temporary Stay with the Office of Hearings and Appeals which, if granted, would result in a stay of the provisions of an Order for the Redirection of Product issued to Vickers by the Economic Regulatory Administration (ERA) Office of Fuels Regulation on March 23, 1979. The March 23 Redirection Order requires vickers to supply 630,000 gallons of motor gasoline to Midland Cooperatives, Inc. (Midland) during the month of March 1979. The March 23 Redirection Order found that Midland's two principal suppliers would be able to supply Midland with only 6 percent of its non-agricultural base period obligations. Although the ERA noted that surplus product was available on the Gulf Coast and in Oklahoma, the price which Midland would be required to pay for that product would place the firm's competitive viability in jeopardy. In considering the Vickers' request, the DOE determined that the provisions of 10 CFR 211.13 under which the March 23 Redirection Order was issued do not permit the ERA to consider the price which an applicant must pay for surplus product when it is available. The DOE therefore concluded that Vickers had established a very substantial likelihood of success on the merits of its appeal of the March 23 Redirection Order. The DOE also determined that if Vickers were required to purchase the same surplus product that is available to Midland in order to comply with the terms of the Redirection Order, Vickers and its customers would be adversely affected. Consequently, the DOE concluded that there was no basis in the record for shifting the burden of paying a higher price for additional volumes of motor gasoline from the customers of Midland to those of Vickers. On the basis of these considerations, the DOE granted Vickers' request for Temporary Stay.

Motion for Discovery

Mid-Continent Systems, Inc., West Memphis, Arkansas, DRD-0179, fuel oil

Mid-Continent Systems, Inc. filed a Motion for Discovery in connection with its Appeal of a Supplemental Remedial Order. the DOE had previously granted a Motion for Evidentiary Hearing which Mid-Continent had filed in connection with the same proceeding. In considering the discovery request, the Office of Hearings and Appeals noted that the DOE Office of Enforcement had voluntarily provided Mid-Continent with substantial portions of the information requested in its Motion for Discovery. The Office of Hearings and Appeals determined that the remaining portions of the firm's request should be denied. In making this determination, the OHA observed that the information requested by Mid-Continent would have been available to the firm through the evidentiary hearing but that the firm failed to take advantage of the opportunity to seek the testimony of the individuals possessing the information. In particular, the DOE noted that Mid-Continent sought to obtain the testimony of officials of the Georgia Power Company through a deposition after having failed to seek their testimony for a forthcoming evidentiary hearing as authorized in the decision granting the firm an evidentiary hearing. The OHA ruled that a firm that failed to avail itself of information under these circumstances may not invoke other available procedures to seek the same information. Accordingly, the Mid-Continent Motion for Discovery was denied.

Petitions Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firms filed Applications for Stay and/or Temporary Stay from the provisions of Standby Regulation Activation Order No. 1. The stay request, if granted, would result in an increase in the firm's base period allocation of motor gasoline pending determination of the firm's Application for Exception. The DOE issued Decisions and Orders which determined that the stay requests be granted:

Name, Case No. and Location

Webco Southern Oil, DST-2354; Smyrna, GA.
William Law, DES-2682; Jacksonville, FL.
Stinson Grocery, DES-2492; Bluefield, VA.
Northgate Texaco, DES-2554; Chattanooga, TN.
Northlake Chevron., DES-2812, DST-2812; Tucker, GA.
Pate's Wholesale Exxon, DES-2507; Helena, MT.
Allinder's Service, Inc., DES-2419, DST-2419; Independence, MO.
Clark's Exxon, DES-2382, DST-2382; Mauldin, SC.
Elm City Filling Stations, Inc., DES-2423, DST-2423; New Haven, CT.
Farmland Industries, DST-0016; Kansas City, MO.
Irv's Service Center, DES-2624, DST-2624; Boosier City, LA.
Jim's Central City Service, DES-2512, DST-2512; St. Louis, MO.
West Taft Street Exxon Service, DES-2587, DST-2587; Hollywood, FL.
H&H Manhattan Shell, DES-3150; New York, NY.,
Hilltop Grand, DES-2944; Reno, NV.
Coleman's Service, DST-2728; Two Harbors, MN.
Crossroads Gulf Service Station, DES-2646; Amherst, VA.
Acomi Corpl, DES-2465, Washington, DC.
Bearsch's Penn Jersey Auto Store & Car Care Center, DES-2477, DST-2477; Abingden, MD.
Big Gulf Service, DES-2661; Jackson, GA.
Chevron USA, Inc., DST-3142; San Francisco, CA.
Gary Wheeler, DES-2717; Edmonds, WA
Glover Oil Co., Inc., DST-2563, Melbourne, FL.
Jack Bradshaw, DES-2389, DST-2389; Gastonia, NC.
Northland Oil Company, DES-2744; Ely, MN.
Publix Oil Company, DES-0186; Washington, DC.
Rosemont Exxon, DES-2698; Rosemont, PA.
Saginaw Valley Oil, DES-2440; Saginaw, MI.

Webster's Self Service Gulf Station, DES–2575; Coffeeville, MS.
Barielle Oil Company, DES–2738; Baton Rouge, LA.
Cal Bliss Enterprises, DES–2388; Carroll, IA.
Ellis Burns Exxon, DES–2852; Florence AL.
Frank Moody's Mobil, DST–2635; Rochester, MN.
Furtado's Garage, DES–2783, Swansea, MA.
Grand River Shell of Howell, DES–2596; Owosso, MI.
Howard's Exxon, DES–2691, Jacksonville, FL.
Allied Oil Company, DES–2420, DST–2420; Kalamazoo, MI.
Dale Auto Sales, Inc., DES–2648; Farmingdale, WY.
Don Cramer for Country Corner Exxon, DES–2509; Lewiston, MT.
Embrey's Mobil Service, DES–2672; Gaithersburg, MD.
Exxon of Olney, DES–2454; Olney, MD.
G&C Grocery & Standard Oil Company, DES–2841; Gernfash, MI.
JSR Auto Center, DES–2370, DST–2370; Miami, FL.
Johnson Oil Company, DES–2972; Gaylord, MI.
Lyle W. Whitman, DES–3115, Sanford, MI.
Sam Ammari Arco, DES–3012; Inglewood, CA.
Vestal Grocery, DES–3021; Yadkinville, NC.
Wilson Shell Service, DES–2786; Bakersfield, CA.

Application for Stay and/or Temporary Stay

The following firms filed Applications for Stay and/or Temporary Stay from the provisions of Standby Regulation Activation Order No. 1. The stay request, if granted, would result in an increase in the firm's base period allocation of motor gasoline pending determination of the firm's Application for Exception. The DOE issued Decisions and Orders which determined that the stay requests be denied:

Name, Case No., and Location

Kerr-McGee Corporation, DES–2244; Oklahoma City, OK.
Spruill Oil Co., Inc., DES–2394, DST–2394; Carrollton, GA.
Day-Nite Food Store, DES–2422, DST–2422; Villa Rica, GA.
Petroleum Products Corporation, DST–2888; Washington, DC.

The following firms filed Applications for Exception and/or Applications for Stay from the provisions of Standby Regulation Activation Order No. 1. After reviewing the material presented by these firms, the DOE concluded that each of these petitions should be dismissed without prejudice to a refiling at a later date:

Company Name, Case No., and Location

Schaeffer Oil, Inc., DEE–2332, DES–2332, DST–2332; Winner, SD.
Shoreline Petroleum Company, DEE–2424, DES–2424, DST–2424; Skokie, IL.
Zippy Mart, Inc., DEE–2381, DES–2381; Jacksonville, FL.
Riverside, Oil, Inc., DES–2415, DEE–2415; Evansville, IN.

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Name, Location, and Case No.

Amarillo 76 Truck Stop, Inc., Amarillo, TX., DEE–2924
Buchanan Oil Company, Grundy, VA., DEE–2663
C. C. Jones Exxon, Mart, TX., DEE–2564, DES–2564, DST–2564
Friendswood Refining Corporation, Friendswood, TX., DEA–0303
Gardner Creeck Oil Co., Inc., Smithfield, VA., DEE–2674
Henderson Oil Company, Hendersonville, NC., DEE–2845, DES–2845
Lee's Grocery, Townsville, NC., DEE–2392
Little America Refining Company, Washington, DC., DES–2110
Norman's Mobil, Fort Worth, TX., DEE–2872
Quail Valley Car Care Center, Missouri City, TX., DEE–2694
Seiler Oil Company, Algoma, WI., DEE–2902
Texaco, Inc., New Orleans, LA., DEE–0969
W–D Oil Company, Elgin, IL., DEE–2585

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

November 2, 1979.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

[FR Doc. 79-34502 Filed 11-7-79; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders by the Office of Hearings and Appeals; October 1 Through October 5, 1979

Notice is hereby given that during the period October 1 through October 5, 1979, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Under the procedures which govern the filing and consideration of exception applications (10 CFR, Part 205, Subpart D), any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice (November 8, 1979) or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The applicable procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which 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. e.s.t., except federal holidays.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

October 31, 1979.

Proposed Decisions and Orders

Atlantic Richfield Co., Houston, Tex., DXE–7864, crude oil.

Atlantic Richfield Company 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 Platform Spark in the Cook Inlet of Alaska for the benefit of the working interest owners at upper tier ceiling prices. On October 3, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted.

Gulf Oil Corp., Houston, Tex., DEE–7930, crude oil.

Gulf Oil Corporation filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell a certain portion of the crude oil produced from the Ruth Fleming, *et al.*, "A" Lease located in St. Martin Parish, Louisiana, for the benefit of the working interest owners at market price levels. On October 5, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted.

Pennzoil Producing Co., Houston, Tex., DXE–7852, crude oil.

Pennzoil Producing Company 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 Perry Sand Waterflood

Unit, North Segment, for the benefit of the working interest owners at upper tier ceiling prices. On October 4, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted.

Petroleum, Inc., Wichita, Kans.; DXE-8262, crude oil.

Petroleum, Inc. 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 Crowder Lease for the benefit of the working interest owners at upper tier ceiling prices. On October 4, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be granted.

C. F. Lawrence & Associates, Inc., Midland, Tex.; DXE-7889, crude oil.

C. F. Lawrence & Assoc., Inc. 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 Childress M. I. Masterson Lease for the benefit of the working interest owners at upper tier ceiling prices. On October 4, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be granted.

Champlin Petroleum Co., Fort Worth, Tex.; DXE-7989, crude oil.

Champlin Petroleum Company 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 State of New Mexico No. 18 Property for the benefit of the working interest owners at upper tier ceiling prices. On October 4, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be granted.

Gulf Oil Corp., Houston, Tex.; DXE-8084, crude oil.

Gulf Oil Corporation filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would 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 E. G. Robinson, *et al.*, Unit for the benefit of the working interest owners at upper tier ceiling prices. On October 4, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be granted.

Standard Oil Co. (Indiana), Chicago, Ill.; DEE-7370, crude oil.

Standard Oil Company (Indiana) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell a certain portion of the crude oil produced from the South Middle Ground Shoal Unit located in Kenai Peninsula Borough, Alaska, for the benefit of the working interest owners at upper tier ceiling prices. On October 5, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted.

Petitions Involving the Motor Gasoline Allocation Regulations

Week of October 1 Through October 5, 1979

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 number, and location

Quality Car Wash & Convenience, DEE-3961; Marietta, GA.
Randy's Exxon, DEE-7143; N. Tazewell, VA.
Van Alstine Oil Co., DEE-5383; New London, WI.
The Village Market, DEE-7442; Cutler, ME.

Petitions Involving the Motor Gasoline Allocation Regulations

Week of October 1 Through October 5, 1979

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 number, and location

Abraham Oil Co., DEE-7397; Austin, TX.
Allen L. Lampert, DEE-5412; Exeter, NH.
Bedles Gulf Service, DEE-7204; Old Bridge, NJ.
Bevins Motor Co., Inc., DEE-7623; Georgetown, KY.
Danville Gas House Co., DEE-5439; Winston Salem, NC.
Delozier Chevron, DXE-6067; Atlanta, GA.
Development Services, DEE-7267; West Chester, PA.
Epsom Circle Market, DEE-6746; Epsom, NH.
Estatoe Company Store, DEE-7205; Spruce Pine, NC.
Gay's Arco & Mini-Mart, DEE-6273; Lynnwood, WA.
Gomez Service, DEE-5288; Los Angeles, CA.
Herb's Amoco #3 DEE-8063; Washington, DC.
John Fluck's Mini Market, DEE-5877; Lansdale, PA.
Landmark 66 Service, DEE-4394; Alexandria, VA.
Malone-Cook Gulf, DEE-7266; Osceola, AR.
Mohammed Abzakh, DEE-5762; Pomona, CA.
N. Reading Gulf, DEE-5409; N. Reading, MA.
Samih Khatib, DEE-5285; Hutington Beach, CA.
Smith's Exxon, DEE-6855; Nashville, TN.

[FR Doc. 79-34503 Filed 11-7-79; 8:45 am]
BILLING CODE 6450-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 218
Thursday, November 8, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CONSUMER PRODUCT SAFETY COMMISSION.

Agenda

TIME AND DATE: Commission Briefing, Thursday, November 8, 1979, 10 a.m.

LOCATION: Room 456 Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Part open, part closed.

MATTERS TO BE CONSIDERED:

A. Open to the Public

1. *Briefing on Gasoline Cans Petition: CP 78-17—Follow up*

The staff will present a follow up report on actions it has taken in response to Commission directions at the September 20 Meeting on this petition; the staff will discuss resource estimates for obtaining injury data and engineering review, and the status of current staff activities on gasoline containers.

2. *Briefing on Formaldehyde: Status*

The staff will brief the Commission on the status of current scientific research on formaldehyde. Members of the staff met October 16 with representatives of the Formaldehyde Institute to discuss research the Institute had conducted by the Chemical Industry Institute of Toxicology.

B. Closed to the Public

3. *Briefing on Formaldehyde: Legal Considerations*

The Commission and staff will discuss possible legal strategies for action regarding formaldehyde. (Closed under exemption 9: possible significant frustration of agency action).

CONTACT PERSON: Richard A. Danca, Office of the Secretary, Suite 300, 1111 18 St. NW., Washington, D.C. 20207, (202) 634-7700.

Agenda approved October 26, 1979.

[S-2180-79 Filed 11-6-79; 10:58 am]
BILLING CODE 6355-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION.

Agenda

TIME AND DATE: Commission Meeting, Wednesday, November 14, 2 p.m.

LOCATION: Third Floor Hearing Room, 1111-18th St., NW., Washington, DC.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:
Upholstered Furniture Flammability.

The Commission will consider possible action it may take concerning the flammability of upholstered furniture. The staff briefed the Commission November 7 on the voluntary industry program, and on the staff recommendations.

CONTACT PERSON: Richard A Danca, Office of the Secretary, Suite 300, 1111-18th St., NW., Washington, DC. 20107, (202) 634-7700.

Agenda approved November 2, 1979.

[S-2181-79 Filed 11-6-79; 10:58 am]
BILLING CODE 6355-01-M

3

CONSUMER PRODUCT SAFETY COMMISSION.

Agenda

TIME AND DATE: Commission Briefing, Thursday, November 15, 1979, 10 a.m.

LOCATION: Room 456 Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Part open, part closed.

MATTERS TO BE CONSIDERED:

A. Open to the Public

1. *Architectural Glazing Petitions, CP 79-8, 79-9*

The Commission will consider two petitions seeking to amend the Safety standard for Architectural Glazing Materials. The National Glass Dealers Association (in Petition CP 79-8) and the Flat Glass Marketing Association (in Petition CP79-9) both ask that the Commission stay enforcement of the standard as it applies to polished wired glass used in doors and glazed panels for a period of two years from the date the Court of Appeals for the District of Columbia dissolves its stay of enforcement.

2. *Briefing on Energy-Conservation Devices: Status Report*

Engineering staff will brief the Commission on the status of engineering activities related to energy-conservation devices intended to reduce the fuel consumption of flame-fired appliances.

b. Closed to the Public

3. *Briefing on OPEI Power Mower Petition: CP 79-12*

The staff will brief the Commission on issues related to a petition in which the Outdoor Power Equipment Institute (OPEI) asks the Commission to extend the effective date of the Safety Standard for Wall-Behind Power Lawn Mowers from December 31, 1981 to July 1, 1983. (Closed under exemption 10, litigation, because of a close relationship to *Selfland Mower Co. v. CPSV*).

Agenda approved November 2, 1979.

CONTACT PERSON: Richard A. Dancy, Office of the Secretary, Suite 300, 1111 18th St. NW., Washington, DC 20207, (202) 634-7700.

[S-2182-79 Filed 11-6-79; 10:58 am]
BILLING CODE 6355-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, November 5, 1979, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Mr. H. Joe Shelby, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of a

recommendation by the Legal Division with respect to the liquidation of American National Bank, Houston, Texas.

The Board further determined, by the same majority vote, that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: November 5, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-2183-79 Filed 11-6-79; 10:58 am]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, November 5, 1979, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Mr. H. Joe Selby, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice of the public, of three recommendations by the Legal Division with respect to the liquidation of, Franklin National Bank, New York, New York.

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters added to the agenda in a meeting open to public observation; and that the matters added to the agenda could be considered in a closed meeting by authority of subsections (c)(9)(B) and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(9)(B) and (c)(10)).

Dated: November 5, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-2184-79 Filed 11-6-79; 10:58 am]

BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Tuesday, November 13, 1979, to consider the following matters:

Disposition of minutes of previous meetings.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the receivership of United States National Bank, San Diego, California.

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the liquidation of First State Bank of Northern California, San Leandro, California.

Harman, Asbill, Roach and Nellis, P.C., Atlanta, Georgia, in connection with the liquidation of The Hamilton Bank and Trust Company, Atlanta, Georgia.

Chapman & Cutler, Chicago, Illinois, in connection with the liquidation of North Point State Bank, Arlington Heights, Illinois.

Sullivan & Worcester, Boston, Massachusetts, in connection with the receivership of Surety Bank and Trust Company, Wakefield, Massachusetts (memorandum dated September 19, 1979).

Kaye, Scholer, Fierman, Hays & Handler, New York, New York, in connection with the receivership of American Bank & Trust Company, New York, New York.

Hughes, Hubbard & Reed, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York (TWO MEMORANDA).

Kaye, Scholer, Fierman, Hays & Handler, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Ira L. Hyams, P.C., Jericho, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Fulbright & Jaworski, Houston, Texas, in connection with the receivership of Franklin Bank, Houston, Texas.

Ross & Stevens, S.C., Madison, Wisconsin, in connection with the liquidation of Algoma Bank, Algoma, Wisconsin.

Recommendation regarding the liquidation of assets acquired by the Corporation from Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.

Memorandum re: Proposed revision to Corporation circular regarding employees advisory councils.

Memorandum and Resolution re: General Counsel's Opinion regarding computation of interest on time and savings deposits during leap year.

Memorandum and Resolution re: Proposed rule requiring notice to depositors of maturing time deposits.

Memorandum and Resolution re: Privacy Act of 1974—Changes in Published Notices of Systems of Records.

Memorandum and Resolution re: Statement of Policy concerning interest rate futures contracts, forward contracts and standby contracts.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: November 5, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-2185-79 Filed 11-6-79; 10:58 am]

BILLING CODE 6714-01-M

7

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Tuesday, November 13, 1979, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

Desert Community Bank, a proposed new bank, to be located at 14800 LaPaz Drive, Victorville, California, for Federal deposit insurance.

First Bank of Roscoe, a proposed new bank, to be located at Elevator Road and Main Street, Roscoe, Illinois, for Federal deposit insurance.

First Women's Bank of Maryland, Inc., a proposed new bank, to be located at 1800 Rockville Pike, Rockville, Maryland, for Federal deposit insurance.

Michigan Bank-South Metro, a proposed new bank, to be located at 1901 Southfield Road, Lincoln Park, Michigan, for Federal deposit insurance.

Valley Bank, a proposed new bank, to be located at 211 North 1st Street, Mount Vernon, Washington, for Federal deposit insurance.

Applications for consent to merge and establish branches:

Barnett Bank of Delray Beach, Delray Beach, Florida, an insured State nonmember bank, for consent to merge with Barnett Bank of Palm Beach County, West Palm Beach, Florida, an insured State nonmember bank, under the charter of Barnett Bank of Delray Beach and with the title Barnett Bank of Palm Beach County, and to establish the five offices of Barnett Bank of Palm Beach County as branches of the resultant bank.

The Firestone Bank, Akron, Ohio, an insured State nonmember bank, for consent to merge with The Firestone Bank of Wadsworth, Wadsworth, Ohio, an insured State nonmember bank, under the charter and with the title of The Firestone Bank, and to establish the two offices of The Firestone Bank of Wadsworth as branches of the resultant bank.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,114–L—Southern National Bank, Birmingham, Alabama.
Case No. 44,116–L—Northern Ohio Bank, Cleveland, Ohio.
Case No. 44,120–L—Peoples Bank, Wilcox, Arizona.

Legal Division memorandum dated October 30, 1979, in connection with an appeal from an initial partial denial under the Freedom of Information Act.

Recommendation with respect to payment for legal services rendered and expenses incurred in connection with receivership activities:

Sullivan & Worcester, Boston, Massachusetts, in connection with the receivership of Surety Bank and Trust Company, Wakefield, Massachusetts (memorandum dated September 17, 1979).

Recommendations with respect to the initiation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspension or removal proceedings against certain insured banks or officers or directors thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: November 5, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–2186–79 Filed 11–6–79; 10:58 am]

BILLING CODE 6714–01–M

8

FEDERAL RESERVE SYSTEM: Board of Governors.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 63184, November 2, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, November 7, 1979.

CHANGES IN THE MEETING: Addition of the following closed item(s) to the meeting:

Proposals on internal personnel procedures relating to the System's employee benefits program:

(a) proposed pension supplement to the Retirement Plan;
(b) proposed amendments to the Long-Term Disability Income Plan;
(c) proposed amendment to the Life and Survivor Income Insurance Plan; and
(d) proposed changes to the Thrift Plan.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: November 6, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S–2190–79 Filed 11–6–79; 2:56 p.m.]

BILLING CODE 6210–01–M.

9

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, November 13, 1979.

PLACE: Hearing Room "A", Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

STATUS: Open Special Conference.

MATTER TO BE DISCUSSED: Rail Surcharges and Joint Rates.

CONTACT PERSON FOR MORE INFORMATION: Douglas Baldwin, Director, Office of Communications, Telephone: (202) 275–7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S–2187–79 Filed 11–6–79; 11:41 am]

BILLING CODE 7035–01–M

10

PAROLE COMMISSION: National Commissioners (the Commissioners presently maintaining offices at Washington, D.C. Headquarters).

TIME AND DATE: Thursday, November 8, 1979, at 1 p.m.

PLACE: Room 818, 320 First Street NW., Washington, D.C. 20537.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 19 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: A. Ronald Peterson, Analyst: (202) 724–3094.

S–2191–79 Filed 11–6–79; 3:47 pm]

BILLING CODE 4410–01–M

11

RAILROAD RETIREMENT BOARD.

TIME AND DATE: 1:30 p.m., November 15, 1979.

PLACE: Board's meeting room on the 8th floor of its headquarters building at 844 Rush Street, Chicago, Illinois, 60611.

STATUS: The entire meeting will be open to the public.

MATTERS TO BE CONSIDERED:

(1) National and field service meeting expenses, 1978–1979.
(2) Questionnaire on employer status of railroad contractors.

CONTACT PERSON FOR MORE INFORMATION: R. F. Butler, Secretary of the Board, COM No. 312–751–4920, FTS No. 387–4920.

[S–2188–79 Filed 11–6–79; 11:57 am]

BILLING CODE 7905–01–M

12

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [44 63184 Nov. 2, 1979].

STATUS: Closed Meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, November 2, 1979.

CHANGES IN THE MEETING: Additional items.

The following additional items will be considered at a closed meeting

scheduled for Wednesday, November 7, 1979, at 10 a.m.

Consideration of amicus participation.
Settlement of injunctive action.

Chairman Williams and Commissioners Loomis, Evans, and Kermel determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272–2092.

November 5, 1979.

[S-2179-79 Filed 11-6-79; 8:49 am]

BILLING CODE 8010-01-M

Federal Register

Thursday
November 8, 1979

Part II

Department of the Interior

Fish and Wildlife Service

Determination That *Abies guatemalensis* Is a Threatened Species

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants Determination That *Abies guatemalensis* Is a Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines *Abies guatemalensis* (Guatemalan fir, or pinabete), a native plant of Mexico, Guatemala, Honduras, and El Salvador, to be a Threatened species. This tree has been exploited for its wood since before 1524 and is in imminent danger of disappearing completely from the forests of Guatemala. It is threatened by increasing land use pressures throughout its range, including local Guatemalan use of saplings for Christmas trees and seedling destruction by livestock. It is also experiencing severe decline from coleopteran insect attacks in Guatemala. It is listed under two international conservation treaties, and will now receive the additional protection provided by the U.S. Endangered Species Act of 1973, as amended. This will assist in restoring the economic benefits and other values of this natural resource.

DATE: This rule becomes effective on December 10, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, U.S.A., tel. 703/235-2771.

SUPPLEMENTARY INFORMATION:

Background

Abies guatemalensis is a conifer which occurs mainly in highland areas of southwestern Mexico and western Guatemala, extending slightly into western Honduras and northwestern El Salvador. It was described as a new species in 1939; prior to that time it had been considered to be a part of the Mexican *Abies religiosa* (H.B.K.) Schlecht. et Cham. It is found in moist or wet temperate forests of the high mountains, at elevational extremes of 1800–4000 meters (in Guatemala from 2700–3500 meters). The species is imminently threatened with the complete loss of its range in Guatemala, which is a significant and major portion of its total range. The most severe decline has been since the 1940's, with local use of its wood, use of saplings for Christmas trees, insect attacks, and destruction of seedlings by livestock. Its small populations in Honduras and El Salvador, and its more extensive range in Mexico, are also at risk from increasing land use pressures with growing human populations.

Guatemala placed this species on the Annex to the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (CNPWP) on May 6, 1941. Mexico, El Salvador and the United States are also parties to that Convention. This species was placed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) at the original plenipotentiary conference in Washington, D.C., in February and March 1973. The four Central American nations and the United States were fully represented at that conference, but of these nations, only the United States in now a party to this Convention.

Relative to a request of May 22, 1975, from the U.S. Fund for Animals, Inc., all species which appeared on Appendix I of CITES, but not on the U.S. List of Endangered and Threatened Wildlife and Plants, were proposed as Endangered in the September 26, 1975, Federal Register (40 FR 44329–44333; correction 40 FR 49347–49348). *Abies guatemalensis* was one of the species addressed in that proposal. Four public hearings including plants in that proposal were held in 1976: July 14, Honolulu, Hawaii; July 22, El Segundo, California; July 28, Kansas City, Missouri; and August 4, Washington, D.C.

In addition, copies of the two treaties and the Service proposal were provided and discussed at two international symposia on plant conservation, both of which placed particular emphasis on Latin America. The first of these symposia was held in May 1976, at The New York Botanical Garden, in U.S.A., and the second in May 1977, at the University of Uppsala, in Sweden. The proposal of September 26, 1975, was specifically mentioned and cited in the Service's presentation in the published proceedings of the New York symposium: G. T. Prance and T. S. Elias, editors, 1977, *Extinction is Forever: Threatened and Endangered Species of Plants in the Americas and their Significance in Ecosystems Today and in the Future*, The New York Botanical Garden, Bronx, 437 pp. In the published proceedings of the Swedish symposium (I. Hedberg, editor, 1979, *Systematic Botany, Plant Utilization and Biosphere Conservation*, Almqvist and Wiksell International, Stockholm, 159 pp.), the Service presentation and several others cited the Prance and Elias volume for background information and activities of concern to plant conservation.

In the June 24, 1977, Federal Register, the Service published a final rule (42 FR 32373–32381, codified at 50 CFR Part 17) detailing the permit regulations to protect Endangered and Threatened plant species. The rule established prohibitions and permit procedures to grant exceptions to the prohibitions under certain circumstances.

The Department has determined that this listing rule does not meet the criteria for significance in the Department regulations implementing Executive Order 12044 (43 CFR Part 14) or require the preparation of a regulatory analysis.

SUMMARY OF COMMENTS AND RECOMMENDATIONS: In keeping with the general approach of Section 4(b)(1)(C) of the Act, a summary of all comments and recommendations received is published in the Federal Register prior to adding any foreign species to the List of Endangered and Threatened Wildlife and Plants.

Over three hundred letters were received pertaining to the proposed rule published on September 26, 1975. These comments are summarized in the June 14, 1976, Federal Register publication (41 FR 24061) which determined certain animals to be Endangered species. Few comments had addressed plants specifically; one letter referred to *Abies guatemalensis*. Ms. Laura M. Schlivek, an assistant on the Flora of Guatemala Project at the Field Museum of Natural History, Chicago, Illinois, provided botanical information on the species, primarily with regard to its threatened status in Guatemala. In their papers in the 1977 proceedings of the New York Botanical Garden symposium, Drs. A. P. Vovides and A. Gómez Pompa of the Instituto de Investigaciones sobre Recursos Bióticos, Jalapa, Mexico, and Dr. W. E. D'Arcy of the Missouri Botanical Garden, St. Louis, U.S.A., presented background information on the threats to plants from increasing land use in Mexico and Central America, respectively. The New York and Swedish symposia passed resolutions in support of the previously mentioned Western Hemisphere Convention (CNPWP) and Trade Convention (CITES), which include this species on their respective Annex and Appendix I.

In the June 14, 1976, Federal Register publication taking final action on some of the taxa in the September 26, 1975, proposal, the Service stated that: "Regulations governing plants have not

as yet been finalized, and consequently we are delaying action on listing of plants pending their publication." These regulations on trade prohibitions and permit provisions for plants under Sections 9(a)(2) and 10 of the Act were proposed in the June 7, 1976, Federal Register (41 FR 22915). The comments pertaining to that proposal, including those received at the four public hearings mentioned above, are summarized in the June 24, 1977, Federal Register final rule (42 FR 32373–32381) on plant trade prohibitions and permit provisions.

In addition, on June 16, 1976, the Service proposed rules (41 FR 24367) to implement the Trade Convention (CITES) and, for informational purposes only, provided in that publication lists of the taxa on its appendices, including *Abies guatemalensis* on Appendix I. Over three hundred comments were received pertaining to that proposal, with the majority concerning plants, although none referred to this species. These comments are summarized in the February 22, 1977, Federal Register final rules (42 FR 10461–10488; correction 42 FR 26659) which implement that Convention. There were no comments regarding this species at the four public hearings which addressed the proposal of September 26, 1975.

Conclusion

After a thorough review and consideration of all the information available, the Director has determined that *Abies guatemalensis* Rehder (common name pinabete, or Guatemalan fir), is in danger of becoming extinct in the foreseeable future throughout all or a significant portion of its range due to one or more of the factors described in Section 4(a) of the Act.

These factors and their application to *Abies guatemalensis* are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* This species occurs at higher elevations in the mountains from the states of Jalisco, Guerrero, Oaxaca and Chiapas in Mexico through western Guatemala to Cerro Santa Bárbara, Honduras and east of La Palma, El Salvador. It rarely descends to an elevation as low as 1800 meters in Mexico, is found from 2700–3500 meters in Guatemala, and has been reported to occur up to 4000 meters elevation. Much of the highland area of Guatemala was deforested during the time of the Mayan Empire, prior to 1524. This has been considered as a classic New World example of devastation by a pre-industrial civilization. The range of the tree has continued to diminish with burning and clearing to transform habitats for agricultural use and over-exploitation of the tree for its wood, as discussed in the next category of threat below. Severe erosion of habitats has taken place after deforestation, thus preventing the restoration of its ecosystem.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Use of the wood of this species as lumber and for fuel has occurred since Mayan times. With the coming of the Spanish to Guatemala after 1524, the lumber was used in construction of new administrative towns which called for substantial amounts of timber. Diminishing forests near towns, with the necessity to seek wood farther back in the mountains, was noted by the early 17th century. Erosion from deforestation was first reported in the late 17th and early 18th centuries. However, this species was still common in the western highlands of Guatemala in the 19th century, and was still locally abundant at some sites in the 1940s. By 1958 it had been practically extirpated from all but government land in Guatemala, largely from excess lumbering, and today the species is extremely rare in the country. Saplings of the species are highly prized as Christmas trees by the residents of Guatemala City, thus decreasing its regeneration, and its branches have been abundantly used in church decorations since at least the early 19th century. As recently as 1964, firewood was the only cooking fuel in 85% of the homes in Guatemala, and the majority of the population live in the 1700–2700 meter elevational zone immediately below the forests where *Abies guatemalensis* occurs. Although the forests within access of the Pacific coast in western Guatemala were exploited for naval stores as early as the 1580s, there is no known history of export of the species.

The severe reduction in range of this species has caused probable loss of genetic material; the Guatemalan populations probably represent unique ecotypes which are better adapted to lower latitudes, and of use in tropical afforestation programs. Since this is the southernmost species in the genus, such loss of genetic material is especially significant.

3. *Disease or predation* (including grazing). The Spanish introduced livestock into Guatemala during the 1520s, and sheep were being raised in large numbers in the western highlands by the mid-16th century. The northeastern half of the Department of Totonicapán, where this tree occurs in various locales, was reported as significantly eroded by the late 19th century, and had been the leading sheep-raising district of Guatemala for over two centuries. The destruction of seedlings of this species by sheep and other livestock, along with the removal of saplings for Christmas trees, have nearly eliminated all regeneration of the tree in Guatemala.

In addition, the species in western Guatemala and probably into Mexico is attacked by a coleopteran insect, perhaps by bark bettles (*Dendroctonus* spp.) which also infest *Pinus rudis* Endl. heavily in the area.

4. *The inadequacy of existing regulatory mechanisms.* In Guatemala, cutting the tree on government land was forbidden at least by 1958, but it was probably still taken illegally. In 1976 it was reported by a forester with recent local field work as in "imminent danger of disappearing from the forests of Guatemala". In the fall of 1978 it was reported that, because of threats from people and insects, it was "a punto de sucumbir" (at the point of succumbing).

In the New York symposium mentioned above, Drs. Vovides, Gómez Pompa, and D'Arcy commented on the extreme difficulties in protecting any area for conservation in Mexico and Central America, in view of the increasing social pressures on the land with rising human populations. In the Swedish symposium mentioned earlier, Dr. A. H. Gentry, of the Missouri Botanical Garden, presented similar information. However, remaining forests in the Department of Totonicapán are diminishing at a much slower rate than elsewhere in western Guatemala. This is because of communal ownership of the forests by Indian townships, villages, and kinship groups, with the sale of wood products supporting the importation of food. This pre-eminent use of forest products to generate a cash income for the Indian population was established in the 16th century. Today, the forests are guarded by forest wardens selected by the Indian communities.

As indicated earlier, *Abies guatemalensis* is on the Annex of the Western Hemisphere Convention (CNPWP). The Organization of American States is depository for the CNPWP. Articles VIII and IX of that Convention state:

Article VIII

The protection of the species mentioned in the Annex to the present Convention is declared to be of special urgency and importance. Species included therein shall be protected as completely as possible, and their hunting, killing, capturing, or taking,

shall be allowed only with the permission of the appropriate government authorities in the country. Such permission shall be granted only under special circumstances, in order to further scientific purposes, or when essential for the administration of the area in which the animal or plant is found.

Article IX

Each Contracting Government shall take the necessary measures to control and regulate the importation, exportation and transit of protected fauna or flora or any part thereof by the following means:

1. The issuing of certificates authorizing the exportation or transit of protected species of flora or fauna, or parts thereof.

2. The prohibition of the importation of any species of fauna or flora or any part thereof protected by the country of origin unless accompanied by a certificate of lawful exportation as provided for in Paragraph 1 of this Article.

Sections 2 and 8 of the Endangered Species Act of 1973, as amended, provide the U.S. implementing legislation for this Convention. The President, by Executive Order 11911 (41 FR 15683–15684), designated the Secretary of the Interior to act on behalf of and to represent the U.S. in all regards as required by the CNPWP, and required that he consult with other departments and agencies as appropriate.

In addition, the species is on Appendix I of the Trade Convention (CITES), which requires permits for export and import of the species, including any readily recognizable part or derivative thereof. Regulations for the CITES appear in the February 22, 1977, Federal Register (42 FR 10461).

Since July 1, 1975, when the CITES came into effect, no permits have been requested or issued regarding this species for the United States. Also, statistics on wood imports maintained by the U.S. Department of Commerce, Bureau of Census, Foreign Trade Division, do not refer to this tree. However, some of their records are only to genus (they do refer to *Abies*, which has about 50 species), while others are classed as various lumber products not taxonomically identified, even generically. The U.S. Department of Agriculture, Animal and Plant Health Inspection Service, likewise has no records regarding importation of this species.

5. *Other natural or man-made factors affecting its continued existence. Abies* is believed to have spread southward in North America during the Miocene epoch, reaching the mountains at least of southern Mexico 16 million years ago. This species occurs further south than any other in the genus. In Guatemala it produces cones only infrequently, perhaps because it is at its geographical and current evolutionary limit. This poor reproducton in its natural habitat hinders regeneration following exploitation. For example, even where isolated trees bearing large numbers of cones are found, such as at Cumbre del Aire (Totonicapán), sheep grazing remains a threat to seedlings.

One cannot assume on the basis of its poor reproduction that any natural reduction in its range is at all imminent. It is on the evolutionary frontier for *Abies* and may possess considerable potential in geologic time for further range expansion or even speciation, as has occurred in the genus *Pinus* (the pines) in the area. Its loss of range because of man is on a much more rapid time scale, causing the near loss in a few centuries of a natural resource of considerable importance to man. Further studies are needed in such aspects of its life history as cone production and seedling establishment before one can properly evaluate its natural vigor and potential in Central America.

Effects of the Rule

Section 7(a) of the Act, as amended, provides:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act. Each Federal agency shall, in consultation with and with the assistance of the Secretary, ensure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an 'agency action') does not jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of this section.

Provisions for Interagency Cooperation were published on January 4, 1978, in the Federal Register (43 FR 870–876) and codified at 50 CFR Part 402. These regulations are intended to assist Federal agencies in complying with Section 7 of the Act. This rule requires Federal agencies to satisfy these statutory and regulatory obligations with respect to this species. New rules implementing the 1978 Amendments to Section 7 are being prepared now by the Service.

In addition, Endangered and Threatened species regulations in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all such species. The principal regulations which pertain to Threatened plant species are found at Sections 17.71 and 17.72 (42 FR 32380–32381, 50 CFR Part 17, Subpart G). Section 9(a)(2) of the Act, as implemented by Section 17.71, will apply. With respect to any species of plant listed as Threatened, it is, in general illegal for any person subject to the jurisdiction of the United States to import or export such species; deliver, receive, carry, transport, or ship such species in interstate or foreign commerce by any means and in the course of a commercial activity; or sell or offer such species for sale in interstate or foreign commerce. Certain exceptions apply to agents of the Service and State conservation agencies.

Section 10 of the Act and regulations published in the Federal Register of June 24, 1977 (42 FR 32373–32381, 50 CFR Part 17, Subpart G), provide for the issuance of permits, under certain circumstances, to carry out otherwise prohibited activites involving Threatened plants. Requests for copies of these final trade regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, 703/235–1903.

Section 8 of the Act provides certain provisions for international cooperation in conservation, including limited provisions for financial assistance under certain circumstances, and encouragement of foreign programs by various means indicated in that section. Additionally, as indicated earlier, this species is on the Annex of the Western Hemisphere Convention (CNPWP), and Appendix I of the Trade Convention (CITES). Results of listing this tree may include greater international awareness and attention to its conservation needs, restriction of any exportations and importations through increased enforcement, closer attention to compilation of statistics on its role in international trade, and increased analysis of national and international projects which may affect its survival in its ecosystems.

National Environmental Policy Act

A final Environmental Assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment is the basis for a decision that this determination is not a major Federal action which significantly affects the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Critical Habitat

The Endangered Species Act Amendments of 1978 added the following provision to subsection 4(a)(1) of the Endangered Species Act of 1973:

> At the time any such regulation [to determine a species to be an Endangered or Threatened species] is proposed, the Secretary shall also by regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be critical habitat.

Since the species under consideration in this rule is not native to the United States, no Critical Habitat designation is authorized by the Act.

Abies guatemalensis was proposed for listing as an Endangered species on September 26, 1975 (40 FR 44330). Since all listing requirements of the Act have been satisfied, the Service now proceeds with the final rule to determine this species to be Threatened under the authority contained in the U.S. Endangered Species Act of 1973, as amended (16 USC 1531 et seq.; 87 Stat. 884, 92 Stat. 3751).

The primary author of this rule is Dr. Bruce MacBryde, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240, U.S.A. (703/235–1975).

Regulation Promulgation

Accordingly, Section 17.12 of Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. Add in alphabetical order by family, genus, species, the following plant:

§ 17.12 - Endangered and threatened plants.

Species		Range		Status	When listed	Special rules
Scientific name	Common name	Known distribution	Portion endangered			
Pinaceae—Pine family:						
Abies guatemalensis	Guatemalan fir	Mexico, Guatemala, Honduras, El Salvador.	Entire	T	83	NA

Dated: November 1, 1979.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 79-34465 Filed 11-7-79; 8:45 am]

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Federal Register

Thursday
November 8, 1979

Part III

Department of the Interior

Bureau of Indian Affairs

Education Personnel

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 31g

Education Personnel

November 2, 1979.

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

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs issues final regulations which (1) define education positions and the terms and conditions of employment of educators in the Bureau of Indian Affairs; (2) establish a system for recruitment, employment and payment of teachers and other personnel in Bureau of Indian Affairs operated schools and Agency Office Education Programs; and (3) involves the participation of Indian school boards. These regulations implement certain sections of the Education Amendments of 1978.

EFFECTIVE DATE: These regulations shall become effective not less than 45 days from date of publication. (See Section 431 of the General Education Provisions Act (20 U.S.C. 1232 and 25 U.S.C. 2018.) To determine the effective date of these regulations, call or write the contact person named below. The Bureau will publish a document confirming the effective date of this regulation at a later date.

FOR FURTHER INFORMATION CONTACT: Rick C. Lavis, Deputy Assistant Secretary for Indian Affairs, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240, (202) 343-7163.

SUPPLEMENTARY INFORMATION: The authority to issue these regulations is vested in the Secretary of the Interior by Section 1131 and 1135 of the Education Amendments of 1978 (Pub. L. 95-561, 92 Stat. 2143, 2322 and 2327, 25 U.S.C. 2011 and 2015) and redelegated to the Assistant Secretary for Indian Affairs by 209 DM 8.

On May 22, 1979 (44 FR 29836), the Bureau of Indian Affairs published a proposed rule to add a new Part 31g, Education Personnel, to Subchapter E, Chapter 1, Title 25 of the Code of Federal Regulations. These regulations were prepared by Task Force No. 7, which was constituted by the Assistant Secretary—Indian Affairs to oversee the promulgation of these regulations. The public was offered an opportunity to comment on the proposed rule and a total of 63 comments were received. Eighteen were from Tribal groups, 20 were from public and private groups, and 25 were from individuals. The majority of the comments were favorable. Several comments were received which had no effect on the regulations relative to Education Personnel. The Task Force reviewed all the comments and determined that some of the comments should be considered in Manual revisions or directives, particularly those addressing administrative or procedural concerns. Several commentors made suggestions that resulted in a number of non-substantive changes in the final rules. These changes were intended to make the rules clearer and more readable. The changes are summarized below and are categorized as "A. Comments Adopted"; and "B. Comments Not Adopted".

A. Comments Adopted

1. § *31g.1 Scope.* Several commentors interpreted the regulations to apply to tribally contracted schools. Both the statute and the regulations apply only to educators in BIA-operated schools and in BIA agency offices. Subsection (a) was changed to clarify this. The second sentence of subsection (b) was eliminated since there will no longer be need for interim procedures after November 1, 1979.

2. § *31g.2 Definitions.* Concern was expressed over the lack of understanding of the term "Agency School Board" as defined in subsection (b). The definition has been revised to read "(b) Agency School Board" as defined in Section 1139(1) Pub. L. 95-561, means a body, the members of which are appointed by the school boards of the schools located within such Agency. The number of such members shall be determined by the Director, in consultation with the affected Tribes. In agencies serving a single school, the school board of that school shall function as the "Agency School Board." One commentor suggested we include a definition of "Consulted", "Employment Contracts", and "Contract Education Position." New definitions have been added. "(i) Contract Education position means an education position as herein defined to which an individual employed is appointed or converted after November 1, 1979, implemented by an employment contract as herein defined." "(k) Employment Contract means a signed agreement executed by and between the Bureau and the individual employee hired or converted under this part, which specifies the position title, period of employment and compensation attached thereto. The individual contract shall be subject to valid provisions of any collective bargaining agreement during the term of the contract." Previous items numbered (i)(j)(k) and (l) have been renumbered (j)(l)(m) and (n). A new definition has been added "(o) Consulted as provided in Section 1131(d)(1) (B), (C) Pub. L. 95-561, means providing pertinent information to and being available for discussion with the school board, giving the school board the opportunity to reply, and giving due consideration to the school board's response."

3. § *31g.3 Education positions.* The major concerns expressed in subsection 3(a) were that the Director would establish the "number" and "location" as well as the "kinds" of education positions in BIA schools. The subsection has been rewritten accordingly so that the Director will be responsible only for determining what kinds of positions are education positions within the meaning of Pub. L. 95-561. One commentor expressed concern over the fact that there would be more teachers placed in a furlough status during summer months. The new teachers hired will be hired on a school year contract. The law exempts these people from the dual compensation laws and they may accept temporary employment during the time school is not in session. All references to the Federal Wage System and post secondary schools have been eliminated in this section and throughout this Part to conform with the statute. Subsection (b)(2) was eliminated.

4. § *31g.4 Qualifications for educators.* Subsection 4(a)(1), (4)(b)(1) and (2) have been rewritten for clarity. They now read:

(a) *Qualifications related to positions.* Job qualification requirements shall be equivalent to those established by the appropriate licensing and certification authorities of the State in which the position is located.

(1) The Director shall consult with the respective State Education Agency and national certification authorities to determine which parts of such State's requirements for education position's in early childhood, elementary, and secondary programs may not be relevant to or appropriate for the education operations of the Bureau in such State. For those parts which are not relevant or appropriate, the Director shall establish and publish in the Bureau Manual (BIAM) suitable requirements which are directly and materially applicable to such Bureau education positions.

(b) *Qualifications related to individuals.* An applicant for an education position must establish that he/she meets the requirements of the position by submitting an application to the Local School Supervisor, Agency Superintendent for Education or Director and appearing for an interview if requested by the official involved. The applicant's education and experience will be subject to verification. Falsification may result in disciplinary action or removal from the position to which he/she was appointed. Specific requirements and exceptions are as follows:

(1) The best qualified group of educators on a list of applicants will include those who have a record of:

(i) Successful teaching,

(ii) Practice teaching, or

(iii) A practicum course which, by State standards, equates to practice teaching, or

(iv) For administrative positions, successful experience in school administration, or coursework required by States' standards.

(2) School boards may waive formal education and State certification requirements for tribal members who are hired to teach tribal culture and language. Tribal members appointed to teaching positions, with a waiver of formal education and State certification requirements, may not have their basic pay rate set higher than the rate paid to qualified educators at that locale.

5. § *31g.5 Basic compensation for educators and education positions.* Subsection 5(a) states that the basic annual compensation shall be comparable to the rates in effect under the General Schedule for individuals with comparable qualifications and holding comparable positions. A commentor stated the Bureau should maintain the equal pay for equal work doctrine. The Bureau will establish pay rates comparable to the Federal pay system. Subsection 5(a) has been rewritten for further explanation of the pay system and reads:

§ *31g.5(a). Schedule of Basic Compensation Rates.* The Director shall establish and publish in the Bureau Manual (BIAM) a schedule of basic annual compensation rates for educators and education positions. The schedule shall be comparable to the rates in effect under the General Schedule for individuals with comparable qualifications, and holding comparable positions, to whom Chapter 51 of Title 5 U.S.C. is applicable.

Pay rates in the Education Pay Schedule will be indicated on an hourly basis, and steps in each pay level will be comparable to a specific grade and step of the General Schedule.

The maximum pay for a contract position shall not exceed step 10 of the GS pay rate for a comparable position which is subject to the Classification Act by more than 5 percent. Positions may be identified for and subject to this limitation. This will result in a maximum pay at some step below the top of the assigned pay level. A position cannot exceed this limitation unless more difficult or responsible duties are assigned to the position.

§ *31g.5(b)(2)* The question was asked if the Director would authorize post differential in writing or orally. The term "staff" is used in lieu of "post" and the regulations have been changed to read: "Such staff differential shall only be authorized in writing where the Director determines that: * * *"

A new Subsection 31g.5(b)(2)(iii) has been added: "Justification must be provided as indicated in Paragraph (3) below."

6. § *31g.6 Appointment of Educators.* (a) Local school employees. School boards strongly endorsed this section. The purpose of the legislation and regulations is to provide more local control over the schools. One commentor questioned if the school board did not approve, may an individual be appointed? Where a school board affirmatively disapproves an appointment, the appointment can be made only if the school board's decision is reversed under the appeals procedures established by the statute and regulations. The following sentence was added to subsections (a), (b), and (c) to clarify action if the school board does not respond to a recommendation. "Written determination by the school board should be received within a reasonable period, not to exceed 30 days. Failure of the school board to act within this period shall have the effect of approval of the proposed appointment."

The first sentence of subsection 6(a) was changed from "Local Bureau school employees may be appointed * * *" to read "Local Bureau school employees shall be appointed * * *" to emphasize local control. This subsection and subsection 31g.6(b) were revised to include the Area Education Program Administrator as the level to which the school supervisor of an Off Reservation Boarding School may appeal a decision by the school board regarding the appointment of an educator.

7. § *31g.6(c) Agency education program employees.* "Appointments to Agency office education positions may be made only by the Agency Superintendent for Education. Before the Agency Education employee is employed, the Agency School Board shall be consulted. The word "Agency" was added to specify which school board.

8. § *31g.6(d) Contract Renewals.* This subsection is renumbered as subsection (e). To add clearer meaning, the first sentence was changed to read "The appropriate school board shall be notified by the school supervisor and/or agency Superintendent for Education not less than ninety (90) days before the expiration of an individual's contract whether that contract is or is not recommended for renewal." The following sentence has been added to the end of subsection (e) to clarify action to be taken by the school supervisor: "Supervisor or Agency Superintendent for Education shall implement the board's determination through issuance of the required sixty (60) day notice of renewal or non-renewal as appropriate."

9. Previously designated subsection 31g.6(h) was revised to reflect the many public comments not in favor of terminating the contract of the remaining spouse should one spouse fail to fulfill the contract, and is inserted here to read as follows: "(d) Employment Contracts. The Bureau shall issue employment contracts each year for employment in contract education positions at the Agency and school levels."

10. Subsection 31g.6(e) Other education program employees, this subsection has been eliminated to conform with the statute.

11. A new subsection 31g.6(f) is added entitled *"Absence of local school board"* to clarify the regulations and reads:

(f) *Absence of local school boards.* In the event that a local school board has not been established in accordance with Section 1139(7) Pub. L. 95-561 with respect to a Bureau school, or is effectively defunct, then in situations where the local school board is required to be given a notice or required to be consulted, by statute or these regulations, the official involved shall notify or consult with the Agency school board serving the tribe to which the parents of the Indian children attending that school belong, or in its absence, the tribal organization of the tribe involved.

12. *Subsection 31g.6(f) Conditional appointment.* This subsection is renumbered as paragraph (g). One commentor stated that the language implies that a person who applied only at the local level and was appointed at the local level would not be on a conditional appointment. This is a correct interpretation. The language has been rewritten for clarity and reads:

(g) *Conditional appointment.* As provided in Section 1131(d)(4), Pub. L. 95-561, if an individual who has applied at both the national and local levels is appointed from a local list of applicants, the appointment shall be conditional for ninety (90) days. During that period, the individual's application and background shall be examined to determine if there is a more qualified individual for the position. Removal during this period is not subject to discharge, hearing or grievance procedures.

One commentor stated it was impossible to administer the national agency check within 90 days. The language of the second sentence was changed to clarify that educational credentials will be examined.

During that period, the individual's application and background shall be examined to determine if there is a more qualified individual for the position." This language was used based on experience of another Federal agency with similar situations.

13. § *31g.6(g).* This subsection is renumbered and rewrittern for clearer meaning as 31g.6(h), Short Term contracts. Suggestions were made to provide for temporary appointments as well as emergency appointments. The draft language read:

(g) *Emergency appointments.* The school board may authorize the school supervisor to make appointments to pupil contact and other positions directly related to the health and safety of students. These appointments may be made without regard to qualifications if local and Agency pools of qualified applicants are exhausted. However, the pay level of the individual appointed may not exceed the level for which the individual is actually qualified.

"Emergency appointments may not exceed the school year and may not be renewed or extended. The school supervisor must check the local and Agency pools every sixty (60) days to determine if a qualified individual has entered the pool. If a qualified individual is in a pool, the school supervisor must terminate the emergency appointment and fill the position with the qualified individual."

The term "pool" has been changed to read "list" in this section and throughout the entire Part. The revised subsection (h) reads as follows:

(h) *Short Term Contracts.* (1) There may be circumstances where immediate action is necessary and it is impossible to consult with the local school board. When this situation exists short term contracts may be made by the school supervisor in accordance with the following:

(i) the length of the contract will not exceed sixty (60) days, or the next regularly scheduled school board meeting whichever comes first.

(ii) if the board meets and does not take action on the individual in question, the short term contract may be extended for the duration of the school year.

(iii) it shall be the responsibility of the school supervisor to fully inform the local school board of all such short term contracts. Failure to do so may be cited as reason to discharge the school supervisor if so requested by the board.

(2) The local school board may authorize the school supervisor to make an emergency short term contract to classroom, dormitory and other positions directly related to the health and safety of students. When this situation exists short term contracts may be made in accordance with the following:

(i) if local and agency lists of qualified applicants are exhausted, short term contracts may be made without regard to qualifications for the position;

(ii) the pay level will be based on the qualifications of the individual employed rather than the requirements of the position;

(iii) the short term contract may not exceed the school year and may not be renewed or extended;

(iv) every sixty (60) days the school supervisor will determine if qualified individuals have been placed on the local or agency lists. If a qualified individual on the list accepts employment the school supervisor must terminate the emergency appointment at the time the qualified individual is appointed.

Subsection (i) Waiver of Indian Preference has been rewritten to incorporate the statutory language. An additional sentence was added to emphasize that under the statute a separate waiver must be granted in each case. The additional language is as follows: "When a waiver is granted it shall not be construed to extend to or be a precedent for any other case."

Subsection 6(j), Cause for reversing board determinations has been eliminated. Subsection (k) has been renumbered (j) and this last sentence added: "An educator will not be deemed to have terminated employment if transferred elsewhere with the Bureau's consent." This will provide opportunity for utilizing experienced Bureau personnel in other vacancies without considering the termination of a contract as basis for restricting employment for one year.

14. § *31g.7 Discharge of Educators.* The entire section has been rewritten to conform with the statute.

(a) *Discharge for Cause.* Educators covered under the provision of this section are excluded from coverage under 5 U.S.C. 7511 and 4303. In order to provide due process for educators, the Director shall publish in the Bureau Manual (BIAM) the conditions which could result in the discharge of educators for cause, and procedures to be followed in discharge cases."

(b) *Discharge for Inadequate Performance.* Action taken to remove educators for inadequate performance will be taken for failure to meet performance standards established under 5 U.S.C.

4302. Performance standards for all educators will include, among others, lack of student achievement and willful failure to exercise properly assigned supervisory responsibilities by supervisors.

(c) *Other Discharge.* The Director shall publish in the Bureau Manual (BIAM) a description of the budgetary and program conditions that may result in the discharge of educators for other than cause during the school year. The individual's personnel record will clearly reflect that the action taken is based upon budgetary or program restraints and is not a reflection on the employee's performance.

(d) *Procedures for discharge for cause.* The Director shall publish in the Bureau Manual (BIAM) the procedural steps to be followed by school supervisors and Agency Superintendents for Education in discharge for cause cases. These procedures shall provide (among other things) for the following:

(1) The educator to be discharged shall receive a written notice of the proposal specifying the causes or complaints upon which the proposal is based, not less than thirty (30) calendar days before the discharge. However, this shall not prohibit the exclusion of the individual from the education facility in cases where exclusion is required for the safety of the student or the orderly operation of the facility.

(2) A reasonable time, but not less than ten (10) days to make a written and oral response to the charge.

(3) The opportunity to review the material relied upon to support the charge.

(4) Official time, not to exceed 8 hours to prepare a response to the charge.

(5) The educator may elect to have a representative; and if so, shall furnish the identity of the representative. The Agency Superintendent for Education may disallow as an employee's representative an individual whose activities as a representative would cause a conflict of interest or position or an employee whose release from his or her official position would give rise to unreasonable costs to the Government or whose priority work assignment precludes his or her release from official duties. 5 U.S.C. 7114(a)(5) and the terms of any applicable collective bargaining agreement govern representation for employees in an exclusive bargaining unit.

(6) A right to a final decision made by the appropriate level of supervision.

(7) A right to appeal the final decision and review of merits of the case by a Departmental official not previously involved in the merits of the case. This right includes entitlement to a hearing upon request under procedures that comport with the requirements of due process in accordance with section 1131(e)(1)(B) Pub. L. 95-561.

(e)(1) The appropriate school board will be notified as soon as possible, but in no case later than ten (10) calendar days from the date of issue of the notice of intent to discharge.

(2) The appropriate school board, under such uniform procedure as it may adopt, may issue a formal, written certification to the school supervisor or the Agency Superintendent for Education either approving or disapproving the discharge before the expiration of the notice period and before actual discharge. Failure to respond before the expiration of the notice period will have the effect of approving the discharge.

(3) The school supervisor initiating a discharge action may appeal the board's determination within ten (10) calendar days of receipt to the Agency Superintendent for Education, or in the case of off-reservation boarding schools only, the Area Education Program Administrator. The Agency Superintendent for Education initiating a discharge may appeal the board's determination within ten (10) calendar days of receipt to the Director. Within twenty (20) calendar days following the receipt of an appeal, the reviewing official may, for good cause, reverse the school board's determination by a notice in writing to the board. Failure to act within such twenty (20) calendar days shall have the effect of approving the board's determination.

(f) *School board recommendations for discharge.* School boards may recommend to school supervisors, school superintendents and the Director that individuals in the Education program be discharged. These recommendations may follow any form

internally established by the school board or tribal government. However, in order to obtain a positive relief of the problem, the recommendation should contain specific causes or complaints which may be verified or established by investigation of factual situations. The official receiving a board recommendation for discharge of an individual shall acknowledge the recommendation in writing within ten (10) calendar days and proceed with a fact finding investigation. The official who finally disposes of the recommendation shall notify the school board of the disposition in writing within sixty (60) calendar days.

15. Section 31g.8, Entitlement of Educators to Compensation and Section 31g.9, Payment of Compensation to Educators have been rewritten to be in conformance with Chapters 55 and 61 of Title 5, U.S. Code.

16. Section 31g.8 was rewritten to also conform with the Fair Labor Standards Act and now reads: "Entitlement of Educators to Compensation."

(a) *F.L.S.A. exempt educators with administratively established compensation rates.* Educators whose rate of basic compensation is administratively established and who are exempt from the overtime provisions of the Fair Labor Standards Act are entitled only to:

(1) The basic rate of compensation established for the position to which they are appointed.

(2) Any additional compensation established under § 31g.5(b) which may be applicable to the position to which the individual is appointed.

(b) *F.L.S.A. non-exempt educators with administratively established compensation rates.* Educators whose rate of basic compensation is administratively established and who are not exempt from the over-time provisions of the Fair Labor Standards Act are entitled to:

(1) The basic rate of compensation established for the position to which they are appointed.

(2) The Overtime pay to which they may be entitled by the work schedules to which they are assigned by application of the Fair Labor Standards Act or Chapter 55, of Title 5, U.S.C. whichever is greater.

(3) Any additional compensation established under § 31g.5(b) which may be applicable to the position to which the individual is appointed.

(4) Premium pay other than overtime pay to which they may be entitled under Chapter 55 of Title 5 U.S.C.

17. Section 31g.9 was rewritten to comply with requirements of Chapter 61, Title 5 U.S.C. and now reads: "Payment of Compensation to Educators."

(a) *Pay periods.* Educators shall be paid on the basis of a bi-weekly pay period during the term of the contract. Chapter 55 of Title 5 U.S.C. applies to the administration of pay for educators, except that section 1131(m) of Pub. L. 95-561, 5 U.S.C. 5533 does not apply with respect to the receipt of pay by educators during summer recess under certain circumstances.

(b) *Pay for school year educators.* When an educator is appointed after the beginning of the school year, payment under the contract is to begin as of the date of appointment. If an educator resigns or is discharged before the expiration of the term of the contract, pay ceases as of the date of resignation or discharge.

18. Subsection 31g.10(b) has been rewritten to emphasize responsibility that educators will have in adapting to local situations. The subsection now reads: *"Employee handbook.* The Director will develop employee handbooks and recruiting guides in consultation with school boards. These handbooks and recruiting guides will provide specific information regarding: (1) the working and hiring conditions for various tribal jurisdictions and Bureau locations; (2) the need for all Education personnel to adapt to local situations, and (3) that all Education personnel will be required to comply with and support duly adopted school board policies, including those relating to tribal culture or language." Subsection (d) has been changed from "Vacation appointment compensation" to "Dual Compensation" to clearly reflect the intent of the regulation. "An employee accepting a renewal of a school year contract may be appointed to another federal position during the school recess period without regard to the dual compensation regulations in 5 U.S.C. 5533."

19. Subsection 31g.10(e) has been renumbered 10(f) and revised to read:

(f)(1) *Grievance procedures.* The Director shall publish in the Bureau Manual (BIAM) procedures for the rapid and equitable resolution of grievances.

(2) When a unit of exclusive recognition exists the negotiated grievance procedure may be the only procedure available to the employee for resolving grievances within its coverage, except that, if the grievance involves discharge, the employee may elect to use the appellate procedures or the grievance procedures, if applicable but not both. 5 U.S.C. 7121(e)(1).

20. A new subsection 31g.10(e) has been added to ensure employees their rights. The paragraph reads "Discrimination complaints. EEO procedures established under 5 CFR 713 shall be applicable to contract employees under this Part." Subsection 31g.10(f) Mid-term review with school boards has been renumbered to (g). A suggestion was made to allow employees to attend mid-year meetings when they are discussed. In conformance with local control it was agreed that the local school board could adopt the policy whether to include the employee at the mid-year meeting.

21. Subsection 31g.10(g) Performance evaluation has been renumbered (h) and has been revised to incorporate 5 U.S.C. 4302 in the Education evaluation system. The paragraph now reads: "The minimum number of times an educator shall be evaluated each year is three for the educator's first year in a school or Agency, two for the second year, and one for each year following. The annual performance evaluation shall be in accordance with 5 U.S.C. 4302."

22. The suggestion was made to eliminate Subsection 31g.12(d), "Education leave", since Section 275 of Title 25 does not apply to teachers who are not in a duty status during school vacation period. This suggestion was adopted.

23. Subsection 31g.12(e) "Leave transferred in" was renumbered as (d). The following language was recommended and accepted: "Annual leave credited to an employee's balance immediately before conversion or appointment under this part will not be available for use while so employed by the Bureau. It shall be held to the employee's account until such time as the employee leaves such Bureau employment." Objections were raised to the requirement for evidence of illness and approval of sick leave. The requirements will prevent abuse of the leave privilege. Recommendations were made to provide maternity leave benefits. The leave provided may be used for maternity purposes. Subsection 31g.12(a)(2) has been rewritten for clarity and (3) has been added. They read:

(2) Sick Leave. Absence approved by the school supervisor or Agency Superintendent for Education as incapacity from duty due to injury or illness, not related to or incurred on-the-job, and not covered by Federal Employee's Compensation Act Regulations may be paid as follows:

(i) sick leave shall accrue at the rate of four (4) hours for each bi-weekly pay period during the terms of the contract. No precredit or advance sick leave is authorized. Accrued and unused sick leave may be used at contract termination to be added to length of service for retirement credit purposes.

(ii) sick leave is available only for situations which incapacitate the employee from duty and the leave granting officials shall require satisfactory evidence that the employee was incapacitated and unable to return to duty.

(iii) sick leave in any school year used on instructional or other work days is limited to one hundred sixty (160) hours except as provided in subparagraph (iv) below.

(iv) accrued sick leave in excess of one hundred sixty (160) hours shall only be used to provide salary continuation for major medical emergencies. The Agency Superintendent for Education will determine on the basis of evidence which may include a report by a Federal physician, certification by the employee's personal physician, or other suitable evidence, whether or not to grant such requests. Any Federal employee may be

required to appear for a physical examination by a Federally-selected physician (i.e., PHS, contract, etc.) to determine fitness for duty.

(v) Any employee who terminates his/her contract with sick leave to his/her credit, will have such sick leave restored to his/her credit upon re-employment within 5 years.

(3) School vacation leave. Contract school year employees may receive up to one hundred thirty-six (136) hours of school vacation leave when school is not in session. Approval for the use of this leave will be administratively determined by the school supervisor/Agency Superintendent for Education.

(b) *Leave for year long employees.* Employees who are on a year contract are authorized the following types of leave:

(1) Vacation Leave. Absence approved in advance by the school supervisor or Agency Superintendent for Education for rest and relaxation is authorized for eighty hours after each of the first three (3) years of service as a Bureau education employees. At the end of the fourth year of service, the number of hours is increased to one hundred sixty (160). The school supervisor will determine when vacation leave may be used. Vacation leave is to be scheduled and used to the greatest extent possible during periods when school is not in session and the students are not in the dormitories. Vacation leave is credited to an employee on the day following his/her anniversary date of employment and may not be accumulated from year to year. However, if an employee's leave is scheduled during the three months preceding the anniversary date, and must be cancelled and not rescheduled before the anniversary date because Agency operations require the employee's presence, it may be restored and used the following year. At the employee's option, unused vacation leave may be converted to sick leave at the completion of each contract year, or he/she may elect to be paid for unused vacation leave.

24. Section 31g.14 Interim Procedures has been eliminated. Upon effective date of this part, interim procedures will no longer be necessary.

25. *Subsection 31g.13(a) Status Quo Employees.* The following sentence has been added to this subsection: "An involuntary change in position shall not affect the current status of present education employees." This addition makes clear that the status of present employees can only be changed by their voluntary decision.

B. Comments Not Adopted.

1. § *31g.2 Definitions.* General comments were made regarding additional definitions of education positions. These suggestions were not included since the definition of "education position" is fixed by the statute and specific job titles will be classified as education positions under this definition by the Director.

2. § *31g.4 Qualifications for educators.* Commentors were divided over the requirements of subsection (a)(2) that "The Director shall: (i) consult with the North Central Association of Colleges and Secondary Schools to determine requirements for the Bureau which will meet accreditation standards; and (ii) require appropriate certification from applicants for instructor, assistant professor, associate professor, and professor positions in post-secondary programs," and of subsection (3) that "For all other positions the Director shall require state licensing or certification as a minimum when applicable to the position * * *." A number of commentors wanted more local control in determining justification requirements and a number did not believe the State certification requirement was adequate. The Bureau schools must meet State certification requirements in order to remain accredited. The language as stated is broad enough to permit additional qualification requirements by the local school boards. Paragraph (ii) was eliminated since it will not apply to post secondary schools.

3. Subsection 31g.4(d) requires recruitment and training for Indian educators. A question was raised if this type of training would be provided for non-Indian educators. The law requires that a program be developed for Indian educators. Another question was raised if this subsection would apply to Tribal Indian educator training programs. Sections 1131 and 1135 of the Act apply to employment in Bureau of Indian Affairs Education positions.

4. It was suggested to include in subsection 31g.5(b)(2) that lack of adequate staff housing be considered for "special addition to basic compensation" for schools when their staff must commute because of this problem. This was not included because of existing laws and regulations.

Disagreement was expressed over, publishing basic compensation rates in the Bureau Manual. Such publication is comparable to that provided for other schedules of Federal compensation.

5. *Subsection 31g.6(i) Waiver of Indian preference.* One commentor suggested the paragraph be deleted. This is part of the law and will remain in the regulations, however, it has been changed to quote the statute.

6. *Subsection 31g.6(k) Prohibited reappointment.* One commentor recommended that an employee who breaks a contract without sufficient cause should be barred from further Bureau employment. The language as adopted reads: "An educator who voluntarily terminates employment before the end of the school year may not be appointed to another Bureau education position before the beginning of the following school year. An educator will not be deemed to have terminated employment if transferred elsewhere with the Bureau's consent." This language is sufficient to meet the Bureau needs and not disrupt classrooms.

7. § *31g.8, Entitlement of educators to compensation.* Two commentors suggested including the specific benefits the employees will receive. Depending on the length of contract and type of position, they will be entitled to certain benefits administered by the Office of Personnel Management. Regulations issued by that agency will prevail.

8. § *31g.10, Conditions of Employment of Educators.* Commentors recommended the elimination of subsection (a), "Supervision not delegated to school boards. School boards may not direct or control the day to day activities of the Bureau of Indian Affairs employees carrying out Bureau operated Education programs." After careful consideration, we believe it is necessary to leave this section in the regulations to prevent any misunderstanding at a later time.

Several commentors mentioned that tenure was not addressed in the regulations. This option is being left open to each Agency and school board.

9. *Subsection 31g.10(e).* One commentor pointed out a conflict between Pub. L. 95-561, Section 1131(e)(1) and Pub. L. 95-454, Section 7121, and questioned which law would apply. Pub. L. 95-454 applies to sections that are not exempt by Pub. L. 95-561.

10. *Subsection 31g.10(g).* A commentor suggested employees be evaluated three times each year, otherwise we are suggesting improvements may not be necessary. The regulations set a minimum. The local school boards may establish criteria for additional evaluations if necessary. There was also a suggestion that the Bureau needs an objective criterion-referenced method of evaluation. The procedural guidance will give criteria. However, there will also be opportunity for local school boards to determine how to evaluate. The suggestion was made that language be added which would ensure that no education employee be hired who is closely related to a school board member. This is another issue that should be decided by the local school board.

11. § *31g.12, Leave System for Educators.* One commentor recommended that paragraphs (a) through (d) be stricken and employees accrue 36 days per year or 3 days per month. This recommendation could not be adopted because it would

substantially disrupt the functioning of Bureau schools.

12. *Subsection 31g.12(a)(1), Emergency Leave.* It was suggested 5 days was too many to allow for personal emergency leave and recommended only 2 days be allowed. The decision was made to allow 5 days.

13. § *31g.13, Status quo employees in education positions.* Commentors felt that this provision would inhibit the employee's career potential as far as transferring to other agencies. The intent of the Education Personnel Section of Pub. L. 95–561 was to establish a new personnel system for education positions. Career employees who convert to the new system may be reinstated into the career service should they transfer to another Federal agency.

C. Correction.

Subsection 31g.12(a)(1) was corrected to read: "This leave is precredited at the beginning of the school year and accrued at the rate of four (4) hours for each of the following ten (10) months." The proposed language read "* * * accrued at the rate of ½ day or eight (8) hours * * *."

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.

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Subchapter E of Chapter 1, Title 25 of the Code of Federal Regulations is amended by the addition of a new Part 31g to read as follows:

PART 31g—EDUCATION PERSONNEL

Sec.

31g.1 Scope.
31g.2 Definitions.
31g.3 Education positions.
31g.4 Qualifications for educators.
31g.5 Basic compensation of educators and education positions.
31g.6 Appointment of educators.
31g.7 Discharge of educators.
31g.8 Entitlement of educators to compensation.
31g.9 Payment of compensation to educators.
31g.10 Conditions of employment of educators.
31g.11 Length of the school year.
31g.12 Leave system for education personnel.
31g.13 Status quo of employees in education positions.

Authority: Sections 1131 and 1135 of the Act of November 1, 1978 (92 Stat. 2322 and 2327, 25 U.S.C. 2011 and 2015).

§ 31g.1 Scope.

(a) *Primary scope.* This part applies to all individuals appointed or converted to contract education positions as defined in § 31g.2(i) in the Bureau of Indian Affairs after November 1, 1979. This part applies to elementary and secondary school positions and agency positions in the Office of Indian Education Programs.

(b) *Secondary scope.* Section 31g.13 applies to employees with continuing tenure in both the competitive and excepted service who incumber education positions.

§ 31g.2 Definitions.

As used in this Part, the term:

(a) "Agency" means the current organization unit of the Bureau which provides direct services to the governing body or bodies and members of one or more specified Indian Tribes. The term includes Bureau Area Offices only with respect to off-reservation boarding schools administered directly by such Offices.

(b) "Agency School Board" as defined in Section 1139(1) Pub. L. 95–561, means a body, the members of which are appointed by the school boards of the schools located within such agency. The number of such members shall be determined by the Director in consultation with the affected Tribes. In agencies serving a single school, the school board of that school shall function as the Agency School Board.

(c) "Agency School Superintendent" means the Bureau Official in charge of education functions at an Agency Office and to whom the school supervisor(s) and other educators in the Agency report.

(d) "Assistant Secretary" means the Assistant Secretary for Indian Affairs of the Department of the Interior.

(e) "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

(f) "Director" means the Director of the Office of Indian Education Programs in the Bureau.

(g) "Education Function" means the administration and implementation of the Bureau's education programs and activities (including school operations).

(h) "Education Position" as defined in Section 1131(n)(1) Pub. L. 95–561, means a position in the Bureau the duties and responsibilities of which:

(1) Are performed on a school-year basis principally in a Bureau elementary or secondary school which involve:

(i) Classroom or other instruction or the supervision or direction of classroom or other instruction;

(ii) any activity (other than teaching) which requires academic credits in educational theory and practice equal to the academic credits in educational theory and practice required for a bachelor's degree in education from an accredited institution of higher education; or

(iii) any activity in or related to the field of education notwithstanding that academic credits in educational theory and practice are not a formal requirement for the conduct of such activity; or

(2) Are performed at the Agency level of the Bureau and involve the implementation of education-related Bureau programs. The position of Agency school superintendent is excluded.

(i) "Contract Education position" means an education position as herein defined, to which an individual employed is appointed or converted after November 1, 1979, implemented by an employment contract as herein defined.

(j) "Educator" as defined in Section 1131(n)(2) of Pub. L. 95–561, means an individual whose services are required, or who is employed, in an education position as defined in § 31g.2(h).

(k) "Employment contract" means a signed agreement executed by and between the Bureau and the individual employee hired or converted under this part, which specifies the position title, period of employment, and compensation attached thereto. The individual contract shall be subject to valid provisions of any collective bargaining agreement during the term of the contract.

(l) "Local School Board" as defined in Section 1139(7), Pub. L. 95–561 means a body chosen in accordance with the laws of the Tribe to be served or, in the absence of such laws, elected by the parents of the Indian children attending a Bureau school. In schools serving a substantial number of students from different Tribes, the members shall be appointed by the governing bodies of the Tribes affected and the number of such members shall be determined by the Director in consultation with the affected Tribes.

(m) "School Board" means an Agency school board or a local school board.

(n) "School Supervisor" means the Bureau official in charge of a Bureau school and who reports to an Agency school superintendent. In the case of an off-reservation boarding school, the school supervisor will report to the Area Education Program Administrator.

(o) "Consulted" as provided in Section 1131(d)(1)(B)(C), Pub. L. 95–561, means providing pertinent information to and

being available for discussion with the school board, giving the school board the opportunity to reply, and giving due consideration to the school board's response.

§ 31g.3 Education positions.

(a) the Director shall establish the kinds of positions required to carry out the Bureau's education function. No position will be established or continued for which:

(1) Funds are not available; or

(2) There is not a clearly demonstrable need and intent for it to be filled to carry out an education function.

(b) Positions established for regular school operations will be restricted to school year or program duration. Particular care shall be taken to insure that year long positions are clearly required and involve essential 12 month assignments.

§ 31g.4 Qualifications for educators.

(a) *Qualifications related to positions.* Job qualification requirements shall be equivalent to those established by the appropriate licensing and certification authorities of the State in which the position is located.

(1) the Director shall consult with the respective State Education Agency and national certification authorities to determine which parts of such State's requirements for education positions in early childhood, elementary, and secondary programs may not be relevant to or appropriate for the education operations of the Bureau in such State. For those parts which are not relevant or appropriate, the Director shall establish and publish in the Bureau Manual (BIAM) suitable requirements which are directly and materially applicable to such Bureau education positions.

(b) *Qualifications related to individuals.* An applicant for an education position must establish that he/she meets the requirements of the position by submitting an application to the local school supervisor, Agency Superintendent for Education, or Director and appearing for an interview if requested by the official involved. The applicant's education and experience will be subject to verification. Falsification may result in disciplinary action or removal from the position to which he/she was appointed. Specific requirements and exceptions are as follows:

(1) the best qualified group of educators on a list of applicants will include those who have a record of:

(i) Successful teaching,

(ii) Practice teaching, or

(iii) A practicum course which, by State standards, equates to practice teaching, or

(iv) For administrative positions, successful experience in school administration, or coursework required by States' standards.

(2) School boards may waive formal education and State certification requirements for tribal members who are hired to teach tribal culture and language. Tribal members appointed to teaching positions, with a waiver of formal education and State certification requirements, may not have their basic pay rate set higher than the rate paid to qualified educators at that locale.

(c) *Identification of qualified individuals.* The Director shall require each Agency Superintendent for Education and other appropriate local officials in the education program organization to maintain lists of qualified and interviewed applicants for each of the kinds of established positions. Applications on file shall be purged annually. Only applicants whose qualifications are established and who indicate an interest in working only in specific locations may be included on such local applicant lists. The Director shall maintain a national list of qualified applicants for each of the kinds of positions established. Applicants whose qualifications are established and who either do not indicate an interest in a specific location or do indicate an interest in working anywhere will be entered on the national list. The national list is a secondary source of applicants.

(d) *Special Recruitment and training for Indian educators.* The Director shall implement a recruitment program to attract qualified Indians for education positions. The program shall describe opportunities for advancement and define steps required for promotion from within the Bureau. The promotion program for all professional supervisory positions and professional staff positions shall require a minimum of six months tutored work experience by the applicant during the school year at the advanced position (or a comparable position) under the tutorage of a competent educator already holding such a position. Selected tutors will design a training plan for approval by the Director which shall provide opportunities for experiences in every phase of the position, including a minimum monthly evaluation, and final certification of successful or unsuccessful completion according to established criteria. Unsuccessful trainees may reapply for training. Successful trainees shall be eligible for promotion.

§ 31g.5 Basic compensation for educators and education positions.

(a) *Schedule of basic compensation rates.* The Director shall establish and publish in the Bureau Manual (BIAM) a schedule of basic annual compensation rates for educators and education positions. The schedule shall be comparable to the rates in effect under the General Schedule for individuals with comparable qualifications, and holding comparable positions, to whom Chapter 51 of Title 5 U.S.C. is applicable. Pay rates in the Education Pay Schedule will be indicated on an hourly basis, and steps in each pay level will be comparable to a specific grade and step of the General Schedule. The maximum pay for a contract position shall not exceed step 10 of the GS pay rate for a comparable position which is subject to the Classification Act by more than 5%. Positions may be identified for and subject to this limitation. This will result in a maximum pay at some step below the top of the assigned pay level. A position cannot exceed this limitation unless more difficult or responsible duties are assigned to the position.

(b) *Special additions to basic compensation.* The Director is authorized to establish the following special additions to rates of basic compensation.

(1) Each educator employed in a contract education position in Alaska shall be paid a cost-of-living allowance not to exceed 25 per centum of his/her rate of basic compensation before any other additions are computed.

(2) The Director may authorize payment of a staffing differential not exceeding 25 per centum of the rate of basic compensation based on a formally documented request by an Agency Superintendent for Education. Such a staffing differential shall only be authorized in writing when the Director determines that:

(i) It is warranted by the geographic isolation of the work site or other unusually difficult environmental working or living conditions, and

(ii) It is necessary as a recruitment or retention incentive. This staff differential is to be computed on the basic schedule rate before any other additions are computed.

(iii) Justification must be provided as indicated in paragraph (b)(3) of this section.

(3) Special rates may be established for recruitment and retention applicable only to a specific position or to specific types of positions in specific locations based on a formally documented request by an Agency Superintendent for Education and submitted to the Director for recommendation to the Office of

Personnel Management. The request from the Agency Superintendent for Education must show numbers of losses of personnel, and/or unusually difficult working and/or living conditions, which are specifically related to differences in total compensation, including benefits, offered by the Bureau and the education organizations with which the Bureau is competing for local recruitment and retention.

§ 31g.6 Appointment of educators.

(a) *Local school employees.* Local Bureau school employees shall be appointed only by the school supervisor. Before the local school employee is employed the school board shall be consulted. An individual's appointment may be finalized only upon receipt of a formal, written approval certified by the local school board under such uniform procedures as it may adopt. Written determination by the school board should be received within a reasonable period, not to exceed 30 days. Failure of the school board to act within this period shall have the effect of approval of the proposed appointment. The local school board should use the same procedure to disapprove an appointment. Within ten (10) calendar days of receipt, the school supervisor may appeal any determination by the local school board concerning an individual's appointment to the Agency Superintendent for Education or for off-reservation boarding schools only to the Area Education Program Administrator. Within ten (10) calendar days following receipt of an appeal, the Agency Superintendent for Education or Area Education Program Administrator as appropriate may reverse the determination for good cause set out in writing to the school board. Failure to act within such ten (10) calendar day periods shall have the effect of approval of the local school board's determination.

(b) *School supervisors.* School supervisors may be appointed only by the Agency Superintendent for Education. The Area Education Program Administrator will appoint school supervisors for off-reservation boarding schools only. Before the school supervisor is employed, the school board shall be consulted. The appointment may be finalized only upon receipt of a formal, written approval certified by the school board under such uniform procedures as it may adopt. Written determination by the school board should be received within a reasonable period, not to exceed 30 days. Failure of the school board to act within this period shall have the effect of approval of the proposed appointment. The school board should use the same procedure to disapprove an appointment. Within twenty (20) calendar days of receipt, the Agency Superintendent for Education, or Area Education Program Administrator, as appropriate, may appeal to the Director any determination by the school board concerning an individual's appointment. Within twenty (20) calendar days following receipt of an appeal, the Director may reverse the determination for good cause set out in writing to the school board. Failure to act within such twenty (20) calendar day period shall have the effect of approval of the school board's determination.

(c) *Agency office education program employees.* Appointments to Agency office education positions may be made only by the Agency Superintendent for Education. Before the agency education employee is employed, the Agency school board shall be consulted. The appointment may be finalized only upon receipt of a formal, written approval certified by the Agency school board under such uniform procedures as it may adopt. Written determination by the school board should be received within a reasonable period, not to exceed 30 days. Failure of the school board to act within this period shall have the effect of approval of the proposed appointment. The Agency school board should use the same procedure to disapprove an appointment. Within twenty (20) calendar days of receipt, the Agency Superintendent for Education may appeal to the Director any determination by the school board concerning an individual's appointment. Within twenty (20) calendar days following receipt of an appeal, the Director may reverse the determination for good cause set out in writing to the school board. Failure to act within such twenty (20) calendar day periods shall have the effect of approval of the school board's determination.

(d) *Employment Contracts.* The Bureau shall issue employment contracts each year for employment in contract education positions at the Agency and schools levels.

(e) *Contract Renewals.* The appropriate school board shall be notified by the school supervisor and/or Agency Superintendent for Education not less than ninety (90) days before the expiration of an individual's contract whether that contract is or is not recommended for renewal. If the school board disagrees with the school supervisor's or Agency Superintendent for Education's recommendations, the board should submit a formal, written certification of its determinations to the school supervisor or Agency Superintendent for Education within twenty-five (25) days. If the board's determinations are not received within the twenty-five (25) days, the school supervisor or Agency Superintendent for Education shall issue the required sixty (60) days notification of renewal or non-renewal to the individuals under § 31g.10(c). Where the school board submits its recommendation within the twenty-five (25) days, the school supervisor or Agency Superintendent for Education shall implement the board's determination through issuance of the required sixty day notice of renewal or nonrenewal as appropriate.

(f) *Absence of local school boards.* In the event that a local school board has not been established in accordance with Section 1139(7) Pub. L. 95-561 with respect to a Bureau school, or is effectively defunct, then in situations where the local school board is required to be given a notice or required to be consulted, by statute or these regulations, the official involved shall notify or consult with the Agency school board serving the tribe to which the parents of the Indian children attending that school belong, or in its absence, the tribal organization of the tribe involved.

(g) *Conditional appointment.* As provided in Section 1131(d)(4), Pub. L. 95-561, if an individual who has applied at both the national and local levels is appointed from a local list of applicants, the appointment shall be conditional for ninety (90) days. During that period, the individual's application and background shall be examined to detemine if there is a more qualified individual for the position. Removal during this period is not subject to discharge, hearing or grievance procedures.

(h) *Short term contracts.* (1) There may be circumstances where immediate action is necessary and it is impossible to consult with the local school board. When this situation exists short term contracts may be made by the school supervisor in accordance with the following:

(i) The length of the contract will not exceed sixty (60) days, or the next regularly scheduled school board meeting, whichever comes first.

(ii) If the board meets and does not take action on the individual in question, the short term contract may be extended for the duration of the school year.

(iii) It shall be the responsibility of the school supervisor to fully inform the local school board of all such short term contracts. Failure to do so may be cited as reason to discharge the school supervisor if so requested by the board.

(2) The local school board may authorize the school supervisor to make an emergency short term contract to classroom, dormitory and other positions directly related to the health and safety of students. When this situation exists short term contracts may be made in accordance with the following:

(i) If local and agency lists of qualified applicants are exhausted, short term contracts may be made without regard to qualifications for the position;

(ii) The pay level will be based on the qualifications of the individual employed rather than the requirements of the position;

(iii) The short term contract may not exceed the school year and may not be renewed or extended;

(iv) Every sixty (60) days the school supervisor will determine if qualified individuals have been placed on the local or agency lists. If a qualified individual on the list accepts employment, the school supervisor must terminate the emergency appointment at the time the qualified individual is appointed.

(i) *Waiver of Indian preference.* As provided in Section 1131(f)(1) Pub. L. 95–561, "Notwithstanding any provision of the Indian preference laws, such laws shall not apply in the case of any personnel action within the purview of this section respecting an employee not entitled to Indian preference if each tribal organization concerned grants, in writing, a waiver of the application of such laws with respect to such personnel action, where such a waiver is in writing deemed to be a necessity by the tribal organization, except that this shall in no way relieve the Bureau of its responsibility to issue timely and adequate announcements and advertisements concerning any such personnel action if it is intended to fill a vacancy (no matter how such vacancy is created)." When a waiver is granted it shall not be construed to extend to or be a precedent for any other case.

(j) *Prohibited reappointment.* An educator who voluntarily terminates employment before the end of the school year may not be appointed to another Bureau education position before the beginning of the following school year. An educator will not be deemed to have voluntarily terminated employment if transferred elsewhere with the Bureau's consent.

§ 31g.7 Discharge of educators.

(a) *Discharge for cause.* Educators covered under the provision of this section are excluded from coverage under 5 U.S.C. 7511 and 4303. In order to provide due process for educators, the Director shall publish in the Bureau Manual (BIAM) the conditions which could result in the discharge of educators for cause, and procedures to be followed in discharge cases.

(b) *Discharge for inadequate performance.* Action taken to remove educators for inadequate performance will be taken for failure to meet performance standards established under 5 U.S.C. 4302. Performance standards for all educators will include, among others, lack of student achievement and willful failure to exercise properly assigned supervisory responsibilities by supervisors.

(c) *Other discharge.* The Director shall publish in the Bureau Manual (BIAM) a description of the budgetary and program conditions that may result in the discharge of educators for other than cause during the school year. The individual's personnel record will clearly reflect that the action taken is based upon budgetary or program restraints and is not a reflection on the employee's performance.

(d) *Procedures for discharge for cause.* The Director shall publish in the Bureau Manual (BIAM) the procedural steps to be followed by school supervisors and Agency Superintendents for Education in discharge for cause cases. These procedures shall provide (among other things) for the following:

(1) The educator to be discharged shall receive a written notice of the proposal specifying the causes or complaints upon which the proposal is based, not less than thirty (30) calendar days before the discharge. However, this shall not prohibit the exclusion of the individual from the education facility in cases where exclusion is required for the safety of the students or the orderly operation of the facility.

(2) A reasonable time, but not less than ten (10) days to make a written and oral response to the charge.

(3) The opportunity to review the material relied upon to support the charge.

(4) Official time, not to exceed 8 hours, to prepare a response to the charge.

(5) The educator may elect to have a representative; and if so, shall furnish the identity of the representative. The Agency Superintendent for Education may disallow, as an employee's representative, an individual whose activities as a representative would cause a conflict of interest or position or an employee whose release from his or her official position would give rise to unreasonable costs to the Government or when priority work assignment precludes his/her or release from official duties. 5 U.S.C. 7114(a)(5) and the terms of any applicable collective bargaining agreement govern representation for employees in an exclusive bargaining unit.

(6) A right to a final decision made by the appropriate level of supervision.

(7) A right to appeal the final decision and review of merits of the case by a Departmental official not previously involved in the merits of the case. This right includes entitlement to a hearing upon request under procedures that comport with the requirements of due process in accordance with Section 1131(e)(1)(B), Pub. L. 95–561.

(e)(1) The appropriate school board will be notified as soon as possible, but in no case later then ten (10) calendar days from the date of issue of the notice of intent to discharge.

(2) The appropriate school board, under such uniform procedure as it may adopt, may issue a formal written certification to the school supervisor or the Agency Superintendent for Education either approving or disapproving the discharge before the expiration of the notice period and before actual discharge. Failure to respond before the expiration of the notice period will have the affect of approving the discharge.

(3) The school supervisor initiating a discharge action may appeal the board's determination within ten (10) calendar days of receipt to the Agency Superintendent for Education or in the case of off-reservation boarding schools only, the Area Education Program Administrator. The Agency Superintendent for Education initiating a discharge may appeal the board's determination within ten (10) calendar days of receipt to the Director. Within twenty (20) calendar days following the receipt of an appeal, the reviewing official may, for good cause, reverse the school board's determination by a notice in writing to the board. Failure to act within such twenty (20) calendar days shall have the affect of approving the board's determination.

(f) *School board recommendations for discharge.* School boards may recommend to school supervisors, school superintendents and the Director that individuals in the Education program be discharged. These recommendations may follow any form internally established by the school board or tribal government. However, in order to obtain a positive relief of the problem, the recommendation should contain specific causes or complaints which may be verified or established by investigation of factual situations. The official receiving a board recommendation for discharge of an

individual shall acknowledge the recommendation in writing within ten (10) calendar days and proceed with a fact finding investigation. The official who finally disposes of the recommendation shall notify the school board of the disposition in writing within sixty (60) calendar days.

§ 31g.8 Entitlement of educators to compensation.

(a) *F.L.S.A. exempt educators with administratively established compensation rates.* Educators whose rate of basic compensation is administratively established and who are exempt from the overtime provisions of the Fair Labor Standards Act are entitled only to:

(1) The basic rate of compensation established for the position to which they are appointed.

(2) Any additional compensation established under § 31g.5(b) which may be applicable to the position to which the individual is appointed.

(b) *F.L.S.A. non-exempt educators with administratively established compensation rates.* Educators whose rate of basic compensation is administratively established and who are not exempt from the overtime provisions of the Fair Labor Standards Act are entitled to:

(1) The basic rate of compensation established for the position to which they are appointed.

(2) The overtime pay to which they may be entitled by the work schedules to which they are assigned by application of the Fair Labor Standards Act or Chapter 55 of Title 5, U.S.C., whichever is greater.

(3) Any additional compensation established under § 31g.5(b) which may be applicable to the position to which the individual is appointed.

(4) Premium pay other than overtime pay to which they may be entitled under Chapter 55 of Title 5 U.S.C.

§ 31g.9 Payment of compensation to educators.

(a) *Pay periods.* Educators shall be paid on the basis of a bi-weekly pay period during the term of the contract. Chapter 55 of Title 5 U.S.C. applies to the administration of pay for educators, except that section 1131(m) of Pub. L. 95-561 provides that 5 U.S.C. 5533 does not apply with respect to the receipt of pay by educators during summer recess under certain circumstances.

(b) *Pay for school year educators.* When an educator is appointed after the beginning of the school year, payment under the contract is to begin as of the date of appointment. If an educator resigns or is discharged before the expiration of the term of the contract, pay ceases as of the date of resignation or discharge.

§ 31g.10 Conditions of employment of educators.

(a) *Supervision not delegated to school boards.* School boards may not direct, control, or interrupt the day-to-day activities of the Bureau of Indian Affairs employees carrying out Bureau-operated Education programs.

(b) *Employee handbook.* The Director will develop employee handbooks and recruiting guides in consultation with school boards. These handbooks and recruiting guides will provide specific information regarding:

(1) The working and hiring conditions for various tribal jurisdictions and Bureau locations;

(2) The need for all Education personnel to adapt to local situation; and

(3) That all Education personnel will be required to comply with and support duly adopted school board policies, including those relating to tribal culture or language.

(c) *Contract renewal notification.* Employees will be notified sixty (60) days before the end of the school year whether or not their contract is to be renewed. If an individual's contract is to be renewed, the individual must agree in writing to serve for the next school year. This agreement must be made within fourteen (14) calendar days of the date of the notice in order to complete the contract renewal. If an individual agrees to serve for the next school year and fails to report for duty at the beginning of the next school year, the contract will be cancelled and the individual's future appointment will be subject to the restriction in § 31g.6(k) of this Part. Non-renewal of a contract will not have the effect of discharge for cause.

(d) *Dual compensation.* An employee accepting a renewal of a school year contract may be appointed to another federal position during the school recess period without regard to the dual compensation regulations in 5 U.S.C. 5533.

(e) *Discrimination complaints.* EEO procedures established under 5 CFR 713 shall be applicable to contract employees under this part.

(f)(1) *Grievance procedure.* The Director shall publish in the Bureau Manual (BIAM) procedures for the rapid and equitable resolution of grievances.

(2) When a unit of exclusive recognition exists, the negotiated grievance procedure may be the only procedure available to the employee for resolving grievances within its coverage, except that, if the grievance involves discharge, the employee may elect to use the appellate procedures or the grievance procedures if applicable, but not both. (5 U.S.C. 7121(e)(1)).

(g) *Mid-term review with school boards.* The school supervisor and the Agency school superintendent shall schedule a mid-term meeting with their school boards for the specific purpose of obtaining the school board's comments and suggestions concerning individual employees. In order to facilitate the school board's knowledge of school and Agency Education Office operations, members may observe education operations. Members should be encouraged and assisted in frequent and unannounced observations of classroom and dormitory. However, the members' conduct during such observation must be in accord with § 31g.10 (a).

(h) *Performance evaluation.* The minimum number of times an educator shall be evaluated each year is three for the educator's first year in a school or Agency, two for the second year, and one for each year following. The annual performance evaluation shall be in accordance with 5 U.S.C. 4302.

§ 31g.11 Length of the school year.

(a) The length of the school year shall be at least one hundred eighty (180) student instructional days.

§ 31g.12 Leave System for Education Personnel.

(a) *School year employees.* Employees on a school year contract are authorized the following types of leave:

(1) *Emergency leave.* Absence approved by the school supervisor or Agency Superintendent for Education as a recognized personal emergency may be paid for up to forty (40) hours for instructional or other work days in a school year. This leave is precredited at the beginning of the school year and accrued at the rate of four (4) hours for each of the following ten (10) months. If an employee resigns during the school year, any emergency leave used but not accrued shall be deducted from the final salary check.

(2) *Sick leave.* Absence approved by the school supervisor or Agency Superintendent for Education as incapacity from duty due to injury or illness, not related to or incurred on-the-job, and not covered by Federal Employee's Compensation Act Regulations may be paid as follows:

(i) Sick leave shall accrue at the rate of four (4) hours for each bi-weekly pay period during the terms of the contract. No precredit or advance sick leave is authorized. Accrued an unused sick leave may be used at contract

termination to be added to length of service for retirement credit purposes.

(ii) Sick leave is available only for situations which incapacitate the employee from duty and the leave granting officials shall require satisfactory evidence that the employee was incapacitated and unable to return to duty.

(iii) Sick leave in any school year used on instructional or other work days is limited to one hundred sixty (160) hours except as provided in paragraph (a)(2)(iv) of this section.

(iv) Accrued sick leave in excess of one hundred sixty (160) hours shall only be used to provide salary continuation for major medical emergencies. The Agency Superintendent for Education will determine on the basis of evidence which may include a report by a Federal physician, certification by the employee's personal physician, or other suitable evidence, whether or not to grant such requests. Any Federal employee may be required to appear for a physical examination by a Federally-selected physician (i.e., PHS, contract, etc.) to determine fitness for duty.

(v) An employee, who terminates his/her contract with sick leave to his/her credit, will have such sick leave restored to his/her credit upon re-employment within 5 years.

(3) *School vacation leave.* Contract school year employees may receive up to one hundred thirty six (136) hours of school vacation leave when school is not in session. Approval for the use of this leave will be administratively determined by the school supervisor/Agency Superintendent for Education.

(b) *Leave for year long employees.* Employees who are on a year contract are authorized the following types of leave:

(1) *Vacation Leave.* Absence approved in advance by the school supervisor or Agency Superintendent for Education for rest and relaxation is authorized for eighty hours after each of the first three (3) years of service as a Bureau education employee. At the end of the fourth year of service, the number of hours is increased to one hundred sixty (160). The school supervisor will determine when vacation leave may be used. Vacation leave is to be scheduled and used to the greatest extent possible during periods when school is not in session and the students are not in the dormitories. Vacation leave is credited to an employee on the day following his/her anniversary date of employment and may not be accumulated from year to year. However, if an employee's leave is scheduled during the three months preceding the anniversary date, and must be cancelled and not rescheduled before the anniversary date because Agency operations require the employee's presence, it may be restored and used the following year. At the employee's option, unused vacation leave may be converted to sick leave at the completion of each contract year, or he/she may elect to be paid for unused vacation leave.

(2) *Sick leave.* Sick leave accumulation and use is authorized on the same basis as for school year employees under § 31g.12 (a) of this part.

(c) *Accountable absences.* Each employee is accountable for the following types of absence which must be recorded:

(1) *Unapproved absence.* Any absence from the work site during any period when the employee's presence is required and which is not approved in advance or excused by the school supervisor or Agency Superintendent for Education, and charged to another type of leave or accountable absence, must be recorded. An amount equal to the pay which would have been due for the period of the absence shall be deducted from the employee's pay.

(2) *Unpaid absence.* If prescheduled and approved by the school supervisor or Agency Superintendent for Education, an employee may be absent and an amount equal to the pay, which would have been due for the period of the absence will be deducted from the employee's pay.

(3) *Court and military leave.* Employees are entitled to paid absence for jury or witness service and military duty as a member of the National Guard or reserve as defined in sections 6322 and 6323 of Title 5, U.S.C., when the absence occurs during the regular contract period. Employees may be requested to schedule their military leave at times other than when school is in session.

(4) *Administrative leave.* An employee may be excused, in pay status, from the performance of regular duties to carry out other officially recognized tasks when approved by the school supervisor or the Agency Superintendent for Education.

(d) *Leave transferred in.* Annual leave credited to an employee's balance immediately before conversion or appointment under this part will not be available for use while so employed by the Bureau. It shall be held to the employee's account until the employee leaves such Bureau employment. Sick leave credited to an employee's balance immediately before conversion or appointment under this part shall be credited to the employee's sick leave account under the leave system in § 31g.12 (a)(2) and (b)(2).

(e) Employees issued contracts for intermittent or part-time work, such as substitute teacher, and employees hired under short term contract provisions are not eligible for leave.

§ 31g.13 Status quo employees in education positions.

(a) *Status quo employees.* Individuals who were Bureau employees on October 31, 1979, with an appointment in either the competitive or excepted service without time limitation, and who are serving in an Education position, shall be continued in their positions under the terms and conditions of that appointment with no change in their status or position; except, they may be promoted to the full performance level of the position as that level was defined before November 1, 1979, with no other change in the position. Such employees are entitled to receive any changes in compensation attached to the position. Even though such employees occupy "Education positions" as defined in this part, the terms and conditions of their appointment, status, and entitlements are determined by competitive service regulations and procedures. Before November 1, 1983, these employees may elect to have the terms and conditions of their appointment to the position which they hold converted to the terms and conditions of employment established under this part. This election may not be revoked and is not subject to supervisory or school board approval. Under applicable procedures, these employees are eligible for consideration for movement to other positions which are defined as "contract Education" positions. Such movement shall change the terms and conditions of their appointment to the terms and conditions of employment established under this part. An involuntary change in position shall not affect the current status of present education employees.

Rick C. Lavis,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 79-34614 Filed 11-7-79; 8:45 am]

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Federal Register

Thursday
November 8, 1979

Part IV

Department of Transportation

Research and Special Programs Administration

Improved Descriptions of Hazardous Materials for Emergency Response

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 172, 173

[Docket No. HM-126B; Notice No. 79-14]

Improved Descriptions of Hazardous Materials for Emergency Response

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking.

SUMMARY: Considering the recent proposals under this Docket pertaining to the display of identification numbers to provide an improved emergency response capability for hazardous materials in transportation, including organic peroxides, the Materials Transportation Bureau (MTB) believes it is necessary that certain hazardous materials be more specifically indentified than is presently required. The MTB proposes (1) to add new entries to the Hazardous Materials Table for certain generic groupings of pesticides and certain generic n.o.s. listings for classes of materials having multiple hazards; (2) to require identification by technical name on the shipping paper and package for a hazardous material shipped under an n.o.s. entry; (3) that the words "water reactive" and "poison" be added to shipping papers when these hazards exist and are not reflected in required descriptions, and (4) a number of other changes and additions to the Hazardous Materials Table.

DATES: Comments on this additional proposal must be received on or before January 9, 1980.

ADDRESS COMMENTS TO: Dockets Branch, Materials Transportation Bureau, Washington, D.C. 20590 (telephone: 202-426-3148). It is requested that five copies be submitted. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th St., S.W., Washington, D.C., Office hours are 8:30 a.m. to 5 p.m., Monday thru Friday.

FOR FURTHER INFORMATION CONTACT: Lee E. Metcalfe, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590, 202-426-0656.

SUPPLEMENTARY INFORMATION: The MTB published a notice of proposed rulemaking in the Federal Register on June 7, 1979 (44 FR 32972; Docket No. HM-126A; Notice No. 79-9), proposing the adoption of a numerical identification system for hazardous materials transported in commerce. In the July 26, 1979, Federal Register (44 FR 43858; Docket No. HM-126A; Notice No. 79-9 and 44 FR 43864; Docket HM-171; Notice No. 79-11) supplemental notices were published proposing to adopt the numerical identification system for organic peroxides, and to authorize the optional use of United Nations' shipping descriptions and identification numbers for certain hazardous materials in place of the descriptions required by existing DOT regulations. The objective of the proposals in this notice is to augment the previous proposals by adding to the Hazardous Materials Table certain entries necessary to improve the identification of the hazards of many materials. The MTB believes these improved hazardous materials identifications are essential to the successful accomplishment of an emergency response system which will be accessed by means of identification numbers.

The MTB has been requested by the Environmental Protection Agency to consider requiring the identification of each n.o.s. entry on shipping papers and package markings by the technical name of the hazardous material. This would permit more accurate identification of the material for emergency response actions. This is already a requirement for export shipments by vessel and the MTB agrees that safety would be enhanced by such a requirement since more specific information would be immediately available for use in emergency response actions. For a mixture containing two or more hazardous materials, at least two of the components which contribute most to the hazards of a material would be required to be identified. However, the MTB does not propose to apply this requirement to hazardous materials authorized to be described and shipped as Limited Quantities.

The Hazardous Materials Table does not contain a generic description applicable to all pesticides (i.e., pesticide, liquid *or* solid, n.o.s.). Addition of a generic description for pesticides to the Table would not provide sufficient information to identify the type of pesticide and, consequently, it would be difficult to specify appropriate action to be taken in the event of an accident involving spillage or exposure. Conversely, it would be virtually impossible to list each pesticide by name and possible formulation. The MTB believes an appropriate approach would be to identify and describe pesticides by chemical groups based on their chemical structures. This approach would enable first aid and medical advice to be linked to such groups. To this end, fifteen groups of pesticides have been identified which the MTB has proposed for addition to the Hazardous Materials Table. Within each of the fifteen groups, there would be three separate entries, which would distinguish the form (i.e., liquid or solid), and for liquids would distinguish the hazard class (i.e., flammable liquid or poison B liquid). Thus, a total of forty-five descriptions would be added to the Table to identify pesticides by chemical structure, form, and hazard class. The MTB estimates that these forty-five descriptions would apply to more than ninety percent of the pesticides transported.

Also, the MTB is proposing the addition of eight generic n.o.s. entries addressing multiple hazards. These multiple hazard entries consist of such n.o.s. descriptions as Corrosive liquid, poisonous, n.o.s., Flammable liquid, corrosive, n.o.s. and Oxidizer, corrosive liquid, n.o.s. The MTB believes these new entries will provide improved identification of a number of hazardous materials in association with the additional labeling requirement proposed for the entries in column (4) of the Hazardous Materials Table.

In addition to assigning identification numbers to the hazardous materials, the MTB believes that certain additional shipping paper entries would be beneficial to emergency response personnel and carriers. Specifically the entries being proposed are the phrase "Water Reactive" for a material required to be labeled FLAMMABLE SOLID and DANGEROUS WHEN WET; and the word "Poison" for a material required to bear a POISON label, classed other than as a Poison B and not otherwise identified as a poisonous material on the shipping paper. The MTB agrees with the Association of American Railroads recommendation that such a warning be added to the shipping paper entry for certain materials required to be labeled FLAMMABLE SOLID and DANGEROUS WHEN WET to quickly identify the material as having a potential of being water reactive during an emergency. The American Trucking Associations, Inc., petitioned the MTB for a rule change to add the word "Poison" to a shipping paper to assist the carrier in complying with § 177.841(e). The MTB agrees that it would permit carrier personnel who load vehicles to be aware of the POISON label and to plan loads accordingly. The same situation would exist for the rail carrier when

such references as §§ 174.280, 174.380, 174.480, 174.580 and 174.680 are considered, for the air carrier when considering § 175.630, and for carriage by vessel when §§ 176.331 and 176.600 are considered. Also, such an entry would assist quick identification of a poison hazard during an emergency.

Dichloropropene and propylene dichloride mixture was placed in the Hazardous Materials Table as a Corrosive material under Docket HM-57 (38 FR 35467; December 28, 1973). However, a review of current references, including the United Nations "Transport of Dangerous Goods" and the IMCO "Dangerous Goods Code", indicate the hazard class of Flammable liquid is more appropriate. The National Fire Protection Association, in its manual entitled "Fire Hazard Properties of Flammable Liquids, Gases and Volatile Solids," indicates the flash point of the first named material in the mixture as 95° F. and the other as 60° F. thus, changing the hazard class of the mixture to Flammable liquid would reflect the flammable nature of this mixture and more appropriately describe the hazard that would be important in emergency response.

Also, the MTB proposes to revise the heading and paragraph (a) of § 173.352 to include Cyanide solutions, n.o.s. classed as a Poison B, UN 1935, which would be added to the Hazardous Materials Table even though not shown in the § 172.101 Table in this notice. The omission of this material from the Table came to MTB's attention shortly before publication of this notice. Due to the manner in which MTB programs and retrieves this Table from automatic data processing equipment, reprogramming the Table would have inordinately delayed publication of this notice. However, despite the fact that the entry Cyanide solutions, n.o.s. does not appear in the formal proposal, MTB is proposing that it be added to the Hazardous Materials Table and hereby gives notice of such proposal. The MTB believes the packagings authorized by § 173.352 for sodium cyanide or potassium cyanide are more appropriate for cyanide solutions, n.o.s. than the general packagings that would otherwise be authorized for this material under § 173.346 for a poisonous liquid, n.o.s.

Fuel, aviation turbine, engine is now in the Table as a Flammable liquid and the MTB proposes to provide an additional entry for it as a Combustible liquid. The MTB has been informed that having this fuel properly identified on the shipping paper will help the aviation industry insure that the correct fuel is being delivered for use in the operation of aircraft. Aviation turbine engine fuel shipped as Fuel oil or as Combustible liquid, n.o.s. for use in aircraft apparently leaves a degree of uncertainty about the actual identity of the material. The MTB believes that the cost for this relatively minor change in documentation would be far outweighed by even a small improvement in aviation safety.

The MTB proposes that § 173.151a(a)(3) be revised to permit continued classification of a hazardous material according to its predominant hazard when it contains an organic peroxide without placing an asterisk before each organic peroxide entry. It is possible that when certain stabilizing diluents are added to certain organic peroxides the predominate hazard is that of the diluent rather than the organic peroxide.

A number of other additions and changes to the Hazardous Materials Table are proposed based on petitions for rulemaking and other sources. Proposed additional entries include Propargyl alcohol which is flammable and poisonous; Chloroprene, uninhibited which would be listed as forbidden (uninhibited chloroprene may polymerize spontaneously so as to cause dangerous evolution of heat); and Chloroprene, inhibited which is a Flammable liquid. Further, additional entries proposed are: Alcoholic beverage; Benzidine; Bromochloromethane; Calcium hypochlorite, hydrated; Chlordane (Flammable liquid); Furan; Morpholine; Morpholine, aqueous mixture; Paraldehyde; Pinene; and 1,1,1, Trichloroethane. Packaging reference revisions are proposed for the Compressed gas, n.o.s.; Refrigerating machine and Strychnine, solid entries while an additional label requirement is proposed for the three Hydrogen peroxide entries.

A comment to Docket HM-126A was received which indicated that if a longer comment period had been available, an evaluation of the assignment of identification numbers would have been made for submission with the comment. Since identification numbers have been proposed for assignment to hazardous materials in Docket HM-126A (44 FR 32972; June 7, 1979), Docket HM-126A Supplement (44 FR 43858; July 26, 1979), and this Docket, such comments may be submitted in response to this notice, if they were not provided in earlier comments.

The primary drafters of this notice are George E. Cushmac and Lee E. Metcalfe of the Office of Hazardous Materials Regulation, Materials Transportation Bureau.

In consideration of the foregoing, it is proposed to amend Parts 172 and 173 of Title 49, Code of Federal Regulations as follows:

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. Section 172.101, the Hazardous Materials Table, would be amended by the addition of the following entries in their appropriate alphabetical sequence with the accompanying identification number for each in Column 3(a).

§ 172.101 Hazardous materials table.

2. In § 172.203 paragraph (i)(2) would be deleted; paragraph (i)(3) would be redesignated as (i)(2); paragraphs (j), (k) and (l) would be added to read as follows:

§ 172.203 Additional description requirements.

* * * * *

(j) If a material is properly described according to an n.o.s. entry in § 172.101 or § 172.102, the technical name of the material shall be entered in parentheses on the shipping paper immediately following the proper shipping name. For example: Corrosive liquid, n.o.s. (caprylyl chloride), Corrosive material, UN1760. If the material is a mixture of two or more hazardous materials, the technical names of at least two components most predominantly contributing to the hazard or hazards of the mixture shall be entered in parentheses. For example: Flammable liquid, corrosive, n.o.s. (methyl alcohol, potassium hydroxide) UN2924. This paragraph does not apply if—

(1) The n.o.s description for material (other than a mixture of hazardous materials of different classes meeting the definition of more than one hazard class) contains the name of the chemical element or group which is primarily responsible for the material being included in the hazard class indicated. For example, Mercury compound, n.o.s., solid Poison B, UN2025.

(2) The material is authorized and properly described as a Limited Quantity (see § 171.8 of this subchapter).

(k) *Dangerous When Wet.* Except for a hazardous material described as a Water reactive solid, n.o.s., the words "Water Reactive" shall be entered on the shipping paper in association with the basic description when a package covered by the basic description is required to be labeled with a Dangerous When Wet label.

(l) *Poison.* If there is no indication in the shipping name or hazard class that a

material is a poison, the word "Poison" shall be entered on the shipping paper in association with the basic description when a package covered by the basic description is required to be labeled with a POISON label.

3. Section 172.300 would be revised to read as follows:

§ 172.300 General marking requirements.

(a) Except for portable tanks, cargo tanks and tank cars, and as otherwise provided by this subchapter, each person who offers a package containing a hazardous material for transportation shall mark the package in proximity to any label required by this subchapter with—

(1) The proper shipping name prescribed for the material as required by § 172.101 or § 172.102,

(2) The technical name(s) of the hazardous material(s) in the same manner, and under the same conditions, as required for shipping papers by § 172.203(j), and

(3) The identification number listed for the hazardous material in § 172.101 or § 172.102 as appropriate, immediately following the proper shipping name or the technical name, if required.

(b) When it has been determined that a package has been previously marked as required for the material it contains, it need not be remarked.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

4. Section 173.151a(a)(3) would be revised to read as follows:

§ 173.151a Organic peroxide; definition.

(a) * * *

(3) It is determined that the predominant hazard of the material containing an organic peroxide is other than that of an organic peroxide; or

* * * * * * *

5. Section 173.352 Heading and paragraph (a) would be revised to read as follows:

§ 173.352 Sodium and potassium cyanide solutions, and cyanide solution, n.o.s.

(a) Sodium and potassium cyanide solutions, and cyanide solutions, n.o.s. must be packed in specification packagings as follows:

* * * * * *

(49 U.S.C. 1803, 1804; 49 CFR 1.53, App. A to Part 1, and paragraph (a)(4) of App. A, Part 106).

Note.—The Materials Transportation Bureau has determined that this proposed regulation will not have a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (44 FR 11034) nor an environmental impact which would require the preparation of an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation and environmental assessment is available for review in the Docket.

Issued in Washington, D.C. on November 2, 1979.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

BILLING CODE 4910-62-M

§172.101 Hazardous Materials Table

(1)	(2)	(3)	(3A)	(4)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
*/E/A/W	Hazardous materials descriptions and proper shipping names	Hazard class	ID Number	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	(Add) Air conditioning machine. *See* Refrigerating machine										
*	Alcoholic beverage	Flammable liquid	NA1987	Flammable liquid	173.118	173.125	1 quart	10 gallons	1,2	1	
*	Alcoholic beverage	Combustible liquid	NA1987	None	173.118a	None	No limit	No limit	1,2	1,2	
	Ammonium nitrate, solution (*containing not less than 15% water). See Sec. 173.154(a)(17)*	Oxidizer	NA2426	Oxidizer							
*	Arsenical pesticide (*compounds and preparations*), liquid, n.o.s.	Flammable liquid	NA2760	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Arsenical pesticide (*compounds and preparations*), liquid, n.o.s.	Poison B	UN2759	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
*	Arsenical pesticide (*compounds and preparations*), solid, n.o.s.	Poison B	UN2759	Poison	173.364	173.367	50 pounds	200 pounds	1,2	1,2	
	Benzidine	Poison B	UN1885	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1	
*	Benzoic derivative pesticide (*compounds and preparations*), liquid, n.o.s.	Flammable liquid	NA2770	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Benzoic derivative pesticide (*compounds and preparations*), liquid, n.o.s.	Poison B	UN2769	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
*	Benzoic derivative pesticide (*compounds and preparations*), solid, n.o.s.	Poison B	UN2769	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
*	Bipyridilium pesticide (*compounds and preparations*), liquid, n.o.s.	Flammable liquid	UN2782	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Bipyridilium pesticide (*compounds and preparations*), liquid, n.o.s.	Poison B	UN2781	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
*	Bipyridilium pesticide (*compounds and preparations*), solid, n.o.s.	Poison B	UN2781	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
A	Bromochloromethane	ORM-A	UN1887	None	173.505	173.510 173.605	10 gallons	55 gallons			
	Calcium hypochlorite, hydrated (minimum 5.5% but not more than 10% water)	Oxidizer	UN2880	Oxidizer	173.153	173.154	50 pounds	100 pounds	1,2	1,2	
*	Carbamate pesticide (*compounds and preparations*), liquid, n.o.s.	Flammable liquid	UN2758	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Carbamate pesticide (*compounds and preparations*), liquid, n.o.s.	Poison B	UN2757	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
*	Carbamate pesticide (*compounds and preparations*), solid, n.o.s.	Poison B	UN2757	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
*	Chlordane, liquid	Flammable liquid	NA2762	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Chloroprene, inhibited	Flammable liquid	UN1991	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Chloroprene, uninhibited	Forbidden									
*	Copper based pesticide (*compounds and preparations*), liquid, n.o.s.	Flammable liquid	UN2776	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Copper based pesticide (*compounds and preparations*), liquid, n.o.s.	Poison B	UN2775	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
*	Copper based pesticide (*compounds and preparations*), solid, n.o.s.	Poison B	UN2775	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
*	Corrosive liquid, poisonous, n.o.s.	Corrosive material	UN2922	Corrosive and Poison	173.244	173.245 173.245a	1 quart	1 quart	1	4	
	Cyclohexylamine	Flammable liquid	UN2357	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Dichlorobutene	Corrosive material	NA9017	Corrosive	173.244	173.245 173.245a	1 quart	10 gallons	1	4	
	Dichloropropene and propylene dichloride mixture	Flammable liquid	NA2047	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Dithiocarbamate pesticide (*compounds and preparations*), liquid, n.o.s.	Flammable liquid	UN2772	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Dithiocarbamate pesticide (*compounds and preparations*), liquid, n.o.s.	Poison B	UN2771	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
*	Dithiocarbamate pesticide (*compounds and preparations*), solid, n.o.s.	Poison B	UN2771	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Engine, internal combustion					173.120					
*	Flammable liquid, corrosive, n.o.s.	Flammable liquid	UN2924	Flammable liquid and Corrosive	173.118	173.119	1 quart	1 quart	1,2	1	
*	Flammable liquid, poisonous, n.o.s.	Flammable liquid	UN1992	Flammable liquid and Poison	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Flammable solid, corrosive, n.o.s.	Flammable solid	UN2925	Flammable solid and Corrosive	173.153	173.154	25 pounds	25 pounds	1	4	
*	Flammable solid, poisonous, n.o.s.	Flammable solid	UN2926	Flammable solid and Poison	173.153	173.154	25 pounds	25 pounds	1,2	1	
*	Fuel, aviation, turbine engine	Combustible liquid	UN1863	None	173.118a	None	No limit	No limit	1,2	1,2	
	Furan	Flammable liquid	UN2389	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Mercury based pesticide (*compounds and preparations*), liquid, n.o.s.	Flammable liquid	UN2778	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Mercury based pesticide (*compounds and preparations*), liquid, n.o.s.	Poison B	UN2777	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
*	Mercury based pesticide (*compounds and preparations*), solid, n.o.s.	Poison B	UN2777	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Morpholine	Flammable liquid	NA2054	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Morpholine, aqueous, mixture	Flammable liquid	UN2054	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Morpholine, aqueous, mixture	Corrosive material	NA1760	Corrosive	173.244	173.245 173.245a	1 quart	10 gallons	1	4	
	Nitrogen trifluoride	Forbidden									

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(3A)	(4)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
*/E/A/W	Hazardous materials descriptions and proper shipping names	Hazard class	ID Number	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Nitrophenol pesticide, substituted (*compounds and preparations*), liquid *or* solid, n.o.s. *See* Substituted nitrophenol pesticide (*compounds and preparations*), liquid or solid, n.o.s.										
*	Organochlorine pesticide (*compounds and preparations*), liquid, n.o.s.	Flammable liquid	UN2762	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Organochlorine pesticide (*compounds and preparations*), liquid, n.o.s.	Poison B	UN2761	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
*	Organochlorine pesticide (*compounds and preparations*), solid, n.o.s.	Poison B	UN2761	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
*	Organophosphorus pesticide (*compounds and preparations*), liquid, n.o.s.	Flammable liquid	UN2784	Flammable liquid	None	173.119	Forbidden	1 quart	1,2	5	
*	Organophosphorus pesticide (*compounds and preparations*), liquid, n.o.s.	Poison B	UN2783	Poison	173.359	173.359	Forbidden	1 quart	1,2	5	
*	Organophosphorus pesticide (*compounds and preparations*), solid, n.o.s.	Poison B	UN2783	Poison	173.377	173.377	Forbidden	200 pounds	1,2	4	
*	Organotin pesticide (*compounds and preparations*), liquid, n.o.s.	Flammable liquid	UN2787	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Organotin pesticide (*compounds and preparations*), liquid, n.o.s.	Poison B	UN2786	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
*	Organotin pesticide (*compounds and preparations*), solid, n.o.s.	Poison	UN2786	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
*	Oxidizer, corrosive liquid, n.o.s.	Oxidizer	NA9193	Oxidizer and Corrosive	None	173.245 173.245a	Forbidden	1 quart	1	4	
*	Oxidizer, corrosive solid, n.o.s.	Oxidizer	NA9194	Oxidizer and Corrosive	173.153	173.154	25 pounds	25 pounds	1	4	
	Paraldehyde	Flammable liquid	UN1264	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Phenoxy pesticide (*compounds and preparations*), liquid, n.o.s.	Flammable liquid	UN2766	Flammable liquid and Poison	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Phenoxy pesticide (*compounds and preparations*), liquid, n.o.s.	Poison B	UN2765	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
*	Phenoxy pesticide (*compounds and preparations*), solid, n.o.s.	Poison B	UN2765	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
*	Phenylurea pesticide (*compounds and preparations*), liquid, n.o.s.	Flammable liquid	UN2768	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Phenylurea pesticide (*compounds and preparations*), liquid, n.o.s.	Poison B	UN2767	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
*	Phenylurea pesticide (*compounds and preparations*), solid, n.o.s.	Poison B	UN2767	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
*	Phthalimide derivative pesticide (*compounds and preparations*), liquid, n.o.s.	Flammable liquid	UN2774	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Phthalimide derivative pesticide (*compounds and preparations*), liquid, n.o.s.	Poison B	UN2773	Poison	173.345	173.346	1 quart	55 gallons	1,3	1,2	
*	Phthalimide derivative pesticide (*compounds and preparations*), solid, n.o.s.	Poison B	UN2773	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Pinene	Flammable liquid	UN2368	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Poisonous solid, corrosive, n.o.s.	Poison B	UN2928	Poison and Corrosive	173.364	173.365	25 pounds	100 pounds	1	4	
	Propargyl alcohol	Flammable liquid	NA1986	Flammable liquid and Poison	None	173.119	Forbidden	1 quart	1,2	5	
*	Substituted nitrophenol pesticide (*compounds and preparations*), liquid, n.o.s.	Flammable liquid	UN2780	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Substituted nitrophenol pesticide (*compounds and preparations*), liquid, n.o.s.	Poison B	UN2779	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
*	Substituted nitrophenol pesticide (*compounds and preparations*), solid, n.o.s.	Poison B	UN2779	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
*	Triazine pesticide (*compounds and preparations*), liquid, n.o.s.	Flammable liquid	UN2764	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,3	1	
*	Triazine pesticide (*compounds and preparations*), liquid, n.o.s.	Poison B	UN2763	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
*	Triazine pesticide (*compounds and preparations*), solid, n.o.s.	Poison B	UN2763	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	1,1,1-Trichloroethane. *See* Methyl chloroform (Delete)										
	Dichloropropene and propylene dichloride mixture	Corrosive mixture	NA2047	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
	Engine, internal combustion (Revise)				173.120						
	Compressed gas, n.o.s.	Nonflammable gas	UN1956	Nonflammable gas	173.306 173.307	173.302 173.304 173.305	150 pounds	300 pounds	1,2	1,2	
	Hydrogen peroxide solution (*8% to 40% peroxide*)	Oxidizer	UN2014	Oxidizer and Corrosive	173.244	173.266	1 quart	1 gallon	1,2	1	Shade from radiant heat. Separate from permanganates. Keep away from powdered metals.
	Hydrogen peroxide solution (*40% to 52% peroxide*)	Oxidizer	UN2014	Oxidizer and Corrosive	173.244	173.266	Forbidden	Forbidden	1	4	Shade from radiant heat. Separate from peroxides. Keep away from powdered metals.
	Hydrogen peroxide solution (*over 52% peroxide*)	Oxidizer	UN2015	Oxidizer and Corrosive	None	173.266	Forbidden	Forbidden	1	5	Shade from radiant heat. Separate from permanganates. Keep away from powdered metals. Concentrations greater than 60% hydrogen peroxide not permitted on any vessel except under conditions approved by the Department.
	Refrigerating machine	Nonflammable gas	UN2857	Nonflammable gas	173.306 173.307		No limit	No limit	1,3	1,3	
	Strychnine, solid	Poison B	UN1692	Poison	173.364	173.365	Forbidden	200 pounds	1,2	1,2	

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
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DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
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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 July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Public Health Service—

47064 8-10-79 / Health systems agency reviews of proposed uses of Federal health funds

INTERIOR DEPARTMENT

Land Management Bureau—

58126 10-9-79 / Management of oil and natural gas pipelines and related facilities on Federal lands and reimbursement of costs

58101 10-9-79 / Indian education functions, transfer

58096 10-9-79 / Indian education policies

ENVIRONMENTAL PROTECTION AGENCY

57929 10-9-79 / Attainment status designations; Ohio

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Community Planning and Development, Office of the Assistant Secretary—

56325 10-1-79 / Community Development Block Grant; Uniform relocation assistance and real property acquisition

Office of the Secretary—

56324 10-1-79 / Uniform relocation assistance and real property acquisition, Community Development Block Grant Program

List of Public Laws

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This is a continuing listing 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. 4394 / Pub. L. 96-103 "Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1980". (Nov. 5, 1979; 93 Stat. 771) Price $1.25.

H.R. 2515 / Pub. L. 96-104 To authorize on a temporary basis certain business and agricultural loans, notwithstanding interest limitations in State constitutions or statutes, and for other purposes. (Nov. 5, 1979; 93 Stat. 789) Price $.75.