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federal register

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(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.)

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NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled 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.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Title 3—The President

PROCLAMATION 4506

National Safe Boating Week, 1977

By the President of the United States of America

A Proclamation

This year, more Americans than ever before will enjoy the challenges and pleasures of boating on our country's lakes, rivers, and coastal waters. If they take time to learn the fundamentals of boating safety, needless tragedy can be avoided.

In recognition of the growth in recreational boating, and of our continuing need to promote safety on our waterways, the Congress has by joint resolution of June 4, 1958 (72 Stat. 179, 36 U.S.C. 161) requested the President to proclaim the week of July 4 each year as National Safe Boating Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the week beginning July 3, 1977, as National Safe Boating Week.

I urge everyone who participates in boating on American waterways to learn the basic rules of safety. This information is readily available in courses offered by such organizations as the United States Coast Guard Auxiliary, the United States Power Squadrons, the American Red Cross, and by various agencies of state governments.

I also invite the Governors of the States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa, and the Mayor of the District of Columbia, to provide appropriately for the observance of the Week.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of June, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred and first.

Jimmy Carter

[FR Doc.77-16927 Filed 6-9-77;5:05 pm]

rules and regulations

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES)*

PART 26—GRAIN STANDARDS

Revision of Grade Designations for All Grains

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The revision will permit unlimited substitution of higher quality when loading grain and offers the option of certificating grain as being "equal to or better than" the quality of grain called for in a sales contract.

Current certificating procedures necessitate the purchase and storage of large amounts of grain of one particular quality and sometimes depletes the supply of grain of that quality from nearby sources. The change facilitates the marketing of grain by offering flexibility in the loading and certification of cargo grain.

EFFECTIVE DATE: September 8, 1977.

FOR FURTHER INFORMATION CONTACT:

N. Gail Jackson, Acting Director, Standardization Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-9329.

SUPPLEMENTARY INFORMATION: The United States Grain Standards Act (82 Stat. 761, 7 U.S.C. 71 et seq.) as amended by an Act of October 21, 1976 (Pub. L. 94-582, 90 Stat. 2867), provides for official U.S. standards to designate the quality of grain for use by producers, merchandisers, and consumers in the domestic and export marketing of grain. The Act provides for an official grading service upon request and payment by the applicant of a fee to cover the cost of the service.

Pursuant to section 4 of the Act (7 U.S.C. 76), a notice concerning proposed revisions of the United States Standards for Grain (7 CFR 26.201 et seq.) to provide for optional grade designations for all grains was published in the FEDERAL REGISTER (41 FR 50268) on November 15, 1976, according to the administrative procedure provisions of section 553 of Title 5, United States Code.

Approximately 1900 reprints of the notice were sent to interested persons in the grain industry. Interested persons were given until December 30, 1976, to submit data, views, or recommendations concerning the proposed changes in the grain standards. Unexpected delays in the reproduction and distribution of the notice made it necessary to extend the December 30, 1976 deadline for comments to March 18, 1977.

Three comments were received in response to the notice. Two commenters were national organizations of grain handlers, and the third commenter was a private grain handler. All three comments supported the proposal and urged implementation of the changes as soon as practicable. No comments opposing the proposal were received.

The proposal provides an optional method of designating the grade of grain when inspected for domestic or export shipment. Occasionally, shippers find when preparing to load grain for shipment that the supply of a particular quality of grain in their elevator may be insufficient to meet the grade requirements specified in the contract being filled. In such instances, the shipper may find it necessary to substitute higher quality grain to provide the quantity of grain required by the contract.

Segments of the export grain industry have stated that provisions of the regulations under the Act should be made more flexible by permitting unlimited substitution of grain of quality higher than the quality specified under the sales contract. They also stated, and the Department concurs, that delivery of grain of a higher quality than that specified in sales contracts should not be objectionable or considered, as in some cases, as not meeting the contract requirements.

The proposed amendment would permit the applicant for inspection services the option of having the quality of the grain offered for inspection officially certificated in one of two ways: Option 1—That the lot offered for inspection is of a specific official U.S. grade, or Option 2—that the quality of the lot offered for inspection is equal to or better (superior) in quality, as defined by the official U.S. Standards, than the grade specified by the contract; i.e., U.S. No. 2 or better, U.S. No. 3 or better, etc. The optional certification would be applicable to all numerical and sample grades, dockage, and special grades of grain and to both domestic and export shipments, with no limitation on the amount of better quality grain that may be delivered. If the Option 2 inspection certification is not requested, Option 1 certification will automatically be followed.

The request for the Option 2 certification designation shall be made in writing prior to the beginning of loading. For example, a request for Option 2 certification of U.S. No. 3 or better Yellow Corn would be certificated as follows:

1. "U.S. No. 3 or better Yellow Corn" would be stated on the grade line of the certificate.

2. The weighted average of the factors would be shown on the certificate.

3. No qualifying statement about the lot uniformity would be necessary, provided that the lot meets the uniform loading requirements for a "U.S. No. 3 or better" load order grade.

If the Option 2 certification is not requested and the weighted average of the factor results shows the average grade to be of better quality than that specified in the load order grade but does not meet the uniform loading requirements (Plan A or 10 percent Plan as outlined in GR Instruction 918-6, Grain Inspection Manual) for the average grade, the certificate shall carry a qualifying statement in the remarks. For example, the applicant for inspection stated that the load order grade was for U.S. No. 3 Yellow Corn. The weighted average of the sublots showed the lot to average U.S. No. 2. However, a review of the loading shows that the lot contained 12 percent of U.S. No. 3 and would not meet the uniform loading requirement under the 10 percent Plan for U.S. No. 2 Yellow Corn. The certification would be as follows:

1. "U.S. No. 2 Yellow Corn" would be stated on the grade line of the certificate.

2. The weighted average of the factors would be shown on the certificate.

3. In the "Remarks" section of the certificate, a qualified statement shall be made and substantially state, "The above numerical grade is based on the average quality of the lot and does not meet the uniform loading requirements for a contract of U.S. No. 2 Yellow Corn, but it does meet the requirements for U.S. No. 3 Yellow Corn." This statement shall be followed by a list of the approximate quantity and stowage of the different grades of grain which comprise the lot.

When the proposal was published in the FEDERAL REGISTER on November 15, 1976, U.S. Standards for Triticale had not been promulgated; however, standards for triticale have subsequently been officially adopted. The proposal offers an optional method of designating the grade of grain after it has been officially inspected and does not alter inspection procedures. Also, the intent of the proposal was that the optional grade designation apply to all official standards for grain. Therefore, for the sake of uniformity in the method of grade designation for all grains, it is determined that the provisions of the proposal be made

*Including matters within the responsibility of the Federal Grain Inspection Service.

applicable to the U.S. Standards for Triticale.

Therefore, the United States Standards for Grain (7 CFR Part 26) are hereby amended as follows:

BARLEY

1. Section 26.209 is added as set forth below:

§ 26.209 Grade designations.

(a) *Grade designations for barley.* The grade designation for barley shall include, in the following order: (1) The letters "U.S."; (2) The number of the grade or the words "Sample grade"; (3) The special grade "Bright," if applicable (see § 26.211); (4) The name of the applicable subclass or, in the case of the class barley, the name of the class; (5) The name of each applicable special grade (see § 26.211); (6) When applicable, the word "dockage" together with the percentage thereof; and (7) For malting barley, the words "Plump Barley" together with the applicable percentage range. If requested by the applicant, the grade designation for the class Barley shall include, following the word "Barley," the approximate percentage of each class and of black barley in the mixture in order of predominance.

(b) *Optional grade designations.* Barley may be certificated (under certain conditions,[1]) when supported by official analysis, as "U.S. No. 2 or better Barley," "U.S. No. 3 or better Barley," etc. The optional grade designation for barley shall include the name of the applicable class or subclass immediately preceding the word "barley" in the grade designation. The special grade designations and dockage, when applicable, also shall be included (under certain conditions [1]) in the certification.

OATS

2. Section 26.257 is revised to read as follows:

§ 26.257 Grade designations.

(a) *Grade designations for oats.* The grade designations for oats shall include, in the following order: (1) The letters "U.S."; (2) The number of the grade or the words "Sample grade"; (3) Certain special grade designations, if applicable (see § 26.259); (4) The word "oats"; and (5) Certain special grade designations, if applicable (see § 26.259).

(b) *Optional grade designations.* Oats may be certificated (under certain conditions [1]), when supported by official analysis, as "U.S. No. 2 or better Oats," "U.S. No. 3 or better Oats," etc. The special grade designations, when applicable, also shall be included (under certain conditions [1] in the certification.

WHEAT

3. Section 26.307 is revised to read as follows:

§ 26.307 Grade designations.

(a) *Grade designations for wheat.* (See also § 26.308.)

The grade designations for wheat shall include in the following order: (1) The letters "U.S."; (2) The number of the grade or the words "Sample grade"; (3) The subclass, or in the case of Hard Red Winter Wheat, Mixed Wheat, Soft Red Winter Wheat, and Unclassed Wheat, the class; (4) Each applicable special grade (see also § 26.309); and (5) When applicable, the word "dockage" together with the percentage thereof. In the case of Western White Wheat, there shall be included under "Remarks" on the inspection certificate, the name and percentage of white club wheat and other white wheat in the mixture. In the case of Unclassed Wheat, there shall be included under "Remarks" on the inspection certificate the color or other characteristics which describe the wheat, together with the percentage thereof. In the case of Mixed Wheat, there shall be included under "Remarks" on the inspection certificate the name and percentage of the classes that comprise the mixture.

(b) *Optional grade designations.* Wheat may be certificated (under certain conditions [1]), when supported by official analysis, as "U.S. No. 2 or better Wheat," "U.S. No. 3 or better Wheat," etc. The optional grade designations for wheat shall include the name of the applicable class or subclass immediately preceding the word "wheat" in the grade designation. The special grade designations and dockage, when applicable, also shall be included (under certain conditions [1]) in the certification.

CORN

4. Section 26.353 is amended by revising paragraphs (c) and (d) as set forth below:

§ 26.353 Grades, grade requirements, and grade designations.

(a) * * *
(b) * * *

(c) *Optional grade designations.* Corn may be certificated (under certain conditions [1]), when supported by official analysis, as "U.S. No. 2 or better Corn," "U.S. No. 3 or better Corn," etc. The optional grade designations for corn shall include the name of the applicable class immediately preceding the word "corn" in the grade designation. The special grade designations, when applicable, also shall be included (under certain conditions [1]) in the certification.

(d) *Special grades, special grade requirements, and special grade designations for corn.*

* * * * *

RYE

5. Section 26.402 is amended by adding paragraph (c) as set forth below:

§ 26.402 Grades, grade requirements, and grade designations.

(a) * * *
(b) * * *

(c) *Optional grade designations.* Rye may be certificated (under certain conditions [1]), when supported by official analysis, as "U.S. No. 2 or better Rye," "U.S. No. 3 or better Rye," etc. The special grade designation and dockage, when applicable, also shall be included (under certain conditions [1]) in the certification.

MIXED GRAIN

6. Section 26.453 is amended by revising paragraph (c) and adding paragraph (d) as set forth below:

§ 26.453 Grades, grade requirements, and grade designations.

* * * * *

(a) * * *
(b) * * *

(c) *Optional grade designations.* Mixed grain may be certificated (under certain conditions [1]), when supported by official analysis, as "U.S. No. 2 or better Mixed Feed Oats," "U.S. Sample Grade or better Mixed Grain," etc. The special grade designations, when applicable, also shall be included (under certain conditions [1]) in the certification.

(d) *Special grades, special grade requirements, and special grade designations for mixed grain.*

* * * * *

FLAXSEED

7. Section 26.514 is revised as set forth below:

§ 26.514 Grade designations.

(a) *Grade designations for flaxseed.* The grade designation for flaxseed shall include, in the following order: (1) The letters "U.S."; (2) The number of the grade or the words "Sample grade"; (3) The word "flaxseed"; and (4) When applicable, the word "dockage" together with the percentage thereof.

(b) *Optional grade designations.* Flaxseed may be certificated (under certain conditions [1]), when supported by official analysis, as "U.S. No. 2 or better Flaxseed" or "U.S. Sample grade or better Flaxseed." Dockage, when applicable, also shall be included (under certain conditions [1]) in the certification.

SORGHUM

8. Section 26.558 is revised as set forth below:

§ 26.558 Grade designations.

(a) *Grade designations for sorghum.* The grade designations for sorghum shall include in the following order: (1) The letters "U.S.," (2) The number of the grade or the words "Sample grade," (3) The class, (4) Each applicable special grade (see § 26.560), and (5) When applicable, the words "dockage" together with the percentage thereof. The grade designation for the class "Mixed Sorghum" shall include, following the words "Mixed Sorghum," the approximate percentage of each class of sorghum in the mixture in the order of predominance.

(b) *Optional grade designations.* Sorghum may be certificated (under certain conditions [1]), when supported by official analysis, as "U.S. No. 2 or better Sorghum," "U.S. No. 3 or better Sor-

[1] The conditions are listed in the Grain Inspection Manual, GR Instruction 918-6. Copies may be obtained from the Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue, S.W., Washington, D.C. 20250.

[1] See footnote 1.

[1] See footnote 1.

ghum," etc. The optional grade designation for sorghum shall include the name of the applicable class immediately preceding the word "sorghum" in the grade designation. The special grade designations and dockage, when applicable, also shall be included (under certain conditions [1]) in the certification.

SOYBEANS

9. Section 26.203 is amended by revising paragraph (c) and adding paragraph (d) as set forth below:

§ 26.603 Grades, grade requirements, and grade designations.

(a) * * *
(b) * * *

(c) *Optional grade designations.* Soybeans may be certificated (under certain conditions [1]), when supported by official analysis, as "U.S. No. 2 or better Soybeans," "U.S. No. 3 or better Soybeans," etc. The optional grade designation for soybeans shall include the name of the class immediately preceding the word "soybeans" in the grade designation. The special grade designations, when applicable, also shall be included (under certain conditions) [1] in the certification.

(d) *Special grades, special grade requirements, and special grade designations for soybeans.*

* * * * *

10. Section 26.657 is revised as set forth below:

§ 26.657 Grade designations.

(a) *Grade designations for triticale.* The grade designations for triticale shall include in the following order: (1) the letters "U.S."; (2) the number of the grade or the words "Sample grade"; (3) the word "triticale"; (4) each applicable special grade (see also § 26.659); and (5) when applicable, the word "dockage" together with the percentage thereof.

(b) *Optional grade designations.* Triticale may be certificated (under certain conditions [1]), when supported by official analysis, as "U.S. No. 2 or better Triticale," "U.S. No. 3 or better Triticale," etc. The special grade designations and dockage, when applicable, also shall be included (under certain conditions [1]) in the certification.

Effective date. The United States Grain Standards Act, as amended, requires that public notice shall be given when new standards are established or revised and that no standards shall become effective less than one year after promulgation thereof, unless, in the judgment of the Administrator, the public health, interest, or safety require that they become effective sooner.

The new standards should become effective on September 8, 1977 to coincide with the heavy export shipments of new crop grain. Members of the grain industry have reviewed the proposal and offered no objection. The commenters who responded to the proposal fully endorsed the changes and requested that they be made effective as soon as practicable. The amendment offers an optional method of designating the grade of grain loaded into a carrier and does not alter current grading procedures. It benefits grain marketing by making certification procedures more flexible and should be made available to the grain industry as soon as practicable. Furthermore, it does not appear that a waiting period beyond this date would make additional relevant information available to the Department on this matter.

Accordingly, it is deemed to be in the public interest to make the amendment of the grain standards effective in less than one calendar year after promulgation; and that the amendment shall become effective September 8, 1977.

Done at Washington, D.C. on June 7, 1977.

WILLIAM T. MANLEY,
Interim Administrator.

[FR Doc.77-16663 Filed 6-10-77;8:45 am]

[1] See footnote 1.

[Lime Reg. 37, Amdt. 1]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The amended Lime regulation 37 prescribes during the period June 19, 1977, through April 30, 1978, the following grade and size requirements for Florida limes: Mexican type limes shipped to points outside the production area shall grade at least U.S. No. 2, with no minimum size requirement; Persian type limes shipped to such points shall grade at least U.S. No. 2, Mixed Color, and measure at least 1¾ inches in diameter. Both types of limes shipped to destinations within the production area are exempted from grade requirements, except the minimum juice content requirement. The regulation is designed to assure the handling of limes having minimum quality, maturity and juice content, which are acceptable to consumers.

EFFECTIVE DATE: June 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-3545.

SUPPLEMENTARY INFORMATION: On May 12, 1977, notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 24066), regarding a proposed amendment to the regulation to be made effective pursuant to the amended marketing agreement and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. The proposed amended regulation, except for a lower grade for Persian type limes, was recommended by the Florida Lime Administrative Committee established pursuant to the marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice allowed interested persons until May 27, 1977, to submit written comments for consideration in connection with the proposed amended regulation. None were received.

The amended regulation is based upon an appraisal of current and prospective crop and market conditions for Florida limes. Fresh shipments for the 1977-78 season are expected to equal about 500,000 bushels, as compared with shipments of about 790,000 bushels during the 1976-77 season. Shipments for the 1977-78 season began on April 1, 1977, and shipments in increased volume are being made as the season progresses. The amended regulation is designed to assure the handling of limes which provide consumer satisfaction and promote orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Florida Lime Administrative Committee (established pursuant to the marketing agreement and order), and other available information, it is hereby found and determined that the amended regulation, as hereinafter set forth, is in accordance with the provisions of the amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amended regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intevening between the date when information upon which it is based became available and the time when it must become effective in order to effectuate the declared policy of the act is insufficient. A reasonable time is permitted, under the circumstances, for such effective time. Shipments of Florida limes are presently subject to grade and size reglation, pursuant to the amended markteing agreement and order. The amended regulation herein specified, except for the new effective dates, is identical with that currently in effect. The recommendation and supporting information for regulation were promptly submitted to the Department after open meetings of the Florida Lime Administrative Committee on April 13 and 15, 1977. The meetings were held to consider recommendations for regulation, after giving due notice of the meetings, and interested persons were afforded an opportunity to submit their views at the meetings and thereafter with respect to the May 12, 1977, notice of proposed rulemaking. The provisions of this amended regulation are identical with the proposed regulation contained in the notice, and information concerning such pro-

visions and effective time has been provided to handlers of limes. It is necessary, in order to effectuate the declared policy of the act, to make this regulation effective as specified.

The provisions of § 911.339 (Lime Regulation 37; 42 FR 21787) are hereby amended to read as follows:

§ 911.339 Lime Regulation 37.

Order. (a) During the period June 19, 1977, through April 30, 1978, no handler shall handle:

(1) Any limes of the group known as true "seeded" limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 Grade for Persian (Tahiti) Limes, except as to color: *Provided*, That true limes which fail to meet the requirements of such grade may be handled within the production area, if such limes meet all other applicable requirements of this section and the minimum juice content requirement prescribed in the U.S. Standards for Persian (Tahiti) Limes, and are handled in containers other than the containers prescribed in § 911.329 for the handling of limes between the production area and any point outside thereof;

(2) Any limes of the group known as large-fruited or Persian "seedless" limes (including Tahiti, Bearss and similar varieties) which do not grade at least U.S. No. 2, Mixed Color: *Provided*, That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet the requirements set forth in the U.S. Standards for Persian (Tahiti) Limes shall apply: *Provided further*, That Persian limes which fail to meet the requirements of such grade may be handled within the production area, if such limes meet all other applicable requirements of this section and meet the same minimum juice content requirement prescribed in the U.S. Standards for such limes and are handled in containers other than the containers prescribed in § 911.329 for the handling of limes between the production area and any point outside thereof; or

(3) Any limes of the group known as large-fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1¾ inches in diameter.

(b) Notwithstanding the provisions of paragraph (a)(3), not more than 10 percent, by count, of the limes in any lot of containers, other than master containers of individual bags, may fail to meet the applicable minimum size requirement: *Provided*, That no individual container of limes having a net weight of more than four pounds may have more than 15 percent, by count, of the limes which fail to meet the applicable size requirement.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000–51.1016).

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

Dated: June 7, 1977, to become effective June 19, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-16689 Filed 6-10-77;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z; FC-0079, FC-0080]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official staff interpretation(s).

SUMMARY: The Board is publishing the following official staff interpretations of Regulation Z, issued by a duly authorized official of the Division of Consumer Affairs.

EFFECTIVE DATE: June 10, 1977.

FOR FURTHER INFORMATION CONTACT:

Edwin Schmelzer, Chief, Fair Credit Practices Section, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202–452–2412.

SUPPLEMENTARY INFORMATION: (1) Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR 261.6.

(2) Official staff interpretations may be reconsidered upon request of interested parties and in accordance with 12 CFR 226.1(d)(2). Every request for reconsideration should clearly identify the number of the official staff interpretation in question, and should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

(3) 15 U.S.C. 1640(f).

[FC-0079]

§ 226.7(b)(1) Combining credits and miscellaneous debits for returned checks and mispostings and the like is permissible where each entry is individually disclosed. (See Letter 689.)

Use of term "Total Finance Charge" permissible when disclosing the total amount of finance charges on a periodic statement. (See Letter 1132.)

It is permissible to use the plural of terminology required by § 226.7(b)(1) when the term is used as the heading of a columnar set of entries. (See Letter 894.)

MAY 20, 1977.

This is in response to your letter of * * *, in which you raised three questions regarding certain open end credit disclosures required by Regulation Z. I will pose your questions in the order you presented them. Staff's answer will immediately follow each question.

Your first question involves the proper method of disclosing debits, other than normal extensions of credit on the open end account. You state that the types of debits you are addressing consist mainly of entries to correct mispostings, to reflect returned payment checks, and the like. You state that Regulation Z does not appear to address the method of disclosing such debits. You state that some members of your client's association disclose such debits by providing a brief identification of each individual such debit and netting the total of such debits with the total of credits disclosed under § 226.7(b)(1)(iii) in a box labeled "OTHER CREDITS AND DEBITS." Some members, however, itemize credits and such debits separately without netting and label the debits using various captions, such as "Debit Adjustments" and "+ Adjustments."

You point out that our Public Information Letter 689, dated June 1, 1973, was written in response to an earlier inquiry from you raising the same question. In that letter, staff approved the method of making the disclosure under consideration herein.

Staff continues to believe that the disclosures discussed in letter 689 and in the preceding portion of this letter are permissible under Regulation Z.

Your second question is whether the creditor of an open end account may use the term "Total Finance Charge" on the periodic statement when disclosing the total amount of all finance charges imposed during the billing cycle. You point out that in Public Information Letter 1132 staff approved such a disclosure in the context of disclosing the total amount of the finance charge for a closed end credit transaction.

It is staff's opinion that such a disclosure (when the words "Finance charge" are made more conspicuous than the word "Total" by the use of all upper case letters in the former and only an initial upper case letter in the latter) is also permissible for making the disclosure required by § 226.7(b)(1)(iv).

Your third question is whether a creditor may use terminology required by § 226.7(b)(1) in the plural when such terminology is shown as a columnar heading or as the heading of more than one column, when appropriate. You argue that Public Information Letter 894 stands for the proposition that terminology required by § 226.7(b)(1) may be used in the plural form when the related entries are made in columnar form and in the singular when each related entry is shown individually.

In staff's opinion, it is permissible to use terminology required by § 226.7(b)(1) in the plural form when the required terminology is used as a columnar heading or as the heading or as the heading for more than one column and in the singular form when the required terminology is used in connection which each individual related entry, as appropriate.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation and limited in its application to the facts outlined herein. I trust this is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

[FC-0080]

§ 226.8(j) Regulation does not require particular terminology for net unpaid balance of previous purchase which is added to current purchase between same parties. (See Letter 346.)

MAY 26, 1977.

This is in response to your letter of * * *, in which you requested an official staff interpretation of Regulation Z regarding the disclosures necessary when a creditor includes the net unpaid balance of prior contracts in the amount financed of a current contract between the same customer and creditor.

You indicated that your client, a retail furniture dealer, adds the present principal balance due for previous purchases to the "unpaid balance of cash price" of the current purchase when computing the amount financed for the current credit sale. The principal balance due on previous purchases is computed by rebating the unearned finance charge by the actuarial method. The hypothetical facts you have presented are as follows:

Present balance (of previous contract) previous sale $100 at 24 mo, 12 mo elapsed since previous sale...	$67.96
Amount of unearned finance charge at time of subsequent sale.....	18.00
Adjusted principal balance due on previous purchases/net balance of prior contract (to be included in the "amount financed" of current contract)	49.96

You point out that the regulation does not prescribe specific language to describe the balance from prior contracts ($49.96 in your example) which is included in the amount financed of the present contract. You also point out that, in discussing a similar situation in Public Information Letter 346, staff used as an example a calculation similar to the one used by your client. However, staff labeled the figure in that example which corresponds to the $49.96 figure in your example as the "Net balance of prior contract."

You ask whether the method of calculating the amount financed you use is permissible under the regulation. You also ask whether the figure corresponding to what was labeled as the "Net balance of prior contract" in Letter 346 can also be labeled "Adjusted principal balance due on previous purchases/Net balance of prior contract."

With regard to your first question, staff believes the calculations regarding the inclusion of the net balance from previous contracts in the amount financed of the current contract outlined in Letter 346 are permissible under the regulation. Since your client's calculations seem to reflect those in Letter 346, it would seem to staff that your client's calculation method is consistent with the regulation in this respect.

With respect to your second question, Regulation Z does not specify language to be used in conjunction with the disclosure of the balance brought forward from previous contracts. Staff was not attempting to specify such language in Letter 346. Consequently, it appears to staff that the language used in Letter 346, the language you suggest, or any other appropriate descriptive word or phrase can be used to describe this component of the amount financed.

This letter should not be read to indicate approval or disapproval of the method of rebating unearned finance charges or of the calculations of the amount to be rebated in your example.

This letter is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation and limited in its application to the facts and issues presented herein. I trust it will be of assistance to you.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

Board of Governors of the Federal Reserve System, June 6, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-16629 Filed 6-10-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 77-SO-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation and Designation of Transition Areas; Bainbridge and Donalsonville, Georgia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Bainbridge, Georgia, transition area and establishes the Donalsonville, Georgia, transition area. The rule is necessary due to recent aeronautical changes and the need for simplification of the controlled airspace description.

EFFECTIVE DATE: 0901 G.m.t., August 11, 1977.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT:

Harlen D. Phillips, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320. Telephone: (404-763-7646).

SUPPLEMENTARY INFORMATION: This amendment will reduce controlled airspace by revoking the area centered on the Decatur County Industrial Airport and remove from the description reference to the Bainbridge VOR, which has been decommissioned. It will also simplify controlled airspace designation by revoking the area centered on the Donalsonville Airport and designate a separate Donalsonville transition area. The areas presently centered on the Donalsonville and Commodore Decatur Airports are sufficient for instrument operations including approaches utilizing the Marianna VORTAC.

Accordingly, Subpart G of Part 71 of the Federal Aviation Regulations [14 CFR Part 71] is amended, effective 0901 G.m.t., August 11, 1977, by revoking the present Bainbridge, Georgia, transition area and substituting the following therefor:

BAINBRIDGE, GA.

That airspace extending from 700 feet above the surface within a 6.5-mile radius of Commodore Decatur Airport (Lat. 30°54'55" N., Long. 84°36'16" W.).

DONALSONVILLE, GA.

That airspace extending from 700 feet above the surface within a 6.5-mile radius of Donalsonville Airport (Lat. 31°01'00" N., Long. 84°54'30" W.).

DRAFTING INFORMATION

The principal authors of this document are Harlen D. Phillips, Airspace and Procedures Branch, Air Traffic Division and Ronald R. Hagadone, Office of Regional Counsel, Federal Aviation Administration, P. O. Box 20636, Atlanta, Georgia 30320.

This amendment is proposed under the authority of 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 does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, Ga., on June 1, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.77-16464 Filed 6-10-77;8:45 am]

[Airspace Docket No. 77-EA-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Establishment of a VOR Airway and Alteration of a Jet Route

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments establish a low altitude airway between Sea Isle and Millville, N.J., and also realign high altitude Jet Route J-121 from Norfolk, Va., to Sea Isle, N.J. These actions are necessary in order to provide more efficient air traffic routings to aircraft transiting this area.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

David F. Solomon, 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: 202-426-8530.

SUPPLEMENTARY INFORMATION:

HISTORY

On March 31, 1977, the FAA proposed to amend Parts 71 and 75 of the Federal

Aviation Regulations (14 CFR Parts 71 and 75) to establish a low altitude airway between Sea Isle and Millville, N.J., and also realign Jet Route J-121 from Norfolk, Va., to Sea Isle, N.J. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposals to the FAA. No comments were received. Except for editorial changes, these amendments are those proposed in the notice. Sections 71.123 and 75.100 were republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 307 and 707, respectively).

THE RULE

These amendments to Parts 71 and 75 of the Federal Aviation Regulations (FARs) establish a new low altitude airway between Sea Isle and Millville, N.J., and also realign Jet Route J-121 from Norfolk, Va., to Sea Isle, N.J. These actions are necessary in order to provide more efficient air traffic routings to aircraft transiting this area.

DRAFTING INFORMATION

The principal authors of this document are David F. Solomon, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) are amended, effective 0901 GMT, August 11, 1977, as follows:

Part 71: 1. Amend § 71.123 (42 FR 307) to add the following VOR airway: "V-284 From Sea Isle, N.J.; INT Sea Isle 008° and Millville, N.J., 150° radials; Millville."

Part 75: 2. Amend §75.100 (42 FR 707) as follows: In Jet Route No. 121 "Sea Isle, N.J., 212° radials; Sea Isle;" is deleted and "Snow Hill, Md., 211° radials; Snow Hill; Sea Isle, N.J.;" is substituted therefor.

(Sec. 307, Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE: The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107

Issued in Washington, D.C., on June 3, 1977.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-16473 Filed 6-10-77;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 4—MISCELLANEOUS RULES

Copies

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: This rule amendment changes the number of copies of certain types of documents that should be submitted to the Secretary of the Commission. In the interests of administrative efficiency, the Commission hereby announces the following amendment to the present § 4.2(c).

EFFECTIVE DATE: June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Oliver J. Trytell, Office of General Counsel, Federal Trade Commission, Washington, D.C. 20580, 202-523-3796.

Accordingly, 16 CFR 4.2(c) is amended to read as follows:

§ 4.2 Requirements as to form and filing of documents other than correspondence.

* * * * *

(c) *Copies*—Twenty (20) copies of all briefs before the Commission, applications for review, and motions for an Administrative Law Judge's certification of an interlocutory appeal pursuant to § 3.23(b) shall be filed; ten (10) copies of all other documents shall be filed, with the exception of notice of appearances and reports of compliance, as to which only two (2) copies of each need be filed. As to admissions and answers thereto, only one copy need be filed.

(15 U.S.C. 46(g))

By direction of the Commission.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.77-16691 Filed 6-10-77;8:45 am]

PART 4—MISCELLANEOUS RULES

Time, Extensions

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: This rule amendment deals with the situation where a motion to extend a time limit for filing of a document is itself filed out of time. In such a situation the movant will have to show that there was excusable neglect for the late filing.

EFFECTIVE DATE: June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Oliver J. Trytell, Office of General Counsel, Federal Trade Commission, Washington, D.C. 20508, 202-523-3796.

SUPPLEMENTARY INFORMATION: This amendment to § 4.3(b) tracks the Federal Rules of Civil Procedure, Rule 6 (b), in enunciating the standard of excusable neglect where motions to extend are filed out of time. In such cases, the movant will have to meet the threshold test of excusable neglect before either the Administrative Law Judge or the Commission will undertake to determine whether there is good cause to extend a time limit.

Accordingly, 16 CFR 4.3(b) is amended to read as follows:

§ 4.3 Time.

* * * * *

(b) Extensions—For good cause shown, the Administrative Law Judge may, in any proceeding before him, extend any time limit prescribed or allowed by the rules in this chapter or by order of the Commission or the Administrative Law Judge, except those governing the filing of interlocutory appeals and initial decisions and those expressly requiring Commission action. Except as otherwise provided by law, the Commission for good cause shown, may extend any time limit prescribed by the rules in this chapter or by order of the Commission or an Administrative Law Judge. *Provided, however,* That in a proceeding pending before an Administrative Law Judge, any motion on which he may properly rule shall be made to him. Notwithstanding the above, where a motion to extend is made after the expiration of the specified period, the Administrative Law Judge or the Commission may consider the motion where the untimely filing was the result of excusable neglect.

(15 U.S.C. 46(g))

By direction of the Commission.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.77-16692 Filed 6-10-77;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM76-17 Order No. 566]

UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

Order Prescribing Changes in Accounting and Rate Treatment for Research, Development and Demonstration Expenditures

AGENCY: Federal Power Commission.

ACTION: Final rule.

SUMMARY: By this rulemaking the Commission amends its regulations in order to permit:

(1) Advance approval for rate base treatment for support of large scale demonstration facilities as well as for research and development expenditures (henceforth to be referred to as RD&D), and

(2) Advance approval for rate base treatment of RD&D expenditures by several utilities acting in concert and by RD&D organizations not themselves jurisdictional utilities but who are supported by jurisdictional utilities.

The purpose of the amendments is to provide additional procedures and guidelines whereby requests for advance assurance of rate treatment for research and development (R&D) expenditures may be used by jurisdictional companies to insure the support of well-planned and comprehensive R&D programs.

EFFECTIVE DATE: June 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Walter S. Lusby, Office of Policy Analysis, 202-275-4807.

On June 17, 1976, in Docket No. RM76-17 the Commission issued a notice of proposed rulemaking (41 FR 25914), with interested parties being given until August 2, 1976 to submit data, views, comments or suggestions on the amendments proposed. On July 29, 1976 the Commission extended until September 1, 1976 the period of time for submission of data, views, comments or suggestions (41 FR 32911).

The Commission had proposed to amend its regulations by adding new material to Chapter I, Title 18, Code of Federal Regulations. The purpose of the amendments is to provide additional procedures and guidelines whereby requests for advance assurance of rate treatment for research and development (R&D) expenditures may be used by jurisdictional companies to insure the support of well-planned and comprehensive R&D programs. Specifically, in Subchapter B, regulations under the Federal Power Act, the Commission is amending Part 35 by adding additional material to § 35.22(a) and by adding new §§ 35.22(b), 35.22(c) and 35.22(d). Existing § 35.22(b) is redesignated as § 35.22(e). In Subchapter E, Regulations under the Natural Gas Act, the Commission is amending Part 154 by adding additional material to § 154.38(d)(5)(i) and by adding new §§ 154.38(d)(5)(ii), 154.33(d)(5)(iii) and 154.38(d)(5)(iv). Existing § 154.38(d)(5)(ii) is redesignated as § 154.38(d)(5)(v).

This rulemaking is intended specifically to stimulate R&D effort by jurisdictional companies by clarifying the Commission's rate review and accounting procedures and by providing an opportunity for simplifying proceedings before the Commission by allowing advance approval of the R&D program of organizations which derive financial support from jurisdictional companies. The rulemaking will: (1) Establish sound and comprehensive planning of research programs as the preferred test for granting advance approval of R&D expenditures, (2) recognize participation in full scale demonstration facilities, under certain conditions, as a justifiable R&D expenditure and (3) assure FPC review and decision at an early planning phase of R&D program development whenever advance approval is requested.

The Commission received comments from 45 respondents.[1] These include:

Type of Respondent:	Number of Respondents
Gas and electric power utility	4
Electric power utility	9
Natural gas utility	14
Association	7
Research institute	1
State commission	4
University	3
City government	1
Federal commission	1
Science foundation	1

There was general agreement with the purpose and form of the proposed rulemaking although there were many requests for clarification or modification.

Definitions

Although it was not a part of the proposed rulemaking four respondents specifically recommended that a clarification of the definition of Research and Development (R&D) in Definition 27B of the Uniform System of Accounts Part 201 of the Code of Federal Regulations is germane to the clarification of this rulemaking, and others inferred that a problem exists. We are changing the term "R&D" to "RD&D" in keeping with current practices[2] and consistent with the Notice of Proposed Rulemaking issued June 17, 1976.

It is alleged that ambiguities in the present definitions have led to uneven staff interpretation in rate cases. Citations in support of this recommendation claimed that past rulings of the Commission tended to stress innovative ideas and to disallow RD&D stressing later stages of development.

The Commission accepts this request for clarification. We will add a sentence after the first sentence of Definition 27B Part 101 and Definition 28B Part 201 as follows: "This definition includes expenditures for the implementation or development of new and/or existing concepts until operations become technically and economically feasible."

One respondent requested clarification of the definition of RD&D to specifically include preliminary investigations and detailed planning of RD&D for projects for securing for their customers nonconventional gas supplies that rely on technology that has not yet been verified to be feasible. We recognize that these are necessary costs as they relate to specific projects. Therefore, we will amend the definitions in 27B and 28B to permit the inclusion of costs of conducting preliminary investigations and detailed planning associated with specific projects. We will not include the costs of such investigations and planning where they are of a general nature or where they are preliminary to the determination to proceed with a project.

It was suggested that the Commission should include in its definition of RD&D a list of the types of broad categories that the Commission is trying to encourage. Such lists have been published by many groups including the Commission's Technical Advisory Committee on Research and Development and the National Gas Survey.[3] We do not adopt any of these lists as necessarily representing RD&D projects eligible for rate treatment. We will review each proposal on its merits.

Eight respondents expressed concern over the definition of organizations eligible to request program approval from the Commission. The concern centered on the use of "broadly supported" referring to organizations of a number of energy industry sectors but only "supported" referring to a single industry sector. The Commission sees little virtue but no harm in accepting this recommendation. Accordingly we will change the phrase in § 35.22(b) and § 154.38(d)(5)(ii) to read "RD&D organizations broadly supported by a single industry sector."

As several respondents observed, there are in existence ad hoc consortia of jurisdictional companies that have been formed for the specific purpose of furthering RD&D programs and sharing the cost, that do not comfortably fit into our description, on page 4 of the notice, of RD&D organizations. The Commission

[1] Respondents:
American Gas Association
American Public Power Association
Bureau of Natural Gas, Federal Power Commission
California Public Utilities Commission
Carnegie Institute of Technology
Carolina Power & Light Company
City of Santa Clara, California, The
Columbia Gas System Service Corporation
Columbia Gas Transmission Service Corporation
Consolidated Gas Supply Corporation
Detroit Edison Company
Duke Power Company
Edison Electric Institute
El Paso Natural Gas Company
Exxon Corporation
Florida Power Corporation
Gas Research Institute
Illinois Power Company
Interstate Natural Gas Association of America
Long Island Lighting Company
Michigan Wisconsin Pipe Line Company
National Association of Regulatory Utility Commissioners, The
National Rural Electric Cooperative Association
National Science Foundation
Natural Gas Pipeline Company
Northern Illinois Gas Company
Northern Natural Gas Company
Pacific Gas & Electric Company
Pacific Power & Light Company
Philadelphia Electric Company
Public Service Company of New Mexico
Public Service Commission of the State of Indiana
Public Service Commission of the State of New York
Public Service Electric and Gas Company
Public Utility Commission of Oregon
Southern California Edison Company
Southern California Gas Company
Southern Natural Gas Company
Tennessee Gas Transmission Corporation
Texas Gas Transmission Corporation
United Distribution Companies
United Gas Pipe Line Company
University of Arizona, The
Vanderbilt University
Wisconsin Power & Light Company

[2] For example, the U.S. House of Representatives, (New Subcommittee names) the U.S. Energy Research and Development Administration, ("National Plan for Energy Research and Development Demonstration," ERDA 77-1-Vol. 2), etc.

[3] FPC, National Power Survey, "Research and Development for the Electric Utility Industry" July 1974: Technical Advisory Committee on Research and Development. FPC, National Gas Survey, Volume I, p. 13 et seq. 1975. American Gas Association "Gas Industry Research Plan: 1974-2000", January 1974. U.S. Energy Research and Development Administration, "A National Plan for Energy Research, Development and Demonstration: Creating Energy Choices for The Future", ERDA 77-1—Vol. 2. 25 March 1977.

will clarify § 35.22(b) and § 154.38 (d) (5) (ii) by adding at the end the phrase "consortia of companies that jointly support RD&D programs for the collective benefit of their ratepayers."

OBJECTIVES OF RULEMAKING

Most responders, particularly those interested in the pipeline gas industry, strongly endorsed the objectives of this rulemaking.

Several expressed concern that present regulations and existing methods for acceptance of RD&D costs were being canceled or altered. The Commission confirms that this rulemaking does not cancel or alter present practice. It clarifies existing regulations and adds an additional procedure for advance approval of RD&D programs.

The rulemaking is not intended to require any jurisdictional company (directly or through an RD&D organization) to secure advance approval for any RD&D expenditure as a condition to including the cost in the company's rate base. On the contrary, a company could make such expenditures that it believes qualify for rate base treatment as RD&D expenses, and include them in any RD&D adjustment clause filing previously authorized by the Commission, without securing any advance approval. In such circumstances under the existing provisions of §§ 35.22 and 154.38 (d) (5), which are not proposed to be changed, the consequent rate increase could become effective but such increase would, however, be subject to subsequent rejection and refund if found to be unjustified, by a final Commission order.

Furthermore, there is nothing in the revised Regulations that prohibits a company from using both advance approval for a program or part of a program and also reliance on conformity with the RD&D definition and post facto approval for additional projects or parts of an RD&D program.

The existing definition of RD&D is not eliminated. It will be clarified as previously discussed.

One responder claimed the new rulemaking would inhibit small fast response R&D programs. The Commission is of the opinion there are no facts to support this, and there are ample procedures in the Regulations to handle decisions for fast response to needs:

Six responders claimed that the rulemaking emphasizes non-traditional sources of supply and ignores other vital RD&D programs. The Commission disclaims the intent to ignore any vital RD&D programs.

One responder stated that the effect of this rulemaking would be to unnecessarily hamper supplemental supply efforts. This is neither the intent nor the effect. The advance approval procedure is voluntary.

GUIDELINES

The proposed second guideline drew comments from thirteen responders. The thrust of comments was that the guideline was reasonable for an extensive program of a broadly supported national research institute but that the guideline implied burdensome and extensive review and judgment by diverse viewpoints that is not appropriate in the case of small programs and individual RD&D projects.

The Commission agrees that these comments have merit and will reword the second guideline to read:

2. Evidence that the plan evolves from these RD&D objectives and adequately utilizes the viewpoints of scientific, engineering, industry, economic, consumer and environmental interests.

It was proposed that the Commission should give weight to a submitted project being an integral part of a comprehensive national energy RD&D program prepared by a Federal agency, for example ERDA. Evidence to this effect will be considered. It should be shown how the program submitted to the Commission is coordinated with ERDA or the funding agency.

The proposed fourth guideline drew the most comment, from fifteen responders. The criticisms were that the wording might inhibit basic research and that it implied that to be approved any RD&D undertaken had to carry a guarantee of success. These interpretations were not the intent of the Commission.

The Commission will clarify its intent by rewording the fourth guideline to read:

4. Evidence that the project or program is well conceived and has a reasonabe chance of benefitting the ratepayer in a reasonable period of time, having due regard to the basic, exploratory or applied nature of each submitted RD&D project.

Objection was raised to guideline 5 on the basis that, "This guideline may be unrealistic when one considers the plethora of proprietary patents or processes a manufacturer or consultant could bring to a research and development project and use in support of that project." The Commission believes that essentially all of the benefits of a proposed RD&D program should flow through to customers. If proprietary constraints prohibit this, the utility should not fund that RD&D, and should not seek approval from the Commission. In general, we believe that information on RD&D projects should be open to public review. We have provided, however, that utilities may petition the Commission to keep such information confidential.

Eight responders requested clarification of what is meant in guideline 5 by "* * * whatever achievements may result * * * will accrue to the benefit of participating jurisdictional companies and will flow through to their customers", and on page 7 of the Notice of Proposed Rulemaking "To the extent that a demonstration facility produces revenue (from the sale of the product or eventual sale of the facility) directly related to that portion of the facility cost which has been treated as R&D expense, we require that the revenue flow back to the ratepayers".

The Commission will clarify guideline 5 to read:

5. Evidence that whatever achievements may result, including knowledge gained or technology developed from the RD&D effort, if any, will accrue to the benefit of the sponsoring jurisdictional company(s) and its/their customers.

The statement on page 7 is clarified as follows. "To the extent that a demonstration facility produces revenue directly related to that portion of the facility cost that has been treated as RD&D expense, we require that the revenue received from the sale of technology or assets and the profit received from the sale of gas and/or by-products flow back to the ratepayers."

The five year period for planned RD&D programs drew some comment. One responder suggested that it should be three years. Two responders suggested that it should be longer than five years. The Commission believes that five years is a reasonable time. The notice of proposed rulemaking did not prohibit submitting a plan extending more than five years. The notice of proposed rulemaking stated "at least a five year period." It also stated in proposed §§ 35.22(c) and 154.38(d) (5) (iii), "The plan shall clearly state the objectives of the program, both those objectives within and beyond the five year period * * *".

One responder was concerned that all individual projects in the five year program were required to continue for five years. This is not the case. It would be expected that many small projects would have shorter duration.

Several responders were concerned about the difference in proposed treatment of the first year of the five year plan and the balance of the five year plan. Concern was expressed for the indefiniteness of the approval of the second through fifth year of the proposed five year RD&D program, and the possible adverse effect of this indefiniteness on planning and manning long term programs. The Commission intends that their practice will not be different from typical industry practice in this regard. If the five year plan is approved this approval will have significance. The same is true in industry. However, as is the case in industry the plan will be subject to review and modification in light of new information and new developments on an annual basis. Such yearly updating gives a needed element of freedom to the individual company or RD&D organization submitting the five year plan. The annual review enables us to determine the progress and potential benefits of RD&D projects funded by the consumers.

Five responders requested that approval of projects in the first year of a five year plan constitute approval "for other designated interrelated and sequential projects that may be started in subsequent years". The Commission believes that to the extent these projects are consistent with and necessary to achievement of the objectives accepted by the Commission under the five-year program such projects may be acceptable; however, they should be identified and justified in the annual review procedure.

Two responders commented that submittal of programs to the Commission for advance approval was a duplication of effort if these programs had been submitted previously to ERDA for the purpose of ERDA funding. The Commission does not agree that mere submission of a proposal to ERDA constitutes reasonable planning as defined by the Guidelines for RD&D Planning as set forth in this rulemaking. Nor does it agree that projects funded by ERDA are necessarily the types of programs that consumers should support through rates.

Four responders expressed concern that the guidelines were not incorporated into § 154.38(d)(5)(iv) or at least into Part 2 of the Commission's general rules—general policy and interpretations. It was pointed out that the last sentence of § 154.38(d)(5)(iv) implies a different set of guidelines. It was stated that the guideline originally detailed in the Background section of the Notice of Proposed Rulemaking (as herein modified) should be available for reference readily.

The Commission finds merit in this suggestion and will incorporate the modified guidelines into § 35.22(c) and § 154.38(d)(5)(iii).

The Commission considers these guidelines appropriate for a company to use in evaluating its RD&D projects and programs whether or not advance approval is sought from the Commission.

Demonstration Plants

Seven responders expressed concern about the workability of attempting to determine what part of a commercial scale demonstration plant is RD&D and what part is normal business investment. The Commission observes that most responders apparently were viewing the difficulty from the state of technology and the state of demonstration of that technology as of calendar year 1976. They appear to ignore, for example, the situation that may exist a decade from now when advances will have been made in demonstration of new technology.

The Commission acknowledges that each commercial scale demonstration plant will necessarily be judged individually. The Commission accepts the viewpoint that if, for example, forty percent of a demonstration plant is based on proven technology it does not follow that the entire plant will operate at least forty percent successfully. The unproven technology pervades the entire plant operation since all parts of the plant must work successfully together or the plant will not produce the product for which it was designed.

We will attempt to clarify the partitioning of estimated demonstration plant costs between RD&D and normal business investment by means of examples. The cost of real estate on which to erect a demonstration plant would generally not be included as RD&D cost provided it had other potential use to the utility or resale value.

An appurtenant coal mine, provided the usefulness of its coal output is not limited to the specific RD&D project, could not be considered RD&D expense. However, the coal actually used in the RD&D project would be so considered.

Coal handling and pulverizing equipment or a short pipeline and compressors to link a substitute pipeline gas demonstration plant to the existing pipelines would generally be considered to involve no technical innovation risk.

Whether or not the cost of these items will be included in RD&D costs will depend on whether or not and to what extent they have usefulness if the demonstration plant is later abandoned.

Take for example a commercial scale demonstration plant for pipeline gas initiated a decade from now after one or more similar plants had been built and demonstrated to be commercially feasible. If the new plant would be a duplicate of a proven plant, no part of its cost would be RD&D. If a major portion of the new plant were innovative with attendant risk and if that portion, if unsuccessful, could later be replaced with proven technology for that portion, then this innovative portion could be considered RD&D, and the balance would be considered as normal business investment, and appropriately included in rates. An innovative commercial scale plant based on new technology proven on a pilot plant scale to be technically feasible, but not proven to be commercially feasible, could be considered 100 percent RD&D.

Eight responders request clarification of the acceptability of RD&D for demonstration plants sponsored "narrowly." (See also our discussion of ad hoc RD&D consortia under Definitions.)

The Gas Research Institute commented, "In its proposed rulemaking, the Commission expresses a strong preference for arrangements in which high-risk demonstration projects are conducted by RD&D organizations jointly supported by jurisdictional companies having a large number of ratepayers. (Notice, p. 6.) Although GRI expects to be in a position to conduct demonstration projects of this type, it is not yet clear to us that this is necessarily the preferred method of conducting all such projects. In some instances, individual or small groups of companies are likely to be able to conduct demonstration projects more expeditiously and at lower cost to the ratepayers. Accordingly, in the administration of the proposed regulations, we strongly urge the Commission to consider demonstration projects on a case-by-case basis to determine the most appropriate form of organization, financing, and management."

In the same paragraph on p. 6 of the Notice we also said "Advance approval of portions of demonstration project costs as R&D expense may be granted to either individual jurisdictional companies or R&D organizations."

We also said (Notice, p. 4) "For R&D organizations supported by *more than a single* jurisdictional company, we are proposing to offer the option of the R&D organization requesting advance approval as a substitute for individual jurisdictional companies filing for advance approval." (emphasis supplied). We wish to reiterate our desire that large scale demonstration plants be funded by RD&D organizations jointly supported by jurisdictional companies having a large number of ratepayers to minimize the rate impact on individual consumers. We also wish to make clear that we will not tolerate a proliferation of simultaneous large scale demonstration plants in the name of RD&D to be funded by natural gas consumers if there is major duplication of new technology. These plants require enormous sums of capital and we must be cognizant of the impact of each proposal on the public as well as the cumulative impact on the public. We therefore urge the companies we regulate to proceed with caution in proposing the construction of large scale demonstration plants that will be funded by the natural gas consumers of this country.

Six responders expressed concern that the proposed rulemaking discussed "commercial scale demonstration facilities" but did not discuss smaller demonstration facilities. We point out that the existing regulation includes in the definition of RD&D:

> * * * development activities including experiment, design, installation, construction, or operation and
>
> The term includes but is not limited to: All such costs incidental to the design, development or implementation of an experimental facility, a plant process, a product, a formula, an invention, a system or similar items, and the improvement of already existing items of a like nature; amounts expended in connection with the proposed development and/or proposed delivery of substitute or synthetic gas supplies (alternate fuel sources for example, an experimental plant synthetically producing gas from liquid hydro-carbons.

This definition is still in force and adequately covers the smaller demonstration plant.

The Public Utilities Commission of the State of California expressed concern that the proposed rulemaking would treat activities that are not within the definition of RD&D as RD&D. They observed "the inability to finance a commercial operation through normal methods is a consideration totally irrelevant to a determination of whether such an operation is R&D."

This concern could be a real possibility, however, as stated earlier each proposed demonstration plant will be considered individually and the processes within each plant will be reviewed in light of the Commission's definitions of RD&D to ensure that only the portion of any proposal representing true research and development are financed by gas consumers.

Two responders called attention to the problem that might exist if a company or a consortium of companies proposes a cost shared project to the Federal Government, for example ERDA, that will go forward if accepted and funded by ERDA but will be cancelled or delayed

if it is not so accepted. We agree that this could cause complication. Two options exist: (1) The applicant(s) can apply for treatment of appropriate costs as RD&D in the conventional manner without advance approval, or (2) the applicant(s) can apply for advance approval. If advance approval is granted and the project is delayed or cancelled because of government action or inaction the dollar outlay will be relatively small and the economic impact should be negligible. A similar situation of modification of plans because of new information could exist if the Federal government it not involved. The same prerogative to delay or cancel RD&D projects that have been submitted in good faith to the Commission for advance approval and so approved exists for projects where the decision is completely controlled internally in the jurisdictional company or RD&D organization.

EFFECTS OF APPROVAL

Nine responders expressed concern about the effect of advance approval of RD&D projects or programs. They requested assurance that having received advance approval this would be reflected by subsequent approval of incorporation of such RD&D costs in rates.

The Commission agrees that this should be assured. We will clarify present § 35.22(b) that will become § 35.22(e) to read in part: (words added are underscored)

(e) An electric utility may submit a research development and demonstration cost adjustment provision to flow through changes in its expenditures for research, development and demonstration. Changes permitted hereunder include both expenditures chargeable to operations as well as rate base treatment of the balances in account 188 as hereinafter defined. Except in the case of expenditures approved pursuant to § 35.22 (b) no RD&D adjustment provision shall become effective until authorized by the Commission. No request for an RD&D adjustment provision will be considered by the Commission unless the proposed clause indicates the following terms and conditions:

* * * * *

We will clarify § 154.38(d)(5)(ii)(c) which will become § 154.38(d)(5)(v)(c) to read:

(c) *Except in the case of expenditure approval pursuant to Section 154.38(d)(5)(ii)* RD&D expenditures chargeable to operations which may be tracked and reflected in rates shall be the amount which actual RD&D expenditures during the 12-month period ending 3 months prior to a proposed rate adjustment exceed or are less than (1) the amount allowed in the company's last rate proceeding or the average of 3 years RD&D expenditures if such rate adjustment is an initial filing under the subsection; or (2) the actual RD&D expenditures in the company's last prior rate adjustment under this section.

We will clarify § 154.38(d)(5)(ii)(e) that will become § 154.38(d)(5)(v)(e) to read:

(e) Any tariff filing made by the company to increase its rates to its customers shall meet the notice requirements of § 154.22, which provide, in pertinent part, that the filing be filed with the Commission and posted (as defined in § 154.16) at least 45 days prior to the date on which any change(s) in its existing rates is to become effective. Simultaneously with the above filing, the company shall furnish the Commission, jurisdictional customers, and interested State Commissions a report containing detailed computations which clearly show the derivation of the proposed rate adjustment. The effect upon jurisdictional rates shall be determined by computing the unit change (either increase or decrease) based upon jurisdictional sales volumes for the 12-months prior to the proposed rate adjustment. Any RD&D expenditure which the company has been allowed to track by another regulatory body shall be clearly designated and treated in such a manner so as to avoid double recovery. Each rate adjustment shall become effective on the proposed effective date without suspension provided that any rate increase shall be subject to reduction and refund of any portion found after hearing to be unjustified by a final Commission order, except in the case of rate adjustments based on expenditures approved pursuant to § 154.38(d)(5)(ii).

ERRORS AND OMISSIONS

The Notice of Proposed Rulemaking contains a typographical error on page 2, line 6. The word "amount" should read "account".

On page 13 before "Submission of Comments" the following statement should appear

"In order to accommodate the additions set forth above § 154.38(d)(5)(ii) becomes § 154.38(d)(5)(v)."

INVOLVEMENT OF STATE PUBLIC UTILITY REGULATORY COMMISSIONS

All state commissions who responded as well as the National Association of Regulatory Utility Commissioners expressed interest in participating in the review and approval of proposed research programs to be supported by one or more companies subject to the jurisdiction of this Commission and one or more state regulatory commissions. The procedure to accomplish this will be through noticing the proceeding for advance approval of rate base treatment for major RD&D expenditures. This will permit State regulatory commissions to determine their interest in participation on a case by case basis. They will then have the opportunity to request a cooperative procedure under the provisions of 18 CFR 1.37 or to file a notice of intervention under 18 CFR 1.8.

COMMENTS OPPOSED TO RULEMAKING

Five responders objected to the proposed rulemaking on the grounds that the benefits would be minimal and the new procedures might delay action on needed research or cause added burden to the utility. All five responders represented electric utilities. No gas industry responder opposed the rulemaking.

The rulemaking is not intended to require any jurisdictional company (directly or through an RD&D organization) to secure advance approval for any RD&D expenditure as a condition to including the cost of the company's rate base. On the contrary, a company could make such expenditures, regardless of amount, that it believes qualify for rate base treatment as RD&D expenses, and include them in any RD&D adjustment clause filing previously authorized by the Commission, without securing any advance approval. In such circumstances under the existing provisions of §§ 35.22 and 154.38(d)(5), which are not proposed to be changed, the consequent rate increase could become effective but subject to subsequent rejection and refund if found to be unjustified, by a final Commission order.

One responder recommended that the Commission establish broad guidelines on the level of expenditures for utilities to follow rather than the proposed rulemaking. The Commission rejects this as not responsive to the Commission's responsibility under the Federal Power Act and the Natural Gas Act.

OTHER OBJECTIONS

Two responders presented the opinion that contrary to the stated objectives of the Commission in the notice of proposed rulemaking, the changes substitute the judgment of the FPC staff for the judgment of the utility company to a greater extent. The Commission does not accept this. Particularly with the guidelines now developed and the clarifications made in this Order we believe that the intended objectives will be accomplished.

One responder commented that the current EPRI formula for distribution of RD&D costs is inequitable. The Commission does not consider the present rulemaking the appropriate vehicle for discussion of this issue.

One responder objected to the concept that EPRI should be delegated authority to request advance Commission approval. EPRI derives its authority from those who support it. We believe that this also is not an appropriate issue for the Commission in the rulemaking.

Concern was expressed by the American Public Power Association that the proposed rulemaking would somehow result in altering the formula for contributions to EPRI (or to the associations that financially support it). Concern was expressed that utilities that purchase power at wholesale rather than generate power would be charged for EPRI RD&D support twice both in the wholesale transactions and in the retail transactions. The Commission notes that this is a potential problem and will deal with it on a case by case basis.

Three responders recommended that the $50,000 minimum in § 35.22 for programs to be eligible for consideration for advance approval should be raised. The Commission does not believe there is advantage to a jurisdictional company in raising this limit. The $50,000 limit is only the minimum project or program cost that the Commission will consider. As we have pointed out repeatedly above, application for advance approval is always a voluntary option.

One responder suggested that the Commission accept New York State Public Service Commission report 149b in lieu of the proposed guidelines. The

Commission does not consider this appropriate.

One responder commented that individual company RD&D programs should not have to be coordinated with Federal RD&D programs and other relevant private efforts. The Commission feels strongly that a reasonable effort should be made to avoid unwarranted duplication of RD&D expenditures and unwarranted costs to the ratepayer.

The Commission, in order to provide consistency, has changed the term "Research and Development" to "Research, Development and Demonstration" and "R&D" to "RD&D" in certain other paragraphs of the regulations not otherwise affected. Some errors and omissions of the regulations have been corrected as noted below.

The Commission finds. (1) The notice and opportunity to participate in this rulemaking proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments and suggestions in the manner described above, are consistent and in accordance with all procedural requirements therefore as prescribed by section 553 of Title 5 of the United States Code.

(2) The amendments to Part 35 of the regulations under the Federal Power Act, Part 101, the Commission's Uniform System of Accounts prescribed for Class A and Class B Public Utilities and Licensees, Part 154 of the regulations under the Natural Gas Act, and Part 201, the Commission's Uniform System of Accounts for Natural Gas Companies, all in Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed, are necessary and appropriate to the administration of the Federal Power Act and the Natural Gas Act.

(3) Since the revisions prescribed herein, which were not included in the Notice of Proposed Rulemaking, are of a minor nature and consistent with the prime purpose of the Proposed Rulemaking, further notice in compliance with the notice provision of section 553 of Title 5 of the United States Code is unnecessary.

(4) In order to encourage accelerated research, development and demonstration programs, and in order to clarify the Commission's accounting and rate treatment regulations, good cause exists to make this Order effective upon issuance.

The Commisson, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 205, 206, 209, 301, 302, 303, 304 and 309 thereof (49 Stat. 851, 852, 853, 854, 855, 856, 858; 16 U.S.C. 824d, 824e, 824h, 825, 825a, 825b, 825c, 825h) and of the Natural Gas Act, as amended, particularly sections 4, 5, 8, 9, 10, 16 and 17 thereof (52 Stat. 822, 823, 825, 826, 830; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717g, 717h, 717i, 717o, 717p), orders:

PART 35—FILING OF RATE SCHEDULES

(A) Part 35, Subchapter B, Regulations under the Federal Power Act, Chapter I, Title 18, Code of Federal Regulations, is amended as follows:

Section 35.13(b)(4)(iii) is amended to read:

§ 35.13 Filing of changes in rate schedules.

* * * * *

(b) * * *

(4) * * *

(iii) The statement of the cost * * *

* * * * *

Statement E1—Research, development and demonstration. A statement disclosing all expenditures in Account 188, Research, Development, and Demonstration Expenditures, showing each venture separately as of the beginning and the end of Periods I and II, immediately following and increased or reduced, as appropriate, by the applicable accumulated deferred income taxes. This statement shall also include all related amortization for the same period.

* * * * *

Section 35.22 is amended as follows: (a) Paragraph (a) is amended; (b) New paragraphs (b), (c), and (d) are added; (c) Paragraph (b) will become paragraph (e) to accomodate the additions (Paragraphs (b), (c), and (d)). New paragraph (e) will be modified; As amended, § 35.22 reads as follows:

§ 35.22 Research and development clauses.

(a) Advance Commisson approval may be requested of rate treatment for RD&D expenditures of $50,000 or more related to a project undertaken by the company or as part of a project undertaken by others, or for a group of projects which, in the aggregate, cost $50,000 or more. This approval may be requested regardless of whether the RD&D is undertaken by the utility or by another party or organization. Approval requests shall describe the project in such detail as to satisfy the Commission that the project expenditure involved qualifies as being valid, justifiable, and reasonable. In addition, the request shall specifically include the estimated cost of the project and a description of the utility's expenditure percentage in the total project program. When a utility participates in a joint project, the contractual agreements should provide the utility complete access to cost records and results related to the project. Records shall be kept so that unscheduled progress reports may be called for as determined by the Commission. Approval requests shall justify any conduct of or partial support of large-scale demonstration facilities by clearly identifying and justifying the portions of the capital and operating costs which require the high-risk financial support necessary to the pursuit of RD&D. The justification of support for a large-scale demonstration facility shall include a statement as to the planned accounting treatment of revenue which may be derived from the facility's product and of proceeds which may be derived from the sale of the facility.

(b) Where more than one jurisdictional company proposes to support an RD&D organization as defined below, an approval request may be submitted to the Commission by the RD&D organization covering the organization's RD&D program as defined below. Approval by the Commission of such RD&D program shall constitute approval of individual companies' contributions to the RD&D organization. Organizations eligible to receive contributions from companies and to request program approval from the Commission under this section may be RD&D organizations broadly supported by a number of energy industry sectors (e.g., natural gas, electric power, petroleum, coal, nuclear energy); RD&D organizations broadly supported by a single industry sector; regional organizations that work primarily on problems of a regional nature; or consortia of companies that jointly support RD&D programs for the collective benefit of their ratepayers.

(c) RD&D organizations or individual jurisdictional companies requesting and receiving advance RD&D program approval shall annually submit a five-year program plan at least 180 days prior to the commencement of the five-year period of the plan. The plan shall clearly state the objectives within and beyond the five-year period and clearly relate the objectives to the interests of the ratepayers, the public, and the industry and to the objectives of other major research organizations, particularly the U.S. Energy Research and Development Administration. The plan shall contain sufficient budget, technical, and schedule details to afford an understanding of the work to be performed, to allow an assessment of the probability of success, and to permit comparison with other organizations' research plans. The commencement date and expected termination date for individual research, development and demonstration projects to be initiated during the first year of the plan will be given along with expected annual costs. The plan shall discuss the RD&D efforts and progress since the preparation of the program plan submitted the previous year and shall explain any changes that have been made in objectives, priorities, and budgets since the plan of the previous year. The plan shall identify all jurisdictional companies that will support the program and their budgeted support. The plan shall identify those persons involved in the development, review, and approval of the plan and shall state the amount of effort contributed and the degree of control exercised by each. The principal tests for the adequacy of the proposed plan shall be the following guidelines:

(1) Evidence that the RD&D objectives of the company or research organizations have been clearly established.

(2) Evidence that the plan evolves from these RD&D objectives and adequately utilizes the viewpoints of scientific engineering, industry, economic, consumers and environmental interests.

(3) Evidence that an effective mechanism exists and is used for coordinating this research and development plan with other relevant efforts of national scope.

(4) Evidence that the project or program is well conceived and, if successful,

has a reasonable chance of benefitting the ratepayer in a reasonable period of time, having due regard to the basic, exploratory or applied nature of each submitted RD&D project.

(5) Evidence that whatever achievements may result, including knowledge gained or technology developed from the RD&D effort, if any, will accrue to the benefit of the sponsoring jurisdictional company(s) and its/their customers.

(d) Within 90 days of filing of the five-year RD&D plan as defined above, the Commission will state its decision with respect to acceptance, partial acceptance, or rejection of the plan, or, when the complexity of issues in the plan so requires, will set a date certain by which a final decision will be made, or will order the matter set for hearing. Partial rejection of a plan by the Commission will be accompanied by a decision as to the partial level of acceptance which will be proportionally applied to all contributions listed for jurisdictional companies in the plan. Approval by the Commission of a five-year plan constitutes approval for rate treatment of all projects identified as starting during the first year of the approved plan. Continued rate treatment will be dependent upon review and evaluation of subsequent annual reports.

(e) An electric utility may submit a research, development and demonstration cost adjustment provision to flow through changes in its expenditures for research, development and demonstration.[3] Changes permitted hereunder include both expenditures chargeable to operations as well as rate base treatment of the balances in Account 188 as hereinafter defined. Except in the case of expenditures approved pursuant to § 35.22 (b), no RD&D adjustment provision shall become effective until authorized by the Commission. No request for an RD&D adjustment provision will be considered by the Commission unless the proposed clause indicates the following terms and conditions:

(1) The RD&D expenditure * * *

* * * * *

(3) RD&D expenditures chargeable to operations which may be tracked and reflected in rates shall be the amount which actual RD&D expenditures during the 12-month period ending 3 months prior to a proposed rate adjustment exceed or are less than (i) the amount allowed in the company's last rate proceeding, or the average of 3 years RD&D expenditures if such rate adjustment is an initial filing under this subsection; or (ii) the actual RD&D expenditures in the company's last prior rate adjustment under this subsection.

(4) RD&D expenditures chargeable to account 188 which are eligible to receive rate base treatment * * * For purposes of determining the balance which may be tracked, the company shall reduce the balance of account 188 by all money received related to its RD&D expenditures and shall increase or reduce such account balance, as appropriate, by the applicable accumulated deferred income taxes. * * *

(5) * * * Any RD&D expenditures for which the company has been allowed * * *

(6) * * * A statement as to the anticipated scope and objective of the RD&D and * * *

* * * * *

[3] For purposes of this subsection, RD&D expenditures represent those costs includable in Account 188, Research, Development and Demonstration expenditures.

PART 101—UNIFORM SYSTEM OF ACCOUNTS

(B) The Commission's Uniform Systems of Accounts for Class A and Class B Public Utilities and Licensees prescribed by Part 101, Chapter I, Title 18 of the Code of Federal Regulations, is amended as follows:

(1) The Definitions are amended by revising Definition 27B, "Research and Development." As amended, this portion of the Definitions reads:

Definitions

* * * * *

27. A. * * *

B. "Research, Development, and Demonstration" (RD&D) means expenditures incurred by public utilities and licensees either directly or through another person or organization (such as research institute, industry association, foundation, university, engineering company or similar contractor) in pursuing research, development, and demonstration activities including experiment, design, installation, construction, or operation. This definition includes expenditures for the implementation or development of new and/or existing concepts until technically feasible and commercially feasible operations are verified. Such research, development, and demonstration costs should be reasonably related to the existing or future utility business, broadly defined, of the public utility or licensee or in the environment in which it operates or expects to operate. The term includes, but is not limited to: All such costs incidental to the design, development or implementation of an experimental facility, a plant process, a product, a formula, an invention, a system or similar items, and the improvement of already existing items of a like nature; amounts expended in connection with the proposed development and/or proposed delivery of alternate sources of electricity; and the costs of obtaining its own patent, such as attorney's fees expended in making and perfecting a patent application. The term includes preliminary investigations and detailed planning of specific projects for securing for customers non-conventional electric power supplies that rely on technology that has not been verified previously to be feasible. The term does not include expenditures for efficiency surveys; studies of management, management techniques and organization; consumer surveys, advertising, promotions, or items of a like nature.

* * * * *

(2) Amend the Chart of Balance Sheet Accounts by revising the title for account 188, "Research and Development Expenditures" to read 188, Research, Development, and Demonstration Expenditures. As amended, the Chart of Balance Sheet Accounts reads:

Balance Sheet Accounts (Chart of Accounts)

ASSETS AND OTHER DEBITS

* * * * *

4. DEFERRED DEBITS

* * * * *

188 Research, development, and demonstration expenditures.

* * * * *

(3) The text of the Balance Sheet Accounts is amended as follows:

(a) Amend paragraph A of account 103, "Experimental Electric Plant Unclassified," by revising the term "research and development." As amended, this portion of account 103 reads:

103 Experimental electric plant unclassified.

A. This account shall include the cost of electric plant which was constructed as a research, development, and demonstration plant under the provisions of paragraph C. * * *

* * * * *

(b) Amend the first sentence of paragraph C, account 107, "Construction Work in Progress—Electric," by revising the term "research and development." As amended, this portion of account 107 reads:

107 Construction work in progress—Electric.

* * * * *

C. Expenditures on research, development, and demonstration projects for construction of utility facilities are to be included in a separate subdivision in this account. Records must be maintained to show separately each project along with complete detail of the nature and purpose of the research, development, and demonstration project together with the related costs.

(c) Amend paragraphs A, C and D and revise the title of account 188, "Research and Development Expenditures." As amended, these portions of account 188 read:

188 Research, development, and demonstration expenditures.

A. This account shall be charged with the cost of all expenditures coming within the meaning of Research, Development, and Demonstration (RD&D) of this uniform systems of accounts (see definition 27.B.) except those expenditures properly chargeable to account 107, Construction Work in Progress—Electric.

B. * * *

C. In certain instances a company may incur large and significant research, development, and demonstration expenditures which are nonrecurring and which would distort the annual research, development, and demonstration charges for the period. * * *

D. The entries in this account must be so maintained as to show separately each

project along with complete detail of the nature and purpose of the research, development, and demonstration project together with the related costs.

(3) The text of the Operating Revenue Accounts is amended by revising item 6 of account 456, "Other Electric Revenues." As amended, this portion of account 456 reads:

456 Other electric revenues.

* * * * *

ITEMS

* * * * *

6. Include in a separate subaccount revenues in payment for rights and/or benefits received from others which are realized through research, development, and demonstration ventures. * * *

(4) The text of the Operation and Maintenance Expense Accounts is amended by revising the references to the term "research and development" to read research, development, and demonstration, throughout various accounts. As amended, these portions of the text of the Operation and Maintenance Expense Accounts read:

Operation and Maintenance Expense Accounts

1. POWER PRODUCTION EXPENSES

A. STEAM POWER GENERATION

Operation

* * * * *

506 Miscellaneous steam power expenses.

* * * * *

ITEMS

* * * * *

14. Research, development, and demonstration expenses.

* * * * *

524 Miscellaneous nuclear power expenses.

* * * * *

ITEMS

* * * * *

14. Research, development, and demonstration expenses.

* * * * *

539 Miscellaneous hydraulic power generation expenses.

* * * * *

ITEMS

* * * * *

16. Research, development, and demonstration expenses.

* * * * *

549 Miscellaneous other power generation expenses.

* * * * *

ITEMS

* * * * *

18. Research, development, and demonstration expenses.

* * * * *

2. Transmission Expenses

Operation

566 Miscellaneous transmission expenses.

* * * * *

ITEMS

* * * * *

14. Research, development, and demonstration expenses.

* * * * *

3. Distribution Expenses

Operation

* * * * *

588 Miscellaneous distribution expenses.

* * * * *

ITEMS

* * * * *

13. Research, development, and demonstration expenses.

* * * * *

7. Administrative and General Expenses

Operation

* * * * *

930.2 Miscellaneous general expenses.

* * * * *

ITEMS

* * * * *

4. Research, development, and demonstration expenses not charged to other operation and maintenance expense accounts on a functional basis.

* * * * *

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

(C) Part 141, Subchapter D, Approved Forms, Federal Power Act, Chapter I, Title 18, Code of Federal Regulations, is amended as follows:

Section 141.1(d) is amended as follows:

§ 141.1 Form No. 1, Annual report for electric utilities, licensees and others (Class A and Class B).

* * * * *

(d) This annual report contains the following schedules:

* * * * *

Research, Development, and Demonstration Activities.

* * * * *

PART 154—RATE SCHEDULES AND TARIFFS

(C) Part 154, Subchapter E, Regulations under the Natural Gas Act, Chapter I, Title 18, Code of Federal Regulations, is amended as follows:

Section 154.38 is amended as follows:

Paragraph (d)(5)(i) is amended; subdivisions (ii), (iii), (iv) are added to paragraph (d); paragraph (d)(5)(ii) is redesignated as paragraph (d)(5)(v) and revised; as amended, § 154.38(d)(5) reads as follows:

§ 154.38 Composition of rate schedule.

* * * * *

(d) * * *

(5) * * *

(i) Commission approval may be requested of rate treatment for RD&D expenditures of $50,000 or more related to a project undertaken by the company or as part of a project undertaken by others, or for a group of projects which, in the aggregate, cost $50,000 or more when advance assurance of rate base treatment is desired. This approval may be requested regardless of whether the RD&D is undertaken by the utility or by another party or organization. Approval requests shall describe the project in such detail as to satisfy the Commission that the project expenditure involved qualifies as being valid, justifiable, and reasonable. In addition, the request shall specifically include the estimated cost of the project and a description of the utility's expenditure percentage in the total project program. When a utility participates in a joint project, the contractual agreements should provide the utility complete access to cost records and results related to the project. Records shall be kept so that unscheduled progress reports may be called for as determined by the Commission. Approval requests shall justify any conduct of or partial support of large-scale demonstration facilities by clearly identifying and justifying the portions of the capital and operating costs which require the high risk financial support necessary to the pursuit of RD&D. The justification of support for a large-scale demonstration facility shall include a statement as to the planned accounting treatment of revenue which may be derived from the facility's product and of proceeds which may be derived from the sale of the facility.

(ii) Where more than one jurisdictional company proposes to support an RD&D organization as defined below, an approval request may be submitted to the Commission by the RD&D organization covering the organization's RD&D program as defined below. Approval by the Commission of such RD&D program shall constitute approval of individual companies' contributions to the RD&D organization. Organizations eligible to receive contributions from companies and to request program approval from the Commission under this section may be RD&D organizations broadly supported by a number of energy industry sectors (e.g., natural gas, electric power, petroleum, coal, nuclear energy); RD&D organizations broadly supported by a single industry sector; regional organizations that work primarily on problems of a regional nature; or consortia of companies that jointly support RD&D programs for the collective benefit of their ratepayers.

(iii) RD&D organizations or individual jurisdictional companies requesting RD&D approval shall annually submit a five-year program plan at least 180 days prior to the commencement of the five-year period of the plan. The plan shall clearly state the objectives within and beyond the five-year period and clearly relate the objectives to the interests of the ratepayers, the public, and the industry and to the objectives of other major research organizations, particularly the U.S. Energy Research and Development Administration. The plan

shall contain sufficient budget, technical, and schedule details to afford an understanding of the work to be performed, to allow an assessment of the probability of success, and to permit comparison with other organizations' research plans. The commencement date and expected termination date for individual research, development, and demonstration projects to be initiated during the first year of the plan will be given along with expected annual costs. The plan shall discuss the RD&D efforts and progress since the preparation of the program plan submitted the previous year and shall explain any changes that have been made in objectives, priorities, and budgets since the plan of the previous year. The plan shall identify all jurisdictional companies that will support the program and their budgeted support. The plan shall identify those persons involved in the development, review, and approval of the plan and shall state the amount of effort contributed and the degree of control exercised in each. The principal tests for the adequacy of proposed plan shall be the following guidelines.

(a) Evidence that the RD&D objectives of the company or research organization have been clearly established.

(b) Evidence that the plan evolves from these RD&D objectives and adequately utilizes the viewpoints of scientific, engineering, industry, economic, consumers and environmental interests.

(c) Evidence that an effective mechanism exists and is used for coordinating this research and development plan with other relevant efforts of national scope.

(d) Evidence that the project or program is well conceived and has a reasonable chance of benefitting the ratepayer in a reasonable period of time, having due regard to the basic, exploratory or applied nature of each submitted RD&D project.

(e) Evidence that whatever achievements may result, including the knowledge gained or technology developed from the RD&D effort, if any, will accrue to the benefit of the sponsoring jurisdictional company(s) and its/their customers.

(iv) Within 90 days of filing of the five-year RD&D plan as defined above, the Commission will state its decision with respect to acceptance, partial acceptance, or rejection of the plan, or, when the complexity of issues in the plan so requires, will set a date certain by which a final decision will be made, or will order the matter set for hearing. Partial rejection of a plan by the Commission will be accompanied by a decision as to the partial level of acceptance which will be proportionally applied to all contributions listed for jurisdictional companies in the plan. Approval by the Commission of a five-year plan constitutes approval for rate treatment of all projects identified as starting during the first year of the approved plan. Continued rate treatment will be dependent upon review and evaluation of subsequent annual reports.

(v) A natural gas pipeline company may submit a research, development and demonstration cost adjustment provision to flow through changes in its expenditures for research, development and demonstration.[4] Changes permitted hereunder include both expenditures chargeable to operations as well as rate base treatment of the balances in account 188 as hereinafter defined. No RD&D adjustment provision shall become effective until authorized by the Commission. No request for RD&D adjustment provision will be considered by the Commission unless the proposed clause indicates the following terms and conditions:

(a) The RD&D expenditures adjustment shall be reflected in the company's rates only when it amounts to at least one-tenth of 1 mill ($0.0001) per thousand cubic feet of annual jurisdictional sales. Rate changes shall be applied to the commodity component of the existing rates of a pipeline company's two-part rates and to the volumetric rates of a pipeline company's one-part rates.

(b) Rate changes shall be computed and filed not more frequently than semi-annually. Rate changes by companies having Commission approved PGA clauses should be computed and filed to the extent practicable to coincide with the proposed effective date of a PGA rate change.

(c) Except in the case of expenditure approval pursuant to § 154.38(d)(5)(ii) RD&D expenditures chargeable to operations which may be tracked and reflected in rates shall be the amount which actual RD&D expenditures during the 12-month period ending 3 months prior to a proposed rate adjustment exceed or are less than (1) the amount allowed in the companies last rate proceeding or the average of 3 years RD&D expenditures if such rate adjustment is an initial filing under the subsection; or (2) the actual RD&D expenditures in the company's last prior rate adjustment under this section.

(d) RD&D expenditures in account 188 which are eligible to receive rate base treatment and which may be tracked and reflected in rates shall be the amount which the actual balances in such account during the 12-month period ending 3 months prior to the proposed rate adjustment exceed or are less than the balances in such account as of the date of this regulation, if an initial filing under this section, or the balances in account 188 included in the company's last prior rate adjustment under this subsection. For the purpose of determining the balance which may be tracked the company shall reduce the balance in account 188 by all moneys recorded in account 495 related to its RD&D expenditures and shall increase or reduce such account balance, as appropriate, by the applicable accumulated deferred income taxes. The rate of return used by the company to determine the rate effect of the rate base treatment of the balance in account 188 shall be the rate of return last allowed by the Commission during the previous 3-year period. If there has been no such rate of return allowed during the previous 3-year period, then, in the absence of evidence submitted to the contrary, the return utilized shall be the present interest rate used for computing refunds as specified in § 154.67.

(e) Any tariff filing made by the company to increase its rates to its customers shall meet the notice requirements of § 154.22, which provide, in pertinent part that the filing be filed with the Commission and posted (as defined in § 154.16) at least 45 days prior to the date on which any change(s) in its existing rates is to become effective. Simultaneously with the above filing, the company shall furnish the Commission, jurisdictional customers, and interested State Commissions a report containing detailed computations which clearly show the derivation of the proposed rate adjustment. The effect upon jurisdictional rates shall be determined by computing the unit change (either increase or decrease) based upon jurisdictional sales volumes for the 12-months ending 3 months prior to the proposed rate adjustment. Any RD&D expenditure for which the company has been allowed to track by other regulatory body shall be clearly designated and treated in such a manner so as to avoid double recovery. Each rate adjustment shall become effective on the proposed effective date without suspension provided that except in the case of rate adjustments based on expenditures approval pursuant to § 154.38(d)(5)(ii) any rate increase shall be subject to reduction and refund of any portion found after hearing to be unjustified by a final Commission order.

(f) In addition to the above required report containing the derivation of the proposed rate, the following additional data shall be submitted as part of the application: A statement as to the anticipated scope and objective of the RD&D and the relationship of such objective to the jurisdictional service for which the tracking is to apply. If the tracking is not to apply to certain jurisdictional service but is to apply to others, a statement as to the reasons for such determination.

(g) No company shall be required to reduce its rate under this subsection by an increment exceeding the aggregate increases allowed thereunder.

Section 154.63(f) is amended by adding a new Schedule E–4, renumbering present Schedule E–4 as Schedule E–5, and revising Schedule N–11.

As amended, § 154.63(f) reads:

§ 154.63 Changes in a tariff, executed service agreement or part thereof.[1]

* * * * *

(f) *Description of statements.* * * *

* * * * *

[4] For purposes of this subsection, RD&D expenditures represent those cost includible in Account 188, Research, Development and Demonstration expenditures.

Schedule E-4 setting forth monthly balances included in Account 188, Research, development, and demonstration expenditures, separately for each project therein immediately followed and increased or reduced, as appropriate, by the applicable accumulated deferred income taxes. This schedule shall also include all related amortization for the same periods.

Schedule E-5 showing the computations, cross-references and sources from which the data in computing claimed working capital are derived.

* * * * *

Schedule N-11. A complete description of amounts, by venture, recorded in Account 188, Research, development, and demonstration expenditures, as of the beginning and end of the test period, increased or reduced, as appropriate, by the applicable accumulated deferred income taxes. This schedule shall also include all related amortization for the same period.

* * * * *

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

(E) The Commission's Uniform Systems of Accounts for Class A and Class B Natural Gas Companies prescribed by Part 201, Chapter I, Title 18 of the Code of Federal Regulations, is amended as follows:

(1) The Definitions are amended by revising Definition 28B, "Research and Development." As amended, this portion of the Definitions reads:

Definitions

* * * * *

28. A. * * *

B. "Research, Development, and Demonstration" (RD&D) means expenditures incurred by natural gas companies either directly or through another person or organization (such as research institute, industry association, foundation, university, engineering company, or similar contractor) in pursuing research, development, and demonstration activities including experiment, design, installation, construction, or operation. This definition includes expenditures for the implementation or development of new and/or existing concepts until technically feasible and commercially feasible operations are vertified. Such research, development, and demonstration costs should be reasonably related to the existing or future utility business, broadly defined, of the public utility or licensee or in the environment in which it operates or expects to operate. The term includes, but is not limited to: All such costs incidental to the design, development or implementation of an experimental facility, a plant process, a product, a formula, an invention, a system or similar items, and the improvement of already existing items of a like nature; amounts expended in connection with the proposed development and/or proposed delivery of substitute or synthetic gas supplies (alternate fuel sources, for example, an experimental coal gasification plant or an experimental plant synthetically producing gas from liquid hydro-carbons); and the costs of obtaining its own patent, such as attorneys fees expended in making and perfecting a patent application. The term includes preliminary investigations and detailed planning of specific projects for securing for customers non-conventional pipeline gas supplies that rely on technology that has not been verified previously to be feasible. The term does not include expenditures for efficiency surveys; studies of management, management techniques and organization; consumer surveys, advertising, promotions, or items of a like nature.

(2) Amend the Chart of Balance Sheet Accounts by revising the title for account 188, "Research and Development Expenditures" to read 188, Research, Development, and Demonstration Expenditures. As amended, the Chart of Balance Sheet Accounts reads:

Balance Sheet Accounts

(Chart of Accounts)

ASSETS AND OTHER DEBITS

* * * * *

4. DEFERRED DEBITS

* * * * *

188 Research, development, and demonstration expenditures.

* * * * *

(3) The text of the Balance Sheet Accounts is amended as follows:

(a) Amend paragraph A of account 103, "Experimental Gas Plant Unclassified," by revising the term "research and development." As amended, this portion of account 103 reads:

103 Experimental gas plant unclassified.

A. This account shall include the cost of gas plant which was constructed as a research, development, and demonstration project under the provisions of paragraph C, * * *

* * * * *

(b) Amend the first sentence of paragraph C, account 107, "Construction Work in Progress—Gas," by revising the term "research and development." As amended, this portion of account 107 reads:

107 Construction work in progress—Gas.

* * * * *

C. Expenditures on research, development, and demonstration projects for construction of utility facilities are to be included in a separate subdivision in this account. Records must be maintained to show separately each project along with complete detail of the nature and purpose of the research, development, and demonstration project together with the related costs.

* * * * *

(c) Amend paragraphs A, C and D and revise the title of account 188, "Research and Development Expenditures." As amended, these portions of account 188 read:

188 Research, development, and demonstration expenditures.

A. This account shall be charged with the cost of all expenditures coming within the meaning of Research, Development, and Demonstration (RD&D) of this Uniform Systems of Accounts (see definition 28.B.), except those expenditures properly chargeable to Account 107, Construction Work in Progress—Gas.

B. * * *

C. In certain instances a company may incur large and significant research, development, and demonstration expenditures which are nonrecurring and which would distort the annual research, development, and demonstration charges for the period. * * *

D. The entries in this account must be so maintained as to show separately each project along with complete detail of the nature and purpose of the research, development, and demonstration project together with the related costs.

(3) The text of the Operating Revenue Accounts is amended by revising item 8 of account 495, "Other Gas Revenues." As amended, this portion of account 495 reads:

495 Other gas revenues.

* * * * *

ITEMS

* * * * *

8. Include in a separate subaccount revenues in payment for rights and/or benefits received from others which are realized through research, development, and demonstration ventures. * * *

(4) The text of the Operation and Maintenance Expense Accounts is amended by revising the references to the term "research and development" to read research, development, and demonstration, throughout various accounts. As amended, these portions of the text of the Operation and Maintenance Expense Accounts read:

Operation and Maintenance Expense Accounts

1. PRODUCTION EXPENSES

A. MANUFACTURED GAS PRODUCTION

A 1. Steam Production

Operation

* * * * *

703 Miscellaneous steam expenses.

* * * * *

ITEMS

* * * * *

12. Research, development, and demonstration expenses.

* * * * *

A 2. Manufactured Gas Production

Operation

* * * * *

735 Miscellaneous production expenses.

* * * * *

ITEMS

* * * * *

32. Research, development, and demonstration expenses.

* * * * *

B. Natural Gas Production

B 1. Natural Gas Production and Gathering

Operation

* * * * *

759 Other expenses.

* * * * *

ITEMS

* * * * *

5. Research, development, and demonstration expenses.

* * * * *

B.2. Products Extraction

Operation

* * * * *

776 Operation supplies and expenses.

* * * * *

ITEMS

* * * * *

8. Research, development, and demonstration expenses.

* * * * *

2. Natural Gas Storage Expenses

* * * * *

A. Underground Storage Expenses

* * * * *

824 Other expenses.

This account shall include the cost of labor, material used and expenses incurred in operating underground storage plant, and other underground storage operating expenses, not includible in any of the foregoing accounts, including research, development, and demonstration expenses.

* * * * *

B. Other Storage Expenses

Operation

* * * * *

841 Operation labor and expenses.

* * * * *

ITEMS

* * * * *

17. Research, development, and demonstration expenses.

* * * * *

3. Transmission Expenses

Operation

* * * * *

859 Other expenses.

This account shall include the cost of labor, material used and expenses incurred in operating transmission system equipment and other transmission system expenses not includible in any of the foregoing accounts, including research, development, and demonstration expenses.

* * * * *

4. Distribution Expenses

Operation

* * * * *

880 Other expenses.

This account shall include the cost of distribution maps and records, distribution office expenses, and the cost of labor and materials used and expenses incurred in distribution systems operations not provided for elsewhere, including the expenses of operating street lighting systems and research, development, and demonstration expenses.

* * * * *

8. Administrative and General Expenses

Operation

* * * * *

930.2 Miscellaneous general expenses.

* * * * *

ITEMS

* * * * *

4. Research, development, and demonstration expenses not charged to other operation and maintenance expense accounts on a functional basis.

* * * * *

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

(F) Part 260, Subchapter G, Approved Forms, Natural Gas Act, Chapter I, Title 18, Code of Federal Regulations, is amended as follows:

§ 260.1 Form No. 2, Annual report for natural gas companies (Class A and Class B).

* * * * *

(c) This annual report contains the following schedules:

* * * * *

System Maps.
Research, Development, and Demonstration Activities:

* * * * *

(G) Effective for the reporting year 1977, certain schedule pages of FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B), prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations, are editorially amended, all as set out in Attachment A, hereto.[1]

(H) Effective for the reporting year 1977, certain schedule pages of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B), prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, are editorially amended, all as set out in Attachment B, hereto.[1]

(I) This order is effective upon issuance.

(J) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-16519 Filed 6-10-77;8:45 am]

[1] Attachments A and B filed as part of the original document.

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-100]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of North Providence, Rhode Island

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On April 9, 1973, in 38 FR 9016, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included North Providence, Rhode Island. Map No. H 440020 Panel 01 indicates that Lots 187 and 189 and the adjoining 25 feet in width by the entire depth of Lot 188, North Providence Park also being 57 Alexander Street, North Providence, Rhode Island, as recorded in Book 93, Page 759 in the office of Deed Land Records of North Providence, Providence County, Rhode Island, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area.

DATES: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 440020 Panel 01 is hereby corrected to reflect that the above prop-

erty is not within the Special Flood Hazard Area identified on April 13, 1973.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc.77-16422 Filed 6-10-77;8:45 am]

[Docket No. FI-100]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Lakeside, Texas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On April 9, 1973, in 38 FR 9017, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included Lakeside, Texas. Map No. H 480604 Panel 02 indicates that Lot 13, Block 3, Van Zandt Place, Lakeside, Texas, as recorded in Volume 388-R, Page 56, of Plats in the office of the Clerk of Deed Records of Tarrant County, Texas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area.

DATES: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 480604 Panel 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on April 13, 1973.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc.77-16432 Filed 6-10-77;8:45 am]

[Docket No. FI-196]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Village of Ridgewood, New Jersey

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On August 24, 1973, in 38 FR 22776, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Village of Ridgewood, New Jersey. Map No. H 340067 Panel 03 indicates that Lot 22, Block 4106, at 415 Arden Court, Ridgewood, New Jersey, as recorded in Book 5497, Page 194, in the office of the Clerk of Bergen County, New Jersey, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area.

DATES: The map amendment is effective as of June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, Southwest Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 340067 Panel 03 is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on August 31, 1973.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc.77-16406 Filed 6-10-77;8:45 am]

[Docket No. FI-196]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Village of Ridgewood, New Jersey

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On August 24, 1973, in 38 FR 22776, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which including the Village of Ridgewood, New Jersey. Map No. H 340067 Panel 04 indicates that Lot 24, Block 4205, located at 143 Bergen Court, Ridgewood, New Jersey, as recorded in Book 5396, Pages 497 through 499, in the office of the Clerk of Bergen County, New Jersey, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area.

DATES: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or

Federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 340067 Panel 04 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on August 31, 1973.

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-16407 Filed 6-10-77;8:45 am]

[Docket No. FI-196]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Village of Ridgewood, New Jersey

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On August 31, 1973, in 38 FR 22776, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Village of Ridgewood, New Jersey. Map No. H 340067 Panel 03 indicates that Lot 22, Block 4107, at 334 South Van Dien Avenue, Ridgewood, New Jersey, as recorded in Book 6055, Page 370, in the office of the Clerk of Bergen County, New Jersey, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area.

DATE: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 340067 Panel 03 is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on August 31, 1973.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-16408 Filed 6-10-77;8:45 am]

[Docket No. FI-196]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Village of Ridgewood, New Jersey

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On August 31, 1973, in 38 FR 22776, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Village of Ridgewood, New Jersey. Map No. H 340067 Panel 01 indicates that Lot 8, Block 4605, at 528 Stevens Avenue, Ridgewood, New Jersey, as recorded in Book 4867, Page 248, in the office of the Clerk of Bergen County, New Jersey, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area.

DATE: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 340067 Panel 01 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on August 31, 1973.

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-16409 Filed 6-10-77;8:45 am]

[Docket No. FI-196]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Village of Ridgewood, New Jersey

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On August 24, 1973, in 38 FR 22776, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Village of Ridgewood, New Jersey. Map No. H 340067 Panel 01 indicates that Lot 5, Block 4406, located at 505 Amsterdam Avenue, Ridgewood, New Jersey, as recorded in Book 6139, Page 29, in the office of the Clerk of Bergen County, New Jersey, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further

technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area.

DATE: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 340067 Panel 01 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on August 31, 1973.

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc.77-16410 Filed 6-10-77;8:45 am]

[Docket No. FI-196]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Village of Ridgewood, New Jersey

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On August 24, 1973, in 38 FR 22776, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Village of Ridgewood, New Jersey. Map No. H 340067 Panel 03 indicates that Lot 29, Block 4106, at 269 South Irving Street, Ridgewood, New Jersey, as recorded in Book 6016, Page 284, in the office of the Clerk of Bergen County, New Jersey, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area.

DATES: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 340067 Panel 03 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on August 31, 1973.

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc.77-16411 Filed 6-10-77;8:45 am]

[Docket No. FI-196]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Village of Ridgewood, New Jersey

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On August 24, 1973, in 38 FR 22776, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Village of Ridgewood, New Jersey. Map No. H 340067 Panel 01 indicates that Lot 12, Block 4605, at 544 Stevens Avenue, Ridgewood, New Jersey, as recorded in Book 4804, Page 241, in the office of the Clerk of Bergen County, New Jersey, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area.

DATE: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATON CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 340067 Panel 01 is hereby corrected to reflect that the existing structure on the above mentioned property is not within the Special Flood Hazard Area identified on August 31, 1973.

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.77-16412 Filed 6-10-77;8:45 am]

[Docket No. FI-239]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of San Antonio, Texas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On April 11, 1974, in 39 FR 13152, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included San Antonio, Texas. Map No. H 480045 Panel 05 indicates that Lot 77, Block 1, N.C.B. 14011, Oakcreek Northwest Subdivision, San Antonio, Texas, as shown on a Resubdivision Plat, Volume 7300, Page 131 in the office of the Clerk of Bexar County, Texas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area.

DATE: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATON CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 480045 Panel 05 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on April 5, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-16435 Filed 6-10-77;8:45 am]

[Docket No. FI-239]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of San Antonio, Texas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On April 11, 1974, in 39 FR 13152, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included San Antonio, Texas. Map No. H 480045 Panel 05 indicates that Lot 17 and the northwest 4.8 feet of Lot 16, Block 1, N.C.B. 14011 being 10407 Ethan Allen Drive, Colonial Village Subdivision, San Antonio, Texas, as recorded in Volume 5870, Page 88 of Plats, in the office of the Clerk of Bexar County, Texas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area.

DATES: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 480045 Panel 05 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on April 5, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Adminstrator.

[FR Doc.77-16436 Filed 6-10-77;8:45 am]

[Docket No. FI-239]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of San Antonio, Texas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On April 11, 1974, in 39 FR 13152 the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included San Antonio, Texas. Map No. H 480045 Panel 19 indicates that Lot 15, Block 3, NCB 16169; Lots 12 through 18, Block 4, NCB 16170 and Lots 18 through 24, Block 2, NCB 16168, Unit I, Pinn Oaks Subdivision, San Antonio, Texas, as recorded in Volume 7900, Page 208, in the Office of the Clerk of Records of Deeds and Plats, Bexar County, Texas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area.

DATES: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now

agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 480045 Panel 19 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on April 5, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-16437 Filed 6-10-77;8:45 am]

[Docket No. FI-250]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Roanoke, Virginia

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On April 25, 1974, in 39 FR 14609, the Federal Insurance Administrator published a list of communities with special hazard areas which included Roanoke, Virginia. Map No. H 510130 Panel 03 indicates that Lot 1, Block 26, Section 8, Wilmont Farms, being 589 Westside Boulevard, N.W., Roanoke, Virginia, as recorded in Mapbook 1, Page 172 of Plats in the office of the Clerk of the Hustings Court of Roanoke, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area.

DATES: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 510130 Panel 03 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on May 13, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-16440 Filed 6-10-77;8:45 am]

[Docket No. FI-279]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Borough of Upper Saddle River, New Jersey

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On January 16, 1974, in 39 FR 1986, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Borough of Upper Saddle River, New Jersey. Map No. H 340077 Panel 01 indicates that Lot 25, Block 302, at 29 Grist Mill Lane, Upper Saddle River, New Jersey, as recorded on Map No. 7266, on file in the office of the Clerk of Bergen County, New Jersey, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area.

DATES: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 340077 Panel 01 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on January 4, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-16413 Filed 6-10-77;8:45 am]

[Docket No. FI-279]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Richardson, Texas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On June 3, 1974, in 39 FR 19466, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included Richardson, Texas. Map No. H 480184 Panel 01 indicates that Lots 52 through 74, Block A, Prairie Creek Meadows Subdivision, Richardson, Texas, as recorded in Volume 12, Page 30 of Plat Records in the Office of the Clerk of the County Court of Collin County, Texas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property, with the exception of the floodway easement as shown on the recorded plat, is not within the Special Flood Hazard Area.

DATES: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 480184 Panel 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on May 24, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-16434 Filed 6-10-77;8:45 am]

[Docket No. FI-289]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of North Ridgeville, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On June 19, 1974, in 39 FR 21146, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included North Ridgeville, Ohio. Map No. H 390352A Panel 02 indicates that Lot 617, Section E, Mills Creek Subdivision being 5880 Woodland Drive, North Ridgeville, Ohio, as recorded in Volume 1155, Page 514 of General Warranty Deeds in the Office of Records, Lorain County, Ohio, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above property is not within the Special Flood Hazard Area.

DATE: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 390352A Panel 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on June 7, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-16416 Filed 6-10-77;8:45 am]

[Docket No. FI-307]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Corvallis, Oregon

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On July 5, 1974, in 39 FR 24637, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Corvallis, Oregon. Map No. H 410009A Panel 04 indicates that the 23.5 Acres of Lot 9-01, Corvallis, Oregon, as recorded in Book 115, Page 288, in the office of the Recorder of Benton County, Oregon, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing Operations and Maintenance Building is not within the Special Flood Hazard Area.

DATE: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 410009A Panel 04 is hereby corrected to reflect that the above mentioned structure is not within the Special Flood Hazard Area identified on June 14, 1974.

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-16420 Filed 6-10-77;8:45 am]

[Docket No. FI-310]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Muskego, Wisconsin

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On July 12, 1974, in 39 FR 35652, the Federal Insurance Adminis-

trator published a list of communities with Special Flood Hazard Areas which included the City of Muskego, Wisconsin. Map No. H 550486A Panel 02 indicates that property located at W187 S6922 Gold Drive, Muskego, Wisconsin, as recorded on Reel 156, Image 739, in the office of the Register of Waukesha County, Wisconsin, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing residential structure on the above mentioned property is not within the Special Flood Hazard Area.

DATE: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 550486A Panel 02 is hereby corrected to reflect that the existing residential structure on the above property is not within the Special Flood Hazard Area identified on June 21, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-16442 Filed 6-10-77;8:45 am]

[Docket No. FI-321]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Greenville, South Carolina

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On August 6, 1974, in 39 FR 28296, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included Greenville, South Carolina. Map No. H 450091 Panel 05 indicates that Lot 100, Plat 2, Sunset Hills, Greenville, South Carolina, as recorded in Volume 1037, Page 254 of Deeds in the Office of the Register of Mesne Conveyance, Greenville County, South Carolina, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area.

DATE: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 450091 Panel 05 is hereby corrected to reflect that the above propery is not within the Special Flood Hazard Area identified on June 28, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-16424 Filed 6-10-77;8:45 am]

[Docket No. FI-364]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Austin, Texas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On September 24, 1974, in 39 FR 34276, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included Austin, Texas. Map. No. H 480624 Panel 24 indicates that Lot 24 Belmont being 1306 Belmont Parkway, Austin, Texas, as recorded in Book 5, Page 173, in the office of Plat Records of Travis County, Texas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above property is not within the Special Flood Hazard Area.

DATES: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained

from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 480624 Panel 24 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on September 13, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-16425 Filed 6-10-77;8:45 am]

[Docket No. FI-384]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Norfolk, Virginia

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On October 23, 1974, in 39 FR 37647, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included Norfolk, Virginia. Map No. H 510104A Panel 13 indicates that 4.52 acres of land at the northeast intersection of Azalea Garden Road and Progress Road, Norfolk, Virginia, as recorded in Book 1367, Page 262 of Deeds, in the office of the Clerk of the Circuit Court of the City of Norfolk, Virginia, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area.

DATES: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 510104A Panel 13 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on October 18, 1974.

(National Flood Insurance Act of 1968 (Title XII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: May 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-16439 Filed 6-10-77;8:45 am]

[Docket No. FI-403]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Borough of Orbisonia, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On November 19, 1974, in 39 FR 40574, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included Orbisonia, Pennsylvania. Map No. H 421682 Panel 01 indicates that property located Southwest of Water Street, Northeast of, Blacklog Creek, Northwest of Ervin Street and Southeast of Winchester Street, in the Borough of Orbisonia, Pennsylvania, as recorded in Book 119, Page 557 of Deeds in the office of the Recorder of Huntingdon County, Pennsylvania, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above property is not within the Special Flood Hazard Area.

DATES: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 421682 Panel 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on November 8, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-16421 Filed 6-10-77;8:45 am]

[Docket No. FI-440]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Houston, Texas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On January 10, 1975, in 40 FR 2190, the Federal Insurance Administrator published a list of communities with special hazard areas which included Houston, Texas. Map No. H 480296 Panel 138 indicates that 50.106 acres located Northeast of the intersection of South Gessner Drive and Bissonett Drive, Houston, Texas, recorded as Film Code Number 137-35-0395 through 137-35-0404 of Deeds in the office of the Clerk of Harris County, Texas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area.

DATES: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 480296 Panel 138 is hereby corrected to reflect that the above property is not within the Soecial Flood Hazard Area identified on December 27, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77–16431 Filed 6–10–77;8:45 am]

[Docket No. FI–450]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Edmond, Oklahoma

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On January 24, 1975, in 40 FR 3778, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Edmond, Oklahoma. Map No. H 400252 Panel 08 indicates that Tract 1, described as part of S.E. ¼ Sec. 17 and S.W. ¼ Sec. 16, T.14N., R.3W., Edmond, Oklahoma, as recorded in Book 4291, Pages 1143 and 1144, in the office of the County Clerk of Oklahoma County, Oklahoma, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area.

DATES: The map amendment is effective June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 400252 Panel 08 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on January 17, 1975.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–16417 Filed 6–10–77;8:45 am]

[Docket No. FI–454]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Dallas, Texas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On January 28, 1975, in 40 FR 4133, the Federal Insurance Administrator published a list of communities with special hazard areas which included Dallas, Texas. Map No. H 480171 Panel 21 indicates that a tract of land located in the Eli Merrell Survey, Abstract Number 930 and being in City Block 6491, Dallas, Texas, as recorded in Volume 75004, Page 1617 through 1623, of Warranty Deeds in the office of the Clerk of Dallas County, Texas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that a portion of the above property which can be described as follows:

A tract of land located in the Eli Merrell Survey, Abstract Number 930, and being in City Block 6491 of the City of Dallas, Texas, and being part of a 40-acre tract conveyed to Gifford-Hill and Company, Incorporated, by deed recorded in Volume 3793, Page 127, of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

Commencing at a point in the north right-of-way line of Lombardy Lane (a 50-foot right-of-way) and in the west line of said 40-acre tract, said point also being the Southeast corner of Lot 1, Block A/6490 of Northwest Acres Addition as recorded in Volume 4, Page 429, of the Map Records of Dallas County, Texas; thence N 55°30' E, approximately 65 feet to the top of bank as shown on the topographic Map of Gifco Business Park as prepared by Donald C. Moreau, revised February 25, 1977, also being the actual point of beginning; thence continuing along said top of bank in a northerly direction approximately 2,498 feet to a point; thence S 78° E, approximately 100 feet to a point; thence N 89° E, approximately 100 feet to a point; thence N 57° E, approximately 164 feet to a point; thence N 89°30'03" E, approximately 200 feet to a point; thence S 24°30' E, approximately 250 feet to a point on the eastern line of said property; thence S 0°03'50" W, along the eastern line of said property approximately 1,343.71 feet to a point; thence S 6°15'47" W, approximately 426.94 feet to a point; thence S 15°16'50" W, approximately 80 feet to a point; thence S 18°30' W, along the said designated top of bank approximately 510 feet to a point; thence in a westerly direction along said top of bank approximately 392 feet to the actual point of beginning.

DATES: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund

of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 480171 Panel 21 is hereby corrected to reflect that the above propetry is not within the Special Flood Hazard Area identified on January 10, 1975.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-16426 Filed 6-10-77;8:45 am]

[Docket No. FI-454]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Dallas, Texas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On January 28, 1975, in 40 FR 4133, the Federal Insurance Administrator published a list of communities with special hazard areas which included Dallas, Tex. Map No. H 480171 Panel 01 indicates that Lot 12, Block 2/8211, 4th Section, Preston Trails Addition, Dallas, Texas, as recorded in Volume 73012, Page 1430 of Plats in the office of Deed Records of Dallas County, Texas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that a portion of the above property that is within the building set back line is not within the Special Flood Hazard Area.

DATE: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 480171 Panel 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on January 10, 1975.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-16427 Filed 6-10-77;8:45 am]

[Docket No. FI-674]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Longview, Texas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On August 21, 1975, in 40 FR 36564, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included Longview, Texas. Map No. H 480264A Panel 03 indicates that Lots 1, 2, 4, and 5, Block 1254, Ramblewood Addition Unit 2, Longview, Texas, as recorded in Volume 1027, Page 220 of Plats in the Office of the Clerk of Gregg County, Texas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lots 1 and 2 of the above property are not within the Special Flood Hazard Area.

Lot 4 of the above-mentioned property with the exception of the rear 40 feet is not within the Special Flood Hazard Area.

Lot 5 of the above-mentioned property with the exception of the rear 39 feet is not within the Special Flood Hazard Area.

DATES: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 480264A Panel 03 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on August 9, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-16433 Filed 6-10-77;8:45 am]

[Docket No. FI-991]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Grove City, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On March 30, 1976, in 41 FR 13344, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included Grove City, Ohio. Map No. H 390173A Panel 04 indicates that Lot 27, Section 2, Brook Park Subdivision, Grove City, Ohio, as recorded in Plat book 50, Page 4, in the office of the Recorder of Franklin County, Ohio, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information that the existing structure is not within the Special Flood Hazard Area.

DATES: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202)–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 390173A Panel 04 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on March 26, 1976.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-16415 Filed 6-10-77;8:45 am]

[Docket No. FI-2600]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Forsyth County, North Carolina

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On February 14, 1977, in 42 FR 9114, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included Forsyth County, North Carolina. Map No. H&I 375349A Panel 10 indicates that 1 acre of land located at 7400 Vance Road, Kernersville, North Carolina, as recorded in Book 1170, Pages 1570 and 1571, in the office of the Register of Deeds of Forsyth County, North Carolina, is in its entirely within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above property is within Zone C, and is not within the Special Flood Hazard Area.

DATES: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H&I 375349A Panel 10 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on August 31, 1972.

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-16414 Filed 6-10-77;8:45 am]

[Docket No. FI-2600]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Tulsa, Oklahoma

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On February 14, 1977, in 42 FR 9116, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Tulsa, Oklahoma. Map No. H&I 405381B Panel 132 indicates that Lot 9, Block 2, Tip Top View Addition, located at 4610 East 55th Street South, Tulsa, Oklahoma, as recorded in Plat No. 2136, Record No. 322,478 in the office of the Clerk of Tulsa County, Oklahoma, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is within Zone B, and is not within the Special Flood Hazard Area.

DATES: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H&I 405381B Panel 132 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on August 17, 1971.

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-16418 Filed 6-10-77;8:45 am]

[Docket No. FI-2600]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Tulsa, Oklahoma

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On February 14, 1977, in 42 FR 9116, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Tulsa, Oklahoma. Map No. H & I 405381B Panel 95, indicates that Lots 3 through 7 and 11 through 18, Block 1; and Lots 1 through 10 and 17 through 24, Block 2, Tracy Terrace Second Addition, Tulsa, Oklahoma, as recorded in Plat No. 3348, in the office of the Clerk of Tulsa County, Oklahoma, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of the additional, recently acquired flood information, that Lots 2 through 4, 10 less the South 15 feet thereof, and 17 through 22, Block 2, are within Zone C, and are not within the Special Flood Hazard Area. Lots 3 through 7 and 11 through 13, Block 1; Lot 5 and 23, Block 2; and portions of Lots 14 through 18, Block 1, and Lots 1, 6 through 9, and 24, Block 2 are within Zone B, and are not within the Special Flood Hazard Area. These portions are described as:

All of Lot 14, Block 1, less the North 25 feet thereof; all of Lot 15, Block 1, less the North 25 feet thereof; all of Lot 16, Block 1, less the North 45 feet thereof; all of Lot 17, Block 1, less the North 45 feet thereof; all of Lot 18, Block 1, less the North 25 feet thereof; all of Lot 1, Block 2, less the North 20 feet thereof; and all of Lot 9, Block 2, less the South 15 feet thereof.

Lot 6, Block 2, LESS the following described portion: Beginning at the Southeast corner of Lot 6; thence West along the South line 63 feet; thence North 48° East a distance of 44.17 feet; thence North 76°30' East a distance of 31.03 feet to the East line of Lot 6; thence South 36.8 feet to the point of beginning.

Lot 7, Block 2, LESS the following described portion: Beginning at the Northeast corner of Lot 7; thence South along the East line 29.2 feet; thence due West 38.14 feet; thence South 40° West a distance of 34.94 feet; thence South 52°15' West a distance of 65 feet the West line of Lot 7; thence North 95.75 feet to Northwest corner thereof; thence East 112 feet to the point of beginning.

Lot 8, Block 2, LESS the following described portion: Beginning at the Southeast corner of Lot 8; thence West 100 feet; thence North 15 feet; thence East 65 feet; thence North 49°31'40'' East 46.01 feet to the East line of Lot 8; thence South 45 feet to the point of beginning.

All of Lot 24, Block 2, LESS the following described portion: Beginning at the Southwest corner thereof; thence North 91.27 feet; thence East along the North line 120 feet; thence South along the East line 20 feet; thence South 68° West 62.48 feet; thence South 77° West 32.91 feet; thence South 28°48'39'' West 45.65 feet to the South line of Lot 24; thence West 8 feet to the point of beginning.

The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community.

DATES: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H&I 405381B Panel 95 is hereby corrected to reflect that the above lots and portions of lots are not within the Special Flood Hazard Area identified on August 17, 1971.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-16419 Filed 6-10-77;8:45 am]

[Docket No. FI-2600]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Providence, Rhode Island

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On February 14, 1977, in 42 FR 9117, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included Providence, Rhode Island. Map No. H & I 445406D Panel 04 indicates that Parcel 1-A, Moshassuck Square Arcade Garage, being 530 North Main Street, Providence, Rhode Island, as recorded in Plat Book 42, Page 35, in the office of the Recorder of Deeds, Providence County, Rhode Island, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property, with the exception of a portion which can be described as follows:

Beginning at the intersection of the northeast right-of-way line of Charles Street and the northwest right-of-way line of Stevens Street; thence S 78°15' E, approximately 51.5 feet to a point; thence S 19°15' E, approximately 109 feet to a point; thence N 88°15' W, approximately 60 feet to a point; thence N 36°45' W, approximately 19 feet to a point; thence N 17°00' W, approximately 22.5 feet to a point; thence N 7°45' W, approximately 75.5 feet to a point, being the point of beginning.

is not within the Special Flood Hazard Area, but is within Zone C.

DATE: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H&I 445406D Panel 04 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on April 16, 1976.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Adminis-

trator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc.77-16423 Filed 6-10-77;8:45 am]

[Docket No. FI-2600]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Harris County, Texas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On February 14, 1977, in 42 FR 9118, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included Harris County, Texas. Map No. H & I 480287B Panel 99 indicates that Lot 6, Block 43 and Lots 11 through 15, Block 40, Section 6, Wedgewood Village, Harris County, Texas, as recorded in Volume 203, Page 68 of Plats and Volume 224, Page 29 of a Partial Replat, respectively, in the Office of the Clerk of the County Court of Harris County, Texas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area.

Lot 6, Block 43, Lots 11 and 12, Block 40 and the existing structures on Lots 13 through 15, Block 40 are within Zone C.

DATE: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H & I 480287B Panel 99 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on July 30, 1976.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued May 20, 1977.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc.77-16430 Filed 6-10-77;8:45 am]

[Docket No. FI-2600]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On February 14, 1977, in 42 FR 9119, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included Fairfax County, Virginia. Map No. H & I 515525C Panel 14 indicates that Lot 21, Section 1, Devon Park, Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information that the existing structure on the above property is not within the Special Flood Hazard Area.

DATE: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H & I 515525C Panel 14 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on May 7, 1977.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc.77-16438 Filed 6-10-77;8:45 am]

[Docket No. FI-2600]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Virginia Beach, Virginia

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On February 14, 1977, in 42 FR 9119, the Federal Insurance Administrator published a list of communities with special hazard areas which included Virginia Beach, Virginia. Map No. H 515531B Panel 09 indicates that Lot 4, Green Hill Farm Subdivision, Virginia Beach, Virginia, as recorded in Map 93, Page 9 of Plats, in the office of the Clerk of the Circuit Court of Virginia Beach, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area, but is within Zone C.

DATE: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now

agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 515531B Panel 09 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on October 3, 1970.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-16441 Filed 6-10-77;8:45 am]

[Docket No. FI-2680]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Duncanville, Texas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On February 11, 1977, in 42 FR 8894, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included Duncanville, Texas. Map No. H 480173A Panel 04 indicates that Lots 5 and 6, Block A and Lots 1 through 10, 14 and 15, Block B, Sixth Section, Greenway Estates, Duncanville, Texas, as recorded in Volume 76048, Page 0003 of Plats in the office of Records, Dallas County, Texas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lots 5 and 6, Block A and 1 through 3, 10 and 15, Block B of the above property, with the exception of the recorded drainage and utility easements, are not within the Special Flood Hazard Area.

Also, the front 190 feet of Lot 4; the front 135 feet of Lots 5 and 6; the front 140 feet of Lot 7; and the front 130 feet of Lots 8 and 9; all bordering on Green Tree Lane, are not within the Special Flood Hazard Area.

Lot 14, with the exception of the rear 60 feet of the lot, being defined as a line measured from the rear lot line and running parallel to the recorded drainage and utility easement, is not within the Special Flood Hazard Area.

DATE: The map amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquistion purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 480173A Panel 04 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on February 6, 1974, and August 20, 1976.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-16428 Filed 6-10-77;8:45 am]

[Docket No. FI-2680]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Duncanville, Texas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On February 11, 1977, in 42 FR 8894, the Federal Insurance Administrator published a list of communities with special hazard areas which included Duncanville, Texas. Map No. H 480173A Panels 04 and 05 indicate that Lots 12 through 15, Block 2, First Section and Lots 16 through 19, Block 2, Second Section of Swan Ridge Estates, Duncanville, Texas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lots 12 through 15, Block 2, First Section, with the exception of the easternmost fifty feet of the lots, are not within the Special Flood Hazard Area.

Lot 16, Block 2, Second Section, with the exception of the rear thirty-five feet of the lot, is not within the Special Flood Hazard Area.

Lot 17, Block 2, Second Section, with the exception of the rear fifty feet of the lot, is not within the Special Flood Hazard Area.

Lot 18, Block 2, Second Section, with the exception of the rear fifty-five feet of the lot, is not within the Special Flood Hazard Area.

Lot 19, Block 2, Second Section, with the exception of the rear forty feet, is not within the Special Flood Hazard Area.

DATE: The map amendment is effective as of June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

If a property owner was required to purchase flood insurance as a condition of such assistance, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

Map No. H 480173A Panels 04 and 05 are hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on August 20, 1976, and February 8, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-16429 Filed 6-10-77;8:45 am]

Title 30—Mineral Resources

CHAPTER II—GEOLOGICAL SURVEY, DEPARTMENT OF THE INTERIOR

PART 211—COAL MINING OPERATING REGULATIONS

Adoption of Standards and Procedures to Govern Surface Coal Mining Reclamation Operations on Federal Coal Leases in Montana

AGENCY: Geological Survey, Interior.

ACTION: Final rule.

SUMMARY: This document adopts as Federal regulations (1) those portions of Montana state law that govern reclamation of Federal coal leases disturbed by surface coal mining in Montana and (2) a Cooperative Agreement between the Department of the Interior and the State of Montana that governs the administration and enforcement of reclamation laws affecting Federal coal leases in Montana.

EFFECTIVE DATE: June 10, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert Uram, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343-4803.

SUPPLEMENTARY INFORMATION: On September 14, 1976, the Department proposed to adopt as Federal regulations governing the operation of Federal coal leases in Montana the substantive portions of Montana's coal mine reclamation law. 41 FR 39036 (1976). The notice stated that Montana's standards would replace corresponding portions of Federal regulations. Comments were received on this proposal, and a public hearing was held in Billings, Montana on May 4, 1977.

On May 11, 1977, the Department proposed to enter into a Cooperative Agreement with Montana that would govern the administration and enforcement of reclamation standards on federal coal leases in Montana. The proposed Agreement specifically incorporated (in Appendix A) the substantive standards of the September 14 proposal.

A fuller explanation of the background of these rules may be found in the preamble to both of the proposals.

Together, the two rulemaking notices create a system of Federal-State cooperation to help ensure that lands disturbed by surface coal mining are fully reclaimed and returned to productive use as soon as possible after mining is completed. The rulemaking actions eliminate, to a great extent, the imposition of unnecessary costs and delays that can occur as a result of the dual jurisdiction of the State of Montana and the United States over reclamation on Federal coal leases in that State. Although potential areas of Federal-State conflict still exist, the potential for inter-governmental disputes has been greatly reduced.

The Department has reviewed all of the comments that were recevied on these proposals, but has not made any changes in the final regulations as the result of these comments. Generally, the comments favored the proposal. Several comments asserted that some of the Montana standards were too stringent and should not be adopted. The Department does not view any of the adopted provisions of Montana's law as overly restrictive and has not changed any of the determinations made in Table 1 of the September 14 proposal.

Only 2 changes from the proposals have been made in the final rules published today. The proposed section 30 CFR 211.77 has been renumbered 30 CFR 211.76-1, and an effective date of June 10, 1977, has been inserted in the Cooperative Agreement.

Dated: June 3, 1977.

CECIL D. ANDRUS,
Secretary of the Interior.

1. Title 30 CFR 211.10 is amended by adding a new subparagraph (e)(5) to read:

§ 211.10 Exploration and mining plans.

* * * * *

(e) *States with § 211.75(b) agreements.* * * *

(5) *Montana.* A Federal coal lessee in the State of Montana who must submit a mining plan or permit under both State and Federal law shall submit in lieu of the mining plan required in this section, a mining plan containing the information required by:

(i) Section 50-1039, 50-1043, R.C.M. 1947;

(ii) Mont. Admin. Code Section 26-2.10(10)-S 10270-10300;

(iii) 30 CFR 211.10(c); and

(iv) A statement certifying that a copy of the plan has been given to the State of Montana and the Secretary.

2. Title 30 CFR 211.74 is amended by adding a new paragraph (g)(5) to read:

§ 211.74 Variances.

* * * * *

(g) *States with § 211.75(b) agreements.* * * *

(5) *Montana.* A Federal coal lessee in the State of Montana shall request and receive variances from the State of Montana and the Secretary under Montana Admin. Code Section 26-2.10(10)-S 10300.

3. Title 30 CFR Part 211 is amended by adding a new section, 30 CFR 211.76-1 to read:

§ 211.76-1 Applicability of the requirements of Montana's Reclamation Laws and Regulations.

(a) Pursuant to § 211.75(a), the Secretary has determined that Federal approval of a mining or exploration plan in Montana required by 30 CFR Part 211 will be granted only if the plan would comply with the requirements of Montana's reclamation laws and regulations that are listed in paragraphs (a) (1)-(9) of this section:

(1) Mont. Stat. 50-1043.
(2) Mont. Stat. 50-1044 (1)-(4).
(3) Mont. Stat. 50-1045.
(4) Mont. Stat. 50-1046.
(5) Mont. Admin. Code 26-2.10(10)-S10310.
(6) Mont. Admin. Code 26-2.10(10)-S10330.
(7) Mont. Admin. Code 26-2.10(10)-S10340.
(8) Mont. Admin. Code 26-2.10(10)-S10350.
(9) Mont. Admin. Code 26-2.10(18)-S10400 G 1 (a-k).

(b) Paragraph (a) of this section supersedes the requirements of the following sections in Part 211:

(1) 211.40(a) (1)-(8).
(2) 211.40(a) (11)-(13)(ii).
(3) 211.40(a)(14)(ii)(B).

(c) This section remains in effect until the Secretary determines, through rulemaking, that:

(1) The requirements of Montana's reclamation laws and regulations fail to provide general protection of environmental quality and values at least as stringent as would occur under the exclusive application of this part; or

(2) The requirements of Montana's reclamation laws and regulations unreasonably prevent the mining of federal coal and it is in the overriding national interest that the coal be produced without application of the requirements listed in paragraph (a) of this section.

4. Title 30 CFR 211.77 is amended by adding a new paragraph (e) to read:

§ 211.77 States with cooperative agreements.

* * * * *

(e) *Montana.* The administration and enforcement of reclamation requirements on federal coal leases in Montana subject to this part shall be done according to the Cooperative Agreement between the State of Montana and the Department of the Interior. The Cooperative Agreement is published at June 13, 1977, and is available at appropriate offices of the Department of the Interior.

Cooperative Agreement Between the United States Department of the Interior and the State of Montana under Section 32 of the Mineral Leasing Act of 1920, 30 U.S.C. Section 189, and Section 307 of the Federal Land Policy and Management Act of 1976, and 30 C.F.R. 211.75(b).

This Agreement (referred to as the Cooperative Agreement) is made between the State of Montana acting by and through Governor Thomas Judge (referred to as the Governor) and the United States Department of the Interior, acting by and through the Secretary of the Interior (referred to as the Secretary).

ARTICLE I—PURPOSE

This Cooperative Agreement provides for a cooperative program between the United States Department of the Interior and the State of Montana with respect to the administration and enforcement of coal surface mine reclamation requirements where a person engaged in surface mining of coal under coal leases issued by the Department of the Interior under the Mineral Leasing Act of 1920 removes or intends to remove more than

10,000 cubic yards of coal or overburden. The basic purpose of the agreement is to prevent duality of administration and enforcement of surface reclamation requirements by designating the State of Montana, to the extent possible, as the principal entity to enforce reclamation laws and regulations on Federal coal leases in Montana.

ARTICLE II—EFFECTIVE DATE

The Cooperative Agreement is effective on the 10th day of June, 1977, and remains in effect until terminated as provided by Article IX.

ARTICLE III—REQUIREMENTS FOR COOPERATIVE AGREEMENT

The Governor affirms that the State of Montana will comply with all of the provisions of this Cooperative Agreement and will continue to meet all the conditions and requirements specified in this Article upon which the approval of the Secretary is based.

A. *Responsible administrative agency.* The Montana Department of State Lands and the Montana Board of Land Commissioners (referred to as the State Agency) are, and shall continue to be, the agencies responsible for administering this Cooperative Agreement on behalf of the Governor on Federal coal leases throughout the State.

B. *Authority of State agency.* The State Agency designated in Paragraph A of this Article has, and shall continue to have, authority to carry out this Cooperative Agreement.

C. *State reclamation law.* The reclamation requirements of Montana listed in Appendix A afford general protection of the environment at least as stringent as would occur under the exclusive application of 30 CFR Part 211, and do not unreasonably impair coal mining that is in the overriding national interest.

D. *Effectiveness of State procedures.* The procedures of the State of Montana shall be as effective for the purpose of enforcing the reclamation requirements listed in Appendix A as the procedures of the Department of the Interior.

E. *Inspection of mines.* The Governor affirms that the State Agency will inspect all mines on Federal coal leases located in the State, in accordance with the minimum schedule in Article V.

F. *Enforcement.* The Governor affirms that the State Agency will enforce the Agreement in a manner that ensures effective environmental protection.

G. *Qualified personnel.* The State Agency will have an adequate number of fully qualified personnel necessary for the enforcement of this Cooperative Agreement.

H. *Funds.* The State Agency will devote adequate funds for the administration and enforcement of reclamation requirements on Federal coal leases in the State.

I. *Reports and records.* The State Agency shall make reports to the Secretary, containing information about its compliance with the terms of this Cooperative Agreement, as the Secretary shall from time to time require. The State Agency shall also make available to the Secretary, upon request, information developed under this Cooperative Agreement.

The Secretary affirms that the Department of the Interior will comply with all of the provisions of this Cooperative Agreement.

ARTICE IV—MINE PLANS

Federal regulation, 30 CFR 211.10(c), and State laws and regulations require the operator of lands leased, permitted or licensed for coal mining to receive approval of a mining plan or permit prior to conducting operations.

A. *Contents of mining plans and permits.* The State Agency and the Secretary agree that a Federal coal lessee must submit a mining plan or permit application under both State and Federal law, which plan or permit must include, at a minimum, the following information:

1. The information required by:

a. Sections 50-1039, 50-1043, 50-1607, R.C.M. 1947;

b. Mont. Admin. Code Section 26-2.10 (10)-S 10270-10300;

c. 30 CFR 211.10(c).

2. Statement certifying that a copy of the mining plan or permit application has been given to both the State Agency and the Secretary.

If either the State Agency or the Secretary requires the operator to submit additional information, he shall submit the information to both the State Agency and the Secretary.

B. *Review of plan.* The State Agency and the Secretary shall each review and analyze the adequacy of the plan, permit or request for an amendment or a variance from the plan or permit.

C. *Approval of mining plans.* The State Agency shall review the adequacy of the mining plan or permit, as provided in sections 50-1042, 50-1043 R.C.M. 1947, or request for an amendment, as provided in Mont. Admin. Code Section 26-2.10(10)-S10300.

The State Agency shall notify the Secretary of its action pursuant to such provisions. The Secretary shall then independently review and take action on the mining plan or permit as required by 30 CFR 211.10 (d), or request for a variance as required by 30 CFR 211.74, or an amendment to an approved mining plan or permit which was acted upon by the State Agency. The Secretary shall notify the State Agency of his action.

ARTICLE V—INSPECTIONS

A. The State Agency shall inspect as authorized by section 50-1038, R.C.M. 147, as frequently as necessary but at least quarterly the operations area of all Federal Coal leases, permits and licenses where operations affecting the reclamation of mined lands are conducted or are to be conducted, for the purpose of determining whether the operator is complying with all applicable laws, regulations and orders and all requirements of approved mining plans that affect the reclamation of mined lands. The State Agency shall also perform all inspections required under 30 CFR 211.41. Such inspections performed in accordance with 30 CFR 211.41 shall be considered in meeting the quarterly inspection requirement.

B. The State Agency will, subsequent to conducting any inspection as required by paragraph A of this Article, file with the Secretary a report on (1) the general conditions of the lands under coal lease, permit or license, (2) the manner in which the operations are being conducted and (3) whether the operator is complying with applicable reclamation requirements. A copy of this report shall be furnished to the operator on request, and shall be made available for public inspection during normal business hours at the offices of the Federal Mining Supervisor.

C. For the purpose of evaluating the manner in which the Cooperative Agreement is being carried out and to ensure that reclamation is being effectively performed, the Secretary may inspect from time to time mines on Federal coal leases within the State. Inspections by the Secretary may be made in association with the regular inspection by the State Agency.

D. The Secretary may conduct inspections on Federal coal leases to determine whether the operator is complying with requirements that are unrelated to reclamation.

ARTICLE VI—ENFORCEMENT

A. If the State Agency determines that the operator is not complying with a requirement that relates to the reclamation of lands disturbed by surface mining, it shall take such steps as required by Sections 50-1046, 50-1050, and 50-1056, R.C.M. 1947.

B. If, in the judgment of the State Agency, an operator is conducting activities on lands subject to this Agreement which fail to comply with a requirement that relates to reclamation and those activities threaten immediate and serious damage to the environment; the State Agency shall take immediate action, as authorized by sections 50-1050 and 50-1056, R.C.M. 1947.

C. The State Agency shall notify the Secretary of all violations of applicable laws regarding reclamation on Federal coal leases including violations of Federal laws and regulations or lease terms and of all actions taken under sections 50-1046, 50-1050, and 50-1055, R.C.M. 1947, with respect to such violations.

D. This section does not limit the Secretary's authority to seek cancellation of a Federal coal lease under Federal laws and regulations, or prevent the Secretary from taking appropriate steps to correct actions that violate Federal law, but not State law, or from taking appropriate measures to remedy violations of a mining plan or other appropriate requirements.

E. Failure to adequately enforce the reclamation laws and regulations shall be grounds for termination of this Cooperative Agreement.

ARTICLE VII—BONDS

A. *Amount and responsibility.* The State Agency may require Federal coal lessees subject to the provisions of 30 CFR Part 211 to submit a bond as provided in sections 50-1039, R.C.M. 1947. The Secretary shall reduce the Federal bond required for reclamation purposes under 43 CFR 3041.3 and 30 CFR 211.3, by the amount of the bond required by the State Agency only if the release of all or any portion of the State Agency's bond is conditioned on compliance with the requirements of the approved plan, and the amount released is appropriate to the work completed. Where the surface of the lands is not owned by the United States, the State Agency shall notify the surface owner and solicit and take into account his comments before recommending release of the bond.

B. *Notification.* Prior to releasing the bond provided for in section 50-1039, R.C.M. 1947, for lands the surface of which is owned by the Federal Government, the State Agency shall consult with and seek the advice and consent of the Secretary.

C. *Release of bond.* The State Agency shall hold the operator responsible and liable for successful reclamation as required by section 50-1039, R.C.M. 1947.

ARTICLE VIII—OPPORTUNITY TO COMPLY WITH COOPERATIVE AGREEMENT

The Secretary may, at his sole discretion, and without instituting or commencing proceedings for withdrawal of approval of the Cooperative Agreement, notify the State Agency that it has failed to comply with the provisions of the Cooperative Agreement. The Secretary shall specify how the State Agency has failed to comply and shall state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him that the State Agency has remedied the defects in administration and is in compliance with and has met the requirements of the Sec-

retary. The time period specified shall not be less than 30 days. Upon failure of the State Agency to meet the requirements of the Secretary within the time specified, the Secretary may institute proceedings for withdrawal of approval of the Cooperative Agreement as set forth in Article IX.

ARTICLE IX—TERMINATION OF COOPERATIVE AGREEMENT

The Cooperative Agreement may be terminated as follows:

A. *Termination by the State.* The Cooperative Agreement may be terminated by the Governor upon written notice to the Secretary, specifying the date upon which the Cooperative Agreement shall be terminated, but which date of termination shall not be less than 60 days from the date of the notice.

B. *Termination by the Secretary.* The Cooperative Agreement may be terminated by the Secretary whenever the Secretary finds, after giving due notice to the State Agency and affording the State Agency an opportunity for a hearing:

1. That the State Agency has failed to comply substantially with any provision of the Cooperative Agreement; or

2. That the State Agency has failed to comply with any assurance given by the State Agency upon which the Cooperative Agreement is based, or any condition or requirement which is specified in Article III; or

3. That action unrelated to surface coal mine reclamation will unreasonably and substantially prevent the mining of federal coal.

C. *Termination by operation of law.* This Cooperative Agreement shall terminate by operation of law when no longer authorized by Federal laws and regulations or Montana laws and regulations.

D. *Notice of proposed termination.* Whenever the Secretary proposes to terminate the Cooperative Agreement he shall:

1. Give written notice to the Governor and to the State Agency;

2. Specify and set out in the written notice the grounds upon which he proposes to terminate the Cooperative Agreement;

3. Specify the date upon which and the place where the State Agency will be afforded an opportunity for hearing and to show cause why the Cooperative Agreement should not be terminated by the Secretary. The date upon which such hearing shall be held shall not be less than 30 days from the date of such notice, and the place of hearing shall be in the State.

4. The Secretary shall also publish a notice in the FEDERAL REGISTER containing the items in 1-3 of this paragraph.

5. Within 30 days of the date of the written notice specifying the date of the hearing, the State Agency may file a written notice with the Secretary stating whether or not it will appear and participate in the hearing. The notice shall specify the issues and grounds specified by the Secretary for termination which the State Agency will oppose or contest and a statement of its reasons and grounds for opposing or contesting. Failure to file a written notice in the Office of the Secretary within 30 days shall constitute a waiver of the opportunity for hearing, but the State Agency may present or submit before the time fixed for the hearing written arguments and reasons why the Cooperative Agreement should not be terminated, and within the discretion of the Secretary may be permitted to appear and confer in person and present oral or written statements, and other documents relative to the proposed termination.

E. *Conduct of hearing.* The hearing will be conducted by the Secretary. A record shall be made of the hearing and the Governor shall be entitled to obtain a copy of the transcript. The Governor shall be entitled to have legal and technical and other representatives present at the hearing or conference, and may present, either orally or in writing, evidence, information, testimony, document, records, and materials as may be relevant and material to the issues involved.

F. *Notice of withdrawal of approval of Cooperative Agreement.* After a hearing has been held, or the right to a hearing has been waived or forfeited by the State Agency, the Secretary, after consideration of the evidence, information, testimony, and arguments presented to him shall advise the Governor of his decision. If the Secretary determines to withdraw approval of the Cooperative Agreement, he shall notify the State Agency of his intended withdrawal and shall afford the State Agency an opportunity to present evidence satisfactory to the Secretary that the State Agency has remedied the specified defects in its administration of the Cooperative Agreement. The Secretary shall state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him, and upon failure of the State Agency to do so within the time stated, the Secretary may thereupon withdraw his approval of the Cooperative Agreement without any further opportunity afforded to the State Agency for a hearing.

ARTICLE X—REINSTATEMENT OF COOPERATIVE AGREEMENT

The Cooperative Agreement which has been terminated may be reinstated upon application by the Governor and upon giving evidence satisfactory to the Secretary that the State Agency can and will comply with all the provisions of the Cooperative Agreement and has remedied all defects in administration for which the Cooperative Agreement was terminated.

ARTICLE XI—AMENDMENTS OF COOPERATIVE AGREEMENT

This Cooperative Agreement may be amended by mutual agreement of the Governor and the Secretary. An amendment proposed by one party shall be submitted to the other with a statement of the reasons for such proposed amendment. The party to whom the proposed amendment is submitted shall signify its acceptance or rejection of the proposed amendment, and if rejected shall state the reasons for rejection. Upon acceptance by the Governor and the Secretary, the amendment shall be adopted after rulemaking.

ARTICLE XII—CHANGES IN STATE OR FEDERAL STANDARDS

The Secretary of the Interior or the State of Montana may from time to time revise and promulgate new or revised reclamation requirements or enforcement and administration procedures. The Secretary and the State Agency shall immediately inform the other of any final changes in their respective laws or regulations. Each party shall, if it determines it to be necessary to keep this Cooperative Agreement in force, change or revise its respective laws or regulations. For changes which may be accomplished by rulemaking, each party shall have six months in which to make such changes. For changes which require legislative authorization, each party has until the close of its next legislative session at which such legislation can be considered in which to make the changes. If such changes are not made, then the termination provision of Article IX may be invoked.

ARTICLE XIII—QUALIFICATIONS AND EXPERIENCE OF PERSONNEL

The State Agency shall be adequately staffed with, or have readily available to it an adequate number of qualified personnel to carry out fully the requirements of the Cooperative Agreement. The personnel of the State Agency shall be so qualified that the end result of their efforts is comparable to that which would have resulted from administration by Department of the Interior personnel.

ARTICLE XIV—CONFLICT OF INTEREST

No employee of the State Agency responsible for the administration of the State law and rules and regulations relating to this Cooperative Agreement shall participate in the review, analysis, administration, decision-making, or enforcement of actions relating to any operation subject to this Cooperative Agreement if such person has, directly or indirectly, any financial interest in a company, partnership, organization, or corporation (parent or subsidiary) which owns, operates or has a financial interest in such operation subject to this Cooperative Agreement.

ARTICLE XV—EQUIPMENT AND LABORATORIES

The State Agency shall have equipment, laboratories, and facilities with which all inspections, investigations, studies, tests, and analyses which are necessary to carry out the requirements of the Cooperative Agreement can be performed or determined or have access to such facilities.

ARTICLE XVI—EXCHANGE OF INFORMATION

A. *Organizational and functional statement.* The Governor and the Secretary shall advise each other of the organization, structure, functions, and duties of the offices, departments, divisions, and persons within their organizations. Each shall advise promptly the other in writing of changes in personnel, officials, heads of departments or divisions, or a change in the function or duties of persons occupying the principal offices within the organization. The State Agency and the Secretary shall advise each other in writing the location of its various offices, addresses, telephone numbers, and the names, location, telephone numbers of their respective mine inspectors and the area within the State for which such inspectors are responsible, and shall advise promptly of any changes in such.

B. *Laws, rules and regulations.* The Governor and the Secretary shall provide to each other copies of their respective laws, rules, regulations and standards, pertaining to the enforcement and administration of this Cooperative Agreement and promptly furnish copies of any final revision of such laws, rules, regulations, and standards when the revision becomes effective.

ARTICLE XVII—RESERVATION OF RIGHTS

This Cooperative Agreement shall not be construed as waiving or preventing the assertion of any rights the Governor and the Secretary may have under the Mineral Leasing Act, the Constitution of the United States, or the Constitution or laws of the State of Montana.

THOMAS JUDGE,
Governor,
State of Montana.

CECIL D. ANDRUS,
Secretary,
Department of the Interior.

APPENDIX A

(1) Mont. Stat. 50-1043;
(2) Mont. Stat. 50-1044(1)-(4);
(3) Mont. Stat. 50-1045;
(4) Mont. Stat. 50-1046;
(5) Mont. Admin. Code 26-2.10(10)-S 10310
(7) Mont. Admin. Code 26-2.10(10)-S 10340
(6) Mont. Admin. Code 26-2.10(10)-S 10340
(8) Mont. Admin. Code 26-2.10(10)-S 10350
(9) Mont. Admin. Code 26-2.10(18)-S10400 G I (a-k)

[FR Doc.77-16733 Filed 6-10-77;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-078]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Carrabelle River, Fla.; Devils Slough and San Joaquin River, Calif.

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: This amendment revokes the regulations for the U.S. Highway 98/319 drawbridge, mile 1.5, across the Carrabelle River, Florida; the Devils Slough drawbridge, mile 1.0, between Little Island and Russ Island, California; and the Brandt Road Bridge, mile 46.2, across the San Joaquin River, California, because these drawbridges have been removed.

DATE: This amendment is effective on June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-0942).

DRAFTING INFORMATION: The Principal persons involved in drafting this revocation of regulations are Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended as follows:

§ 117.245 [Amended]

1. By revoking 117.245(i)(6-b).

§ 117.712 [Amended]

2. By revoking 117.712(i)(5).

§ 117.714 [Amended]

3. Ey revoking 117.714(a)(1)(v).

(Sec. 5, 28 Stat. 362 as amended, Sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5).)

Dated: June 6, 1977.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.77-16703 Filed 6-10-77;8:45 am]

[CGD 76-139]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Dodge Island, Florida

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the regulations governing the operation of the Dodge Island drawbridge. This revision provides that from 7:15 a.m. to 5:45 p.m., Monday through Saturday, except legal holidays, the draw need open only on the quarter and three-quarter hour. This change is being made due to a significant increase in vehicular traffic during the periods concerned.

EFFECTIVE DATE: This amendment is effective on July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: On August 2, 1976, the Coast Guard published a proposed rule (41 FR 32238) concerning this amendment. The Commander, Seventh Coast Guard District, also published these proposals on August 6, 1976, as a Public Notice. Interested persons were given until September 7, 1976, to submit comments.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Lt. Edward J. Gill, Project Attorney, Office of Chief Counsel.

DISCUSSION OF MAJOR COMMENTS

Twenty-one responses were received. Thirteen either supported or had no comment on the proposal. The remaining eight either opposed the change in its entirety or recommended modifications to the proposed regulations. These modifications include different opening periods, complete withdrawal of the regulations, leaving the railroad bridge in the open position, and the grouping of vessels for each bridge opening. These letters of opposition and/or proposed modifications were each carefully and fully evaluated, however, the Coast Guard feels that the regulations, as proposed, will meet the reasonable needs of navigation. This matter will be closely monitored by the Commander, Seventh Coast Guard District, and if additional modifications to these regulations become apparent, he will recommend a course of action to the Commandant, U.S. Coast Guard, Washington, D.C.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations, is amended by revising § 117.446f to read as follows:

§ 117.446f Dodge Island bridges.

(a) From 7:15 a.m. to 5:45 p.m., Monday through Saturday, except legal holidays, the draws need not open except on the quarter and three-quarter hour to allow any accumulated vessels to pass. At all other times the draws shall open on signal.

(b) The draws shall open at any time for the passage of public vessels of the United States, tugs with tows, cruise boats operated on a regular schedule, or vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, or by shouting.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5).)

NOTE: The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: June 6, 1977.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.77-16705 Filed 6-10-77;8:45 am]

[CGD 76-167]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Niantic River, Conn.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the regulation for the Route 156 drawbridge across the Niantic River, mile 0.1, to permit closed periods from 7 a.m. to 8 a.m. and 4 p.m. to 5 p.m., Monday through Friday except holidays. These regulations do not apply to commercial vessels. This change is being made because of an increase in vehicular traffic during the morning and evening. The change will enhance the flow of traffic during these periods by limiting bridge openings.

EFFECTIVE DATE: This amendment is effective on July 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-0942.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

SUPPLEMENTARY INFORMATION: On November 1, 1976, the Coast Guard published in the FEDERAL REGISTER a notice of proposed rulemaking on this pro-

posal (41 FR 47945). The Commandant, Third Coast Guard District also published this proposal as Public Notice 3-282 on November 10, 1976. Interested persons were given until December 3, 1976, to submit comments. Five responses were received. Three supported the proposal. Two objected to the restrictions placed on commercial vessels. The Coast Guard felt this objection had validity and contacted the Connecticut Department of Transportation who agreed to exempt commercial vessels from this requirement. The Coast Guard is now satisfied that the regulations, as proposed will best serve the current needs of navigation.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.110 to read as follows:

§ 117.110 Niantic River, Conn., bridges.

(a) The draw of the Route 156 bridge shall open on signal, except that from 7 a.m. to 8 a.m., and from 4 p.m. to 5 p.m., Monday through Friday, except holidays, the draw need not open for the passage of vessels. However, the draw shall open at any time for the passage of commercial vessels.

(b) The draw of the CONRAIL (Penn-Central) bridge shall open on signal, except that from 8 p.m. to 4 a.m., from April 1 through October 31, and from 6 p.m. to 6 a.m., from November 1 through March 31, the draw shall open on signal if at least one hour notice is given.

NOTE.—When a train, scheduled to cross the bridge without stopping, has entered the drawbridge block, a delay in opening the draw may occur until the train has cleared the block.

(c) Signals: (1) The opening signal for the highway bridge is one long blast followed by one short blast.

(2) The opening signal for the railroad bridge is one long blast followed by two short blasts.

(3) The acknowledging signal from the draw tender of each bridge when the draw shall open is the same as the opening signal.

(4) The acknowledging signal from the draw tender of each bridge when the draw cannot open, or is open and must close, is four blasts.

(d) The owner of or agency controlling each bridge shall conspicuously post notices containing the substances of these regulations pertinent to each bridge, both upstream and downstream, on the bridge or elsewhere in such a manner that they can easily be read from an approaching vessel. This notice shall state whom to contact to have the draw opened if advance notice is required.

(Sec. 5, 28 Stat. 362, as amended, sec 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5).)

NOTE: The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: June 6, 1977.

L. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.77-16704 Filed 6-10-77;8:45 am]

[CGD 76-216]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Dutch Kills, N.Y.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the regulations governing the operation of the two Long Island railroad drawbridges and the Borden Avenue drawbridge across Dutch Kills, Queens, New York, to require at least six hours notice before the draws are required to open. This change is being made because of limited requests for opening of the bridges. The limited openings will enhance the flow of vehicular traffic and railroad traffic across the bridges.

EFFECTIVE DATE: This amendment is effective on July 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: On November 29, 1976, the Coast Guard published a proposed rule (41 FR 52307) concerning this amendment. This proposal was also published by the Commander, Third Coast Guard District, as a public notice dated December 21, 1976. Interested persons were given until December 31, 1976, and January 14, 1977, respectively, to submit comments.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

DISCUSSION OF COMMENTS

Seven comments were received. Four supported the proposal. One had no objection to the proposal but requested that vessels conducting dredging operations be able to pass as soon as possible. The Coast Guard feels this is a valid request and this requirement has been added to this regulation.

Two comments objected to the 7:30 a.m. to 9:30 a.m. and 3:30 p.m. to 5:30 p.m. closures on the ground that the heavy silting and shoalings of Dutch Kills necessitated passage at precisely high water. During periods when high water and commuter hours coincide, the proposed waterway commuter hour closure could result in the commercial plants upstream being idled due to the inability to restore depleted material and supplies. The Coast Guard feels that this objection has merit and these closed periods are not included in the final rule.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations, is amended by revising § 117.162 to read as follows:

§ 117.162 Dutch Kills, N.Y.

(a) The draws of the Hunters Point Avenue and Borden Avenue bridges shall open on signal if at least six hours notice is given to the New York City Highway Department's Radio (Hotline) Room.

(b) The draws of the Long Island Railroad bridges shall open on signal if at least six hours notice is given to the Long Island Railroad Movement Bureau.

(c) The draws of these bridges shall open as soon as possible for passage of public vessels of the United States and of the City of New York and vessels employed by the Army Corps of Engineers for dredging operations upon notification to the New York City Highway Department's Radio (Hotline) Room and the Long Island Railroad Movement Bureau.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5).)

NOTE: The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 as amended and OMB Circular A-107.

Dated: June 6, 1977.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.77-16707 Filed 6-10-77;8:45 am]

[CGD 3-77-3-R]

PART 127—SECURITY ZONES

Establishment of Security Zone New London Harbor, New London Connecticut

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes a portion of the waters of New London Harbor, New London, Connecticut as a security zone. This security zone is established due to the launching of the USS NEW YORK (SSN 696) from the Electric Boat Division, General Dynamics, Groton, Connecticut. No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port.

EFFECTIVE DATE: This amendment is effective from 11 a.m. to 1 p.m. June 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander J. E. Tamalonis Captain of the Port, USCG Station, Fort Trumbull, New London, Connecticut 06320, 203-642-7244.

SUPPLEMENTARY INFORMATION: This amendment is issued without publication of a notice of proposed rule making and is effective in less than 30 days from the date of publication, because this security zone involves a military function of the United States.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: LCDR J. E. Tamalonis, Project Manager, Captain of the Port, New London, Connecticut, and LT D. A. Smith, Project Counsel, Commander, Third Coast Guard District Legal Office.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.352 to read as follows:

§ 127.352 New London Harbor, New London, Connecticut.

The waters within the following boundary is a security zone: a line beginning at 41°20'32" N. latitude, 72°06'-00" W. longitude; thence north to 41°-21'03" N. latitude, 76°06'00" W. longitude; thence to 41°21'03" N. latitude, 72°05'00" W. longitude; thence south to 41°20'32" N. latitude, 72°05'00" W. longitude; thence to the beginning point.

(46 Stat. 220, as amended, § 1, 63 Stat. 503, § 6(b), 80 Stat. 937; 50 U.S.C. § 191, 14 U.S.C. § 91, 49 U.S.C. § 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR 1949-1953 Comp. 356, 778, 873, 3 CFR, 1964-1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b).)

Effective date: This amendment becomes effective from 11 a.m. to 1 p.m., Eastern Daylight Time on June 18, 1977.

Dated: May 5, 1977.

J. E. TAMALONIS,
Lieutenant Commander, U.S. Coast Guard, Captain of the Port.

[FR Doc.77-16706 Filed 6-10-77;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5619; UT-6348]

UTAH

Reservoir Site Restoration No. 44; Powersite Restoration No. 661; Revocation of Powersite and Reservoir Site Withdrawals in Whole or in Part: Correction

AGENCY: Bureau of Land Management (Interior).

ACTION: Final rule.

SUMMARY: This order corrects certain errors which were made in Public Land Order No. 5604.

EFFECTIVE DATE: June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Eldon C. Hays, 202-343-8731.

By virtue of the authority contained in section 204 of the Federal Land Policy and Management Act of 1976, Pub. L. 94-579, October 21, 1976, it is ordered as follows:

1. Paragraph 1, Public Land Order No. 5604 of October 5, 1976, FR Doc. No. 76-30087, which appeared at pages 45006-7 of the October 14 issue of the FEDERAL REGISTER, is hereby corrected as follows:

Under Reservoir Site No. 2, Silver Lake, the land described in T. 2 S., R. 3 E., sec. 35, W½NE¼SW¼ is corrected to read NE¼SW¼.

2. Paragraph 2 of the subject public land order, under Powersite Reserve No. 711, the land described under T. 5 S., R. 4 W., is corrected as follows: section 17, delete lot 5; SE¼NE¼ is corrected to read SE¼NW¼; section 24, NE¼NE¼ is corrected to read NW¼NE¼.

The following described land, inadvertently shown under Powersite Reserve No. 685, should have been shown under Powersite Reserve No. 494:

T. 10 N., R. 3 E.,
Sec. 14, S½SW¼, SE¼SE¼;
Sec. 15, N½NW¼;
Sec. 23, E½NE¼, NE¼SE¼.
T. 10 N., R. 4 E.,
Sec. 30, lot 3, NE¼SW¼, S½SE¼.

The following described land, inadvertently shown under Powersite Reserve No. 494, should have been shown under Powersite Reserve No. 569:

T. 3 S., R. 6 W.,
Sec. 35, NE¼NE¼.

3. Paragraph 3 of the subject public land order is hereby corrected by deleting the reference to lands listed in paragraph "1".

4. Paragraph 6 of the subject public land order is hereby corrected by deleting the words "subject to the provisions of the Act of August 11, 1955 (69 Stat. 682, 30 U.S.C. 621)."

GUY R. MARTIN,
Assistant Secretary of the Interior.

JUNE 6, 1977.

[FR Doc.77-16652 Filed 6-10-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19667; FCC 77-334]

PART 1—PRACTICE AND PROCEDURE

PART 73—RADIO BROADCAST SERVICES

Requirement of Broadcast Licensees To Maintain Certain Program Records

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: These rules require commercial and noncommercial educational radio licensees to make their program logs available for public inspection, and make their logs as well as the contents of their public inspection files available for copying by machine reproduction. Commercial radio licensees will continue to be required to retain letters received from the public commenting on the station's operation and programming. The intended effect of these rules is to further the dialogue between citizens and radio broadcasters. This action was initiated by a petition filed by the National Citizens Committee for Broadcasting.

EFFECTIVE DATE: July 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Freda Lippert Thyden, Broadcast Bureau (202-632-7792).

SUPPLEMENTARY INFORMATION:

Adopted: May 18, 1977.

Released: May 24, 1977.

Third report and order—Proceeding terminated. In the matter of petition for rulemaking to require broadcast licensees to maintain certain program records, Docket No. 19667, RM-1475.

1. The Commission has before it the proposal set forth in the Memorandum Opinion and Order and Third Further Notice of Proposed Rulemaking in this proceeding (hereafter called "The Third Further Notice of Proposed Rulemaking"), 41 FR 37344, published September 3, 1976. In response to this Notice a large number of parties filed formal or informal comments, which will be considered herein. A list of the parties filing formal comments and/or reply comments is contained in Appendix B below.

2. In essence, the issues in this docket relate to public access to television and radio station[1] program records, including the station's program logs and letters sent to the station. An additional issue, whether to require the keeping of transcripts or recordings of certain programs, was included later. In order to place the issues with which we are presently concerned in proper perspective, we will first provide a brief history of this docket. On January 3, 1974, we adopted a First Report and Order in this proceeding (44 F.C.C. 2d 845) amending our rules to provide for public inspection of television station program logs and to establish the procedures which would apply to inspection requests. The rules which were then adopted allowed not only access to, but also reproduction of, the program logs of television licensees. The Report and Or-

[1] Although noncommercial education stations are treated differently in some respects, such is not the case with the present rules relating to maintaining program logs. In the discussion below regarding adoption of new rule provisions, no distinction is being drawn between these two categories of stations. This common treatment follows the approach of our earlier action making the program logs of both commercial and noncommercial educational stations available for public inspection.

der reiterated the Commission's position, previously stated in our Memorandum Opinion and Order adopted October 3, 1973 (43 F.C.C. 2d 680), that it was preferable to defer action regarding making these requirements applicable to radio stations, until experience could be gained in connection with application of the rules to television stations. We indicated that separate treatment for radio might be appropriate, particularly because of special problems raised by the extensive use of automatic logging for radio broadcasters. In contrast, few television licensees utilized such a system. We determined that those that did could be called upon to provide access to their "pre-logs" (or operating schedules) which were to be updated to reflect last minute changes. It should also be noted that new rules governing the automatic logging matter were adopted by the Commission on May 27, 1976, in its Report and Order (59 F.C.C. 2d 1356) in Docket No. 20600. In that proceeding two forms of automated logging were discussed: Automatic program logging which produces an actual English language program log,[2] and the automatic maintenance of program logging [3] which produces a magnetic tape or encoded printout record from which entries could be made in a manual log if need be. Although they are required to do logging in the sense of keeping records of the data, licensees using automatic maintenance of program logging devices are not required to produce a daily program log based on these records except when the Commission's regulatory purposes require the submission of a written daily log. Logs are now kept for two years. In connection with the First Report and Order consideration of a change in the log retention period was deferred because of our concern that an additional retention requirement might impose a burden. We indicated our reluctance to adopt a longer retention period unless our experience with public inspection demonstrated that a real advantage would be gained.

3. Having permitted the public to obtain newly available copies of television program logs, we concluded that it would be anomalous not to permit the same copying of the material which had traditionally been available pursuant to the provisions of Section 1.526 of the Commission's rules. Accordingly, in the Second Report and Order (47 F.C.C. 2d 1157), adopted July 17, 1974, the Commission amended its rules to permit the reproduction of materials maintained locally for public inspection by television station applicants, permittees and licensees. Radio stations were to be dealt with later. Also relevant to this proceeding is an Interim Report and Order (FCC 73-451) released in Docket No. 19153 on May 4, 1973, in which the Commission adopted § 73.1202(f) of its rules which requires that all written comments and suggestions received by radio and television licensees from members of the public concerning operation of their stations be maintained in their local public inspection files for three years from the dates the comments are received. This requirement, however, was enacted on an experimental basis with respect to radio stations.

4. With this background we now proceed to consideration of the four issues raised in the Third Further Notice of Proposed Rulemaking. Three of these issues relate to the operation of radio stations. They are: whether radio licensees should be required to make their program logs available for public inspection and machine reproduction; whether radio licensees should be required to make the contents of their public files available for copying by machine reproduction; and whether the Commission should continue to require that radio licensees keep in their public files for a period of three years copies of all written comments or suggestions concerning station operation received from the public. The fourth issue presented by the Notice, and clarified by a Public Notice (Report No. 12290) released on September 3, 1976, concerns both radio and television licensees. It is whether to require them to make and retain for disclosure transcripts, tapes or other recordings of all news and public affairs programming. Each of these issues will be discussed separately.

Public Inspection of Radio Station Program Logs

5. As previously mentioned, our rules were amended in 1974 to provide for public inspection of television station program logs. The applicable rules, §§ 73.674 and 1.526(a)(10), require that program logs in addition to being available upon request by authorized representatives of the Commission; are to be made available upon request for public inspection and reproduction at a location convenient and accessible to the residents of the community to which the station is licensed. Requests for inspection are subject to certain procedural requirements relating to the circumstances of public inspection and of obtaining copies.

6. In support of a similar proposal for radio licensees, Citizens Communications Center (hereafter called "CCC") asserts that the Commission has already recognized, in the First Report and Order, that the information contained in a licensee's program log is absolutely essential for the station's performance. CCC believes that adoption of the rule for radio would greatly assist citizens' groups in overcoming what it sees as procedural or evidentiary obstacles to their effective and constructive participation in the regulatory process. WNCN Listener's Guild and Citizens Committee to Save Jazz Radio as well as the Rio Grande Valley Coalition on the Media urge that the information be made available since the material in a station's program log is not available anywhere else, a point echoed by Oficina Legal del Pueblo Unido, which also points out that radio program guides are not published in local newspapers. These parties believe that access is necessary to make a determination that the radio station has performed what it promised. Media Access Project contends that the composite week logs that already are available for public inspection may not adequately reflect a station's overall program service. In this regard, CCC, in its reply comments, states that the renewal application, except for the seven days of program logs comprising the composite week, only provides the public with program statistics. It does not include a listing of actual programs, public service announcements, or commercials or an indication of when they were presented.[4]

7. On the other side of the issue the Commission has received voluminous responses, both formal and informal, from licensees and broadcast associations in opposition to the proposed rule. The arguments generally made by these parties are that the proposed rule should not be adopted since it runs counter to the Commission's effort at re-regulation. Adoption of the rule, it is felt, would be a step backward from the effective gains made by the elimination of useless and out-dated rules and regulations. They also assert that there is no reason to adopt such a requirement for radio stations as the public has shown little interest in television station program logs and public inspection files. They charge the proposal would require considerable storage space and burden station personnel. Also, they express concern that access to the program logs would provide advertising information to competitors and that the proposed rule could destroy the advantages of using an automatic logging system.

8. Many broadcasters asserted that the public is not interested in inspecting a licensee's records and cited their own experience with the public inspection file as an indication of the public's apathy toward viewing materials retained by licensees. Hampton Roads Broadcasting Company stated that although logs could be made available quite easily

[2] This log is in final form and no different from one manually kept.

[3] Rather than producing a log in a final form, this method records the data from which a log could be constructed.

[4] The Screen Actors Guild, representing performers who are regularly employed in filmed and taped materials intended for television broadcast but produced in facilities other than those of broadcast licensees, also commented in favor of public access to radio program logs. It contends that in order for it to ensure the accuracy of residual payments, program logs should include specific identification of broadcast materials and of the party from whom the licensee obtained the material. Also suggested is that program log information be given to the requesting party by telephone or mail when appropriate. This latter request has been previously and adequately dealt with in connection with the proceeding providing public access to television program logs. As to the former request, this proceeding does not encompass the question of what particular data should be recorded on program logs and thus will not be considered.

since they already have to be retained for the Commission, the rule would not serve any useful purpose because in its 48 year history no one has ever asked to see a log. Kaye-Smith Enterprises and others made a similar point about lack of interest and Dwight-Karma Broadcasting Company asserted that if such requirements are established, we should limit the materials subject to inspection.

9. Dow, Lohnes & Albertson, on behalf of its licensee clients, contends that the Commission would be hard pressed to show how the public interest has been served by the television experience of log access. The law firm questions whether the television rule has contributed in any way to the licensee-public dialogue, and on this basis we are urged not only to reject the radio rule, but also to eliminate the television requirement. Along the same line, the National Association of Broadcasters provides us with the results of a survey it conducted among small, medium and large market television licensees which indicates that 86 percent of the responding licensees have never been asked to provide access to their program logs.

10. Typical of the many responding parties who discussed the purported burdens that program log access would bring to radio was Tri-City Broadcasting Company. It argued that most licensees would encounter a new problem in providing the space required to make program logs accessible to the public. Other parties see the rule as creating problems for a station's staff in terms of having to prepare duplicate logs—at added expense—or to make personnel available to supervise inspections and in terms of the need to have an employee oversee any inspection.

11. Apparently, unaware that a television licensee's program logs are not themselves part of the public file (see § 1.624(a)(10) of the Commission's rules) and that such had not been proposed for radio stations, several parties assumed that the radio rule would require such placement. This point does not require a response as it has never been our intention to make the logs part of the public file as such.

12. Many licensees, including Fairchild KLIF, Inc. (hereafter called "KLIF"), and Sonderling Broadcasting Corporation, see open access as bringing with it the potential for abuse by competitors. Colorado Broadcasters Association considers the program log to be the basic financial tool of a station's operation and, therefore, something which should not be open to competitors. Similarly KLIF does not object to the program logs being made available to narrowly defined class of individuals, but it urges that competing stations should not be given access because "logs contain detailed information about a station's sponsors and programming concepts." Sonderling and Horizon Communications Corporation argue that because many program logs contain business information such as spot rates and billing totals, in addition to what is required by the Commission, logs need to remain confidential. Also, Norman Knight and WKLC view the rule change as an opportunity to competitors to compile lists of those advertisers who use radio.

13. The possible conflict between access and the utilization of modern technology has been raised by several parties. They assert that it is now possible for radio to have the capability of automating many aspects of daily operation, including program logging. They fear that automated stations, which usually have a small staff, would have the burden of additional record keeping. They cite the need for transcribing automatic logs into a written, understandable form and contend that such additional record keeping would defeat the purpose of automation and would eventually lead to the elimination of such automated systems. If we adopt the proposal, we are urged to specifically permit the continued use of the automatic logging systems.

14. Through development of the record in this proceeding as well as the experience we have had with the public's access to television program logs over the past three years, the Commission believes it has a sufficient basis upon which to resolve the basic issue now before it. Our experience indicates that broadcasters have not been unreasonably burdened by the television rule, and in fact, we note that a number of broadcasters did not object to application of the proposed rule to radio. For instance, Rust Craft Broadcasting Company reports that, based on its television stations' experience, it would accept application of such a rule to radio as long as it encompassed the same procedural protections as for television stations. Although opponents believe that the television rule has not been relied on by the public and, further, that most stations do not even get requests to review the public inspection file, the Commission does not feel this speaks against the concepts embodied in the television rule and proposed in a rule for radio. To the contrary, the value to the public of this type of regulation can only be seen if and when a request is made. We have no doubt that many stations rarely receive such requests from the public and others may never receive them. By the same token, many licensees will never be asked by the Commission for access to their program logs, but this does not obviate the need for an on-going capability in case the need arises. We conclude that the public have a similar opportunity. Moreover, since the number of requests for access to program logs has been minimal, it does not appear that broadcasters would be unduly burdened. In fact, having such a requirement could lessen other burdens[5], as hopefully could be the case if it led to local resolution of disputes which otherwise would have to be resolved based on pleadings filed with the Commission.

15. We do not agree with those parties who feel adoption runs counter to our re-regulatory activities in the radio area. Indeed, the Commission has attempted to eliminate those rules which no longer serve a useful purpose, but availability of program logs, as we noted is an important matter. Moreover, as was noted in the First Report and Order, no new record keeping would be necessary to provide public access since all stations already are required to maintain and retain daily program logs for two year periods[4] (Sections 73.115, 73.285, 73.585, and 73.673 of the Commission's rules).

16. Regarding any possible competitive disadvantages that might result from public access, we believe that the implementation of those procedures adopted in the First Report and Order and delineated in § 73.674 of the Commission's rules should assuage the apparent fear of the potentiality of competitive snooping. Also, before inspection, a licensee is permitted to remove billing, financial, or operational information which in any event has been included voluntarily as it is not required by our logging rules.

17. The above discussion is directed to public access to program logs as such and does not touch upon the concern evidenced by many commenting licensees about the impact the rule could have on radio stations using automated programming equipment. Whereas only a very few television licensees utilize automatic logging equipment, a growing number of radio stations do. Moreover, many small broadcasters are able to maintain a margin of profit by employing automation. We do not desire to disrupt this practice or discourage other licensees from converting to such methods of operation. Broadcasters utilizing automated programming systems that produce an English language log obviously have no problem. These logs could be as easily used by the public as the more conventional manually kept log. However, we acknowledge that access problems could occur for those licensees who rely on encoded printouts or audio tape recordings as a means of automatically maintaining program data, described earlier. The question is whether there is a means of responding to the public's request for access in a manner that does not unduly burden licensees having such logging devices. We think there is, and to this end we will require such licensees to make the automatically maintained program log data available, but will place the responsibility for translating it on the inspecting party. The licensee must, how-

[5] Access to program logs or log data need only be provided during the station's normal business hours when administrative staff is present to serve the inspecting party.

[4] The length of the retention, an issue raised in the Initial Notice of Proposed Rulemaking (38 FR 1511, published Jan. 15, 1973), was deferred for later consideration. Nearly all parties were silent on this point but we find no compelling reason to alter the two year period. Additional retention could impose a serious burden on the storage capability of many licensees.

ever, provide a code translation key to accompany any encoded print-outs. As for those stations who record program log data on audio tape, such tapes must be made available for audition by requesting parties. The Commission recognizes that such audio tapes are often recorded at speeds that make them incompatible with the more conventional broadcast and home tape recording equipment. Accordingly, we believe that the station should permit the reasonable use of its slow-speed playback equipment where such utilization will not disrupt the operation of the station. If a requesting party requires more time to review the audio tapes than the licensee can reasonably provide without undue expense or disruption of station operations, the inspecting party may obtain compatible playback equipment or the licensee may have the audio tapes reproduced and converted to a more conventional speed elsewhere at the inspecting party's expense. Other methods to make log data on audio tapes available to the public may be used by licensees as long as they fulfill their obligation in this regard.

18. Finally, we were asked by Keystone to consider a small market exemption, as was done in our ascertainment guidelines. See the Primer on Ascertainment of Community Problems by Broadcast Renewal Applicants, 57 F.C.C. 2d 418 (1976). It is said that there is relative ease in doing off-the-air monitoring of the typical small market. As noted earlier, we do not perceive any significant burden resulting from the adoption of the rule. Moreover, all stations are subject to the same logging rules, and the interest in inspecting such logs does not appear to be related to the size of the community. For these reasons we do not consider a small market exception warranted.

Machine Reproduction of Program Logs and Public Inspection Files

19. As earlier noted, we adopted a rule (§ 73.674(c)(3)) requiring television stations to provide machine reproductions of their program logs for members of the public upon request. This obligation was later extended to materials found in the public inspection files of television stations. (§ 1.526(f) of the Commission's rules.) These rules have been advantageous to both members of the public seeking to review the logs and licensees faced with such requests. Public interest groups and licensees alike are benefitted by a system that avoids the laborious process of note taking with the need to spend many hours at the station. Machine reproduction provided a reasonable alternative consistent with our objective of making the program log available to members of the public. Also, while we felt that an inspecting party should have a reasonable time to examine the program logs without having to pay the cost of copying them, we did not believe it appropriate to allow such requests to involve an indefinite stay at the station. Thus, we stated that if an examination is requested beyond a reasonable time, the licensee could condition further inspection upon the inspecting party's willingness to either duplicate the logs at the examiner's expense, or reimburse the licensee for whatever reasonable expense is incurred if supervision is deemed necessary.

20. We have found that the general considerations for and against permitting machine reproduction of a radio station's program logs and material in its public file are the same as those which apply to television. It is apparent from the comments filed in this proceeding that the copying provisions adopted for television licensees did not prove burdensome or onerous. Many of those commenting are licensees of radio and television stations. Yet, none recounted any significant unfavorable experiences to support a different conclusion. Moreover, a number of these licensees specifically expressed the view that they had no objections to these provisions so long as the costs were borne by those seeking copies, and safeguards similar to those adopted for television stations were adopted for radio stations. Therefore, we will not belabor the point with a reiteration of the arguments considered and resolved under our prior consideration of the proposal which adopted these rules for television licensees. We will, however, discuss a number of issues unique to application of this rule to radio stations.

21. It appears that much of the current objection to the proposed machine reproduction provisions resulted from the mistaken view that we intended to require licensees to maintain in-house reproduction facilities; a requirement that many radio licensees believed could not be supported by their earnings. Other licensees contended that they could not comply with the proposed reproduction requirement due to the unavailability of reproduction services or facilities in their small communties of license. Finally, a number of comments discussed the difficulties associated with providing access to and and copies of data produced by automatic logging systems.

22. As noted, we did not contemplate a rule requiring radio licensees to maintain in-house reproduction facilities. Further, we do not believe that many licensees will be confronted by the total absence of local reproduction facilities or services. We remind those commenting that requests for access to the currently available materials have been few and that request for reproduction of the newly available materials is likely to be but a fraction of that number. Nor do we see a problem in interested parties being able to obtain reproductions of portions of program logs produced by automatic logs in a written form. However, we will discuss below the manner of handling requests to reproduce program logs, however maintained, and material in station public files.

23. In order to protect logs and public inspection file material against loss or damage we will require that any reproduction of this material be carried out at a location chosen or approved by the licensee. Also, the reasonable costs of reproduction may be charged to the party requesting copies. Since there are a wide variety of ways of making copies, we do not intend to specify a particular price per copy or method of duplication, leaving that to resolution by the parties.

24. In the event that reproduction facilities or services are not locally available for reproduction of program logs or log data, licensees shall arrange for reproduction through other sources. The cost of completing such arrangements (e.g., any long distance calls, handling and transportation charges, etc.) may be passed on to the party requesting the copies. Compliance with requests for material in the public file (i.e., logs excluded) shall be completed within a reasonable period of time, which shall not be longer than seven days if local reproduction facilities are available. Copies of program logs or log data shall be provided within a reasonable period of time. We encourage parties to establish mutually satisfactory timetables considering pertinent information such as the size of the station, the amount of information requested, and the location and availability of reproduction facilities. Similarly, this method of determination of reasonable time will apply in lieu of the seven days maximum period for reproduction of public file materials in all instances requiring use of reproduction facilities outside the city of license.

Retention of Comments From the Public In the Public Inspection File

25. We determined that enough time had passed for us to review the results of our rule (§ 73.1202(f)) requiring radio stations to retain letters received from the public commenting on the station's operation and programming and we raised this issue in our Third Further Notice of Proposed Rule Making.

26. The comments of public interest groups uniformly support continuation of the letter retention requirement and the three-year retention requirement associated with it. The National Citizens Committee for Broadcasting (hereafter called "NCCB") suggests that retention of these letters would help the public evaluate a station's performance. The Rio Grande Valley Coalition on the Media and others believe that access to public correspondence can assist public groups in evaluating the merits of allegations that practices in programming, commercialization, equal time, and fairness are unsatisfactory. The Office of Communication of the United Church of Christ states that often individuals who have valuable contributions to make are unknown to one another and the letters in the public file can bring them together. WNCN Listeners Guild and Citizens Committee to Save Jazz Radio contend that the ability to locate other like-minded listeners is crucial to persons seeking to organize citizens' participation at the Commission. Media Access Project says that retention of letters in the public file is likely to make licensees more

attentive to the problems expressed in those letters.

27. More specifically, a number of public interest groups suggest that maintenance of viewer correspondence is essential to assist those contesting format changes of radio licensees to locate others dissatisfied with proposed format changes and contend that these files provide an excellent source of information on listener reaction to programming by the licensee.

28. The responses of licensees although varied, were in overwhelming agreement in opposing continued retention of these letters, arguing that they serve no useful function. Numerous licensees stated that during the preceding twelve months or during the entire experimental period, there were no requests for access to these letters. While a large number of licensees cited this fact in support of their request for deletion of the rule, others took the view that with such a lack of interest they did not care if the rule was retained. Others, particularly licensees licensed to large communities, contended that they received many letters and that retention was a significant burden. Suggestions were also made proposing that the retention period be limited to one year.

29. Other comments were directed to the usefulness of the letters and comments themselves. Several licensees stated that most listener mail dealt almost exclusively with the airing of a particular song or singer and with shifts in on-air personalities rather than more basic public matters. One party did note that hard-hitting news and public affairs programming did stimulate comment so that there is an incentive to avoid controversial issues which would overload the file.

30. It was argued that retention of these letters was necessary for those seeking to protest format changes. Broad Street Communications Corporation, et al. (hereafter called "Broad Street") on the other hand argued that letters in the public file were not helpful in this regard, as those in opposition directed their letter campaigns to the Commission itself rather than the station. Broad Street noted that the Court directed a hearing in the WEFM case even though there was no mention of letters to the station, only those to the opponents and the Commission. Citizens Committee to Save WEFM v. F.C.C., 506 F. 2d 246 (D.C. Cir. 1974). Finally, they conclude that in view of the Commission's recent decision in its inquiry into the Development of Policy Re: Changes in the Entertainment Formats of Broadcast Stations, 60 F.C.C. 2d 858 (1976), such letters will be irrelevant because the Commission has expressed its intent to avoid involvement in such cases in the future.

31. The Commission adopted this letter retention requirement as part of a two-pronged effort to make licensees more conversant with the views of their listeners and wherever possible to improve the likelihood that differences could be resolved at the local level. Toward these ends the Commission adopted a broadcast notice requirement through which licensees were to inform the public that comments on the station's operation were welcome and that they would be retained in the station's local file. The Commission's reasons for adopting the letter retention requirement were two-fold. One, it was to provide interested members of the public, or the Commission in instances where a petition to deny has been filed, information to better determine the nature of community feedback being received by the licensee; and two, to provide a better indication of the extent to which an interested party's opinions regarding community problems and needs and/or the licensee's broadcast operation might be shared by other members of the community.

32. We continue to believe that the purposes of the public notice requirement are sound. Were we to delete the requirement that the responses to the notices be retained, we would create the anamolous situation of asking for something not worth keeping. We need not establish that each letter received by licensees contains useful comments dealing with matters that are cognizable in our renewal and/or licensing proceedings. We recognize that some may not, but even in such cases they can relate to the process of local dialogue. Conceivably the files could be culled to remove the non-pertinent material but this process itself would invite complaints. Although some burden is involved in maintaining the file, it is a relatively small one unless it is regularly being viewed by members of the public. But in such cases, burden or not, the usefulness of the material is clearly established. Thus, we will continue to require radio licensees to retain the public's comments and suggestions on the operation of their stations.[7] However, we emphasize that it is not our intention to have the purpose of the public file changed as part of an effort to invite attack on a format change. That was not and should not become the purpose of the public file.

RETENTION AND DISCLOSURE OF TRANSCRIPTS, OR TAPE OR DISC RECORDINGS OF NEWS AND PUBLIC AFFAIRS PROGRAMS

33. The original petition in this docket, filed by NCCB, sought a requirement that licensees make available a transcript, tape or disc recording of all programs except entertainment and sports. This proceeding also encompasses the portion of the National Black Media Coalition petition for rule making that sought the same result for news and public affairs programs. The subject, raised in the Third Notice of Proposed Rule Making, was clarified in the Public Notice (Report No. 12290) of September 3, 1976, in which we limited the proposal to news and public affairs programs.

34. Those supporting this proposal argue that it would promote constructive citizen-broadcaster dialogue about station programming and avoid the need to conduct the costly and burdensome monitoring of a station's programming. It is said that program logs do not give a complete picture of a station's performance in news and public affairs programming and that a taping requirement would be a logical extension of the rationale for making program logs publicly available. NCCB and others in favor of the proposal contend that adoption of such a rule would ease the burden on the Commission, citizen groups and broadcasters of reconstructing programs in lengthy pleadings in those situations where allegations of personal attack,[8] program length commercials, program imbalance or improprieties have been made. Others submit that retention of tapes or transcripts would also provide more accurate information for the public and broadcasters for resolution of allegations made concerning any alleged fairness doctrine and equal time violations,[9] or assertions of misleading advertisements, misrepresentations or failure on the part of broadcasters to meet their communities' needs. Action for Children's Television asserts that the requirement could overcome logging errors, and they also suggest that tapes of children's programming, other than entertainment be retained and made accessible to assist in determining whether broadcasters are meeting their obligation under the Commission's Report and Policy Statement on Children's Television Programs[10] to air instructional programs for children.

35. Various supporters argue that the requirement to retain and disclose tapes is neither impracticable nor financially burdensome for commercial licensees and note that section 399(b) of the Communications Act of 1934, as amended, requires noncommercial educational broadcasting stations obtaining financial support from the Corporation for Public Broadcasting to make and retain an audio recording of broadcast programs in which any issue of public importance is discussed.[11] CCC submits that since

[7] As specified in rule 1202(f), comments are to be retained except when the person making the comment or suggestion has specifically requested that his communication not be made public or where the licensee feels that it should be excluded from availability for public inspection because of the special nature of its content, such as a defamatory or obscene letter. We also note in this context that we will not require anonymous letters to be maintained in the public inspection file.

[8] For a revision of the personal attack rules see our Memorandum Opinion and Order on Procedures in the Event of a Personal Attack, 12 F.C.C. 2d 250 (1968).

[9] See section 315 of the Communications Act of 1934, as amended, and the Fairness Report, 48 F.C.C. 2d 1 (1974).

[10] 50 F.C.C. 2d 1 (1974).

[11] A new subsection (b) was added to Section 399 of the Communications Act by Pub. L. 93-84, 87 Stat. 219, approved August 6, 1973. The Commission in a Report and Order 57 F.C.C. 2d 19 (1975) adopted rules (§ 73.622) to effectuate this Congressional mandate. See n. 15 below.

the resources of these public broadcasters are less than those of commercial broadcasters, the latter should be able to effectuate the taping proposal without much difficulty. The Public Media Center, however, suggests that if the taping requirement is economically burdensome, either small market stations be exempted or tapes be kept for only one year. WNCN Listener's Guild recommends that if ultra slow speed recorders are used to record tapes they be retained for only six months and that maintenance of transcripts not be a requirement since it is an expensive proposition.

36. Those in support of the proposal contend that the public needs an electronic library as a reference tool to fully review and assess the types and adequacy of programming. The New Jersey Coalition for Fair Broadcasting states that retention of tapes would also benefit scholarly endeavors, for instance historical research. Whereas, the Council on Children, Media and Merchandising suggests that not only should tapes be retained but that their non-profit use by members of the public should be allowed.

37. Most of the formal comments received in this docket strongly oppose the tape, transcript or disc retention and disclosure proposal. To the extent they incorrectly assume that tapes of all programming other than entertainment and sports are to be retained, when actually the proposal, as clarified in our Public Notice, envisioned that only tapes of news and public affairs were to be maintained, this need not be considered. Generally speaking, those in opposition direct themselves to two principal issues, one practical the other philosophical. On the first they contend that the proposal would counter the Commission's re-regulation policy. Moreover, they assert that a new burden is involved since there is not such requirement now as there is for program logs for which public access is provided. Licensees contend that the proposal would greatly increase their record keeping burdens and argue that such an additional chore would be without a consequent benefit to the public. Broadcasters say that a meaningful dialogue between them and the public already exists because of such procedures as ascertainment and that in their experience few if any requests for program transcripts have been made. The Public Broadcasting Service (hereinafter called "PBS") asserts that in the past three years it has only received two requests for audio tapes of programs involving the discussion of issues of public importance required to be maintained. It further notes that its member stations indicate that in general they have experienced a similar lack of public interest in those tapes. Thus, PBS agrees with the commercial broadcasters who contend that the expense of the taping proposal is not justified. These broadcasters argue that the money which would be spent to effectuate the proposal would be more beneficial to the public if spent on programming.

38. Although the comments on the financial aspect of the proposal are not in exact agreement with one another the comments noted here serve as examples. According to WTVY, Inc., for instance, the video tape cost for the television station's news and public affairs programs over a two year period would exceed $120,000. KOLR–TV suggest the figure could reach more than $382,000.[12] Even for audio tape at a radio station the expenditure would be at least $4,000 per station, not counting personnel costs for production,[13] cataloging, filing, storage and retrieval of tapes, as well as supervision of the public's use of them; acquisition of additional taping equipment [14] and additional repair and upkeep of equipment; institution of a tape library; and construction of additional storage space and non-operational space for replay of news and public affairs programs. According to Fisher's Blend Station, Inc., adoption of the proposal would add at least $5,000 per year to radio station expenses.

39. Broadcasters also contend that the effect of the proposal would be to inhibit the airing of news and public affairs programming in order to minimize the cost of taping such programs and retaining them for the public's access. Not only would licensees not expand news and public affairs programming, but in some cases, it is said, the proposal's costs would actually require a cut-back in this type of programming and perhaps a reduction in the quality of overall programming as well. Furthermore, broadcasters assert that the retention of tapes is not necessary to resolve any question arising as to rule violations for present procedures are adequate in dealing with such charges. Program information is already available in those situations in which it is really needed. For instance, licensees already are obligated to furnish tapes, transcripts or accurate summaries of programs containing personal attacks to the subjects of such attacks. Moreover, licensees must retain records as to the general subjects covered in their news and public affairs programming to be in a position to prepare annual problem/program listings. It is said that these listings provide the public with adequate information to make a meaningful analysis of a licensee's programming service.[15] Broadcasters do not believe that the public is unduly burdened in these matters even in connection with an alleged fairness doctrine violation. Moreover, broadcasters assert that the tape or transcript of a program would not demonstrate anything regarding a station's overall programming on a particular issue.

40. Great attention was given to the other main issue, the chilling effect on free expression which they envision would result from the proposal. It is said that retention and disclosure of tapes could act to improperly open up the content of news and public affairs programs to the possibility of examination by the Commission. The charge is that this would act as a strong disincentive to the presentation of these programs through harassment by those disagreeing with their programs. Licensees suggest that the issue of whether to retain tapes should be left to their discretion. In the alternative, a few licensees recommend that tapes of news and public affairs programs be retained for a short period of time, such as thirty or sixty days.

41. Of some concern to broadcasters, though not apparently a significant number, is the possibility that the taping proposal might constitute an infringement of copyright protections. The argument is made that under copyright provisions, broadcasters have no right to make copies of program material for exhibition to others. Also of concern to one commenting party is the possibility that, as a consequence of playing these tapes to the public,[16] broadcasters could be liable for defamation.

42. In reply, even some of those supporting the proposal recognize that it could pose substantial additional duties on broadcasters, but comment that without the rule the public would be unfairly burdened. They suggest that rather than resolving the retention of tape issue at present, a study be commissioned as to whether this requirement should be adopted. It is also said that the taping requirement would not have the effect of reducing the amount of news and public affairs programming aired since Section 315 of the Communications Act makes it a requirement to broadcast important national and local controversial public issues.

43. We believe that the record provides a sufficient basis for resolving the issue of whether a tape retention and disclosure requirement should be adopted and that no additional study of the question is necessary. While the concern that the proposed rule might have a chilling ef-

[12] This amount consists of the following:
(a) For taping news programs, the direct cost would be $176,800.
(b) For taping public affairs programs, the direct cost would be $35,960.
(c) The cost of labor to tape and store this material would be $20,384.
(d) The cost of storage space, equipment and cataloging would be $29,312.
(e) Cost of purchasing required additional equipment would be approximately $120,000 without any item of expense for installation, space requirement or maintenance costs.
The Hearst Corporation estimates that the annual costs imposed on television stations under the proposal for equipment and recording material alone ranges from $14,000 if a slow scan tape is used, to $49,000 if a SONY cassette is employed; to $430,000 if a two inch standard video tape is used.

[13] If slow speed recorders are not used, it is said that employees are needed to operate equipment to tape selected programs.

[14] Playback equipment is also mentioned as an added expense.

[15] The Commission, however, does not require the retention of these records or that they be made available to the public.

fect on free speech and press cannot easily be dismissed, we do not find it necessary to reach the constitutional issue.[16] For other reasons we have decided not to implement such a program. We simply are not convinced that the public benefits outweigh the costs imposed.

44. The level of interest of the public in such recordings and the level of governmental need for them do not appear to justify the costs imposed on broadcasters. Opinions may vary as to the amount of those costs, but there is no doubt that production, retention, retrieval and playback of the recording would cause almost every station to expend money which is now available for public service programming or other purposes. No public funds or equipment grants from the Department of Health, Education and Welfare's Educational Broadcast Facilities Program would be available to help the commercial broadcaster as they are to help the noncommercial educational stations meet the present taping requirement. We are concerned that the burden would fall in a disproportionately heavy manner on very small stations which frequently net less than $5,000 per year and those which have an all-news or two-way talk format. On the other side of the balance we are told that very little public interest has been shown in the tapes produced by the noncommercial educational stations. While there are differences in terms of size and nature of the audiences, we think it is reasonable to expect a similar low level of public interest in the tapes which would be produced by commercial stations if we adopted the proposed rule. We also do not think that taping news and public affairs programs is necessary to resolve fairness doctrine complaints or other alleged misfeasance on the part of broadcasters. We are satisfied, especially in view of the adoption in this proceeding of the rules providing the public with access to program logs, that our present rules can be enforced without these additional requirements.

45. Although the possibility was raised by a few broadcasters of the possible copyright infringement, we do not need to reach this point and it is not a basis for our decision in this matter.

46. *Accordingly, it is ordered,* That pursuant to the authority contained in sections 4(i), 303 (g), (j) and (r) of the Communications Act of 1934, as amended, §§ 1.526, 1.527, 73.116, 83.286, and 73.586 are amended effective July 5, 1977, as described above and set forth below:

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

FEDERAL COMMUNICATIONS COMMISSION,[17]
VINCENT J. MULLINS,
Secretary.

1. In § 1.526 paragraph (a)(10) and (f) are revised to read as follows:

§ 1.526 Records to be maintained locally for public inspection by commercial applicants, permittees, and licensees

(a) * * *

(10) Although not part of the regular file for public inspection, program logs for television and radio stations will be available for public inspection under the circumstances set forth in §§ 73.116, 73.286, 73.586 and 73.674 of this chapter and discussed in the Public and Broadcasting Procedural Manual; Revised Edition.

* * * * *

(f) Copies of any material in the public file of any television or radio station shall be available for machine reproduction upon request made in person: *Provided,* The requesting party shall pay the reasonable cost of reproduction. Requests for machine copies shall be fulfilled at a location specified by the licensee, within a reasonable period of time which in no event shall be longer than seven days unless reproduction facilities are unavailable in the licensee's city of license. The licensee is not required to honor requests made by mail but may do so if it chooses.

2. Section 1.527(c)(3) is amended by the addition of language to read as follows:

§ 1.527 Records to be maintained locally for public inspection by noncommercial educational applicants, permittees, and licensees.

* * * * *

(c) * * *

(3) Although not part of the regular file for public inspection, program logs for television and radio stations will be available for public inspection under the circumstances set forth in §§ 73.116, 73.286, 73.586 and 73.674 of this chapter and discussed in the Public and Broadcasting; Revised Edition.

* * * * *

3. Section 73.116 is amended to read as follows:

§ 73.116 Availability of logs and records.

(a) The following shall be made available upon request by an authorized representative of the Commission:

(1) Program, operating and maintenance logs.

(2) Equipment performance measurements required by § 73.47.

(3) Copy of the most recent antenna resistance or common-point impedance measurements submitted to the Commission.

(4) Copy of the most recent field intensity measurements to establish performance of directional antennas required by § 73.151.

(b) Program logs shall be made available upon request for public inspection and reproduction at a location convenient and accessible to the residents of the community to which the station is licensed. All such requests for inspection shall be subject to the procedural requirements set forth below. The licensee, however, may where good cause exists, as discussed in paragraph 64, the Public and Broadcasting Procedural Manual, Revised Edition refuse to permit such inspection. Notwithstanding the provisions of this section, permitting inspection elsewhere than the station, the licensee shall remain responsible for the safekeeping of the logs.

(c) In connection with requests for inspection the following procedural requirements shall govern:

(1) Parties wishing to inspect shall make a prior appointment with the licensee and, at that time, identify themselves by name and address; identify the organization they represent, if any; and state the general purpose of the examination.

(2) Inspection of the logs shall take place at the station or at such other convenient and accessible location as may be specified by the licensee. At its option the licensee may make an exact copy available in lieu of the original program logs.

(3) Copies of logs shall be available to the party desiring to inspect the logs, provided such party shall pay the reasonable costs of reproduction.

(4) An inspecting party shall have a reasonable time to examine the program logs. If examination is requested beyond a reasonable time, the licensee may condition such further inspection upon the inspecting party's willingness to either duplicate such logs at the examiner's expense, or reimburse the licensee for whatever reasonable expense is incurred if supervision is deemed necessary.

(5) No log need be made available for public inspection until 45 days have elapsed from the day covered by the log in question.

NOTE.—In cases where the logging system employed does not provide for a written program log, the licensee shall retain at its option and subject to the above provisions, copies of either the station's pre-logs (operating schedules), updated and certified correct or the recordation produced by an automatic maintenance of program logging data device (i.e., tapes, or encoded printouts). See § 73.112(f).

4. Section 73.286 is amended to read as follows:

§ 73.286 Availability of logs and records.

(a) The following shall be made available upon request by an authorized representative of the Commission:

[16] Guidance on this point may be received in another proceeding. Section 399(b) of the Act and the rules adopted to effectuate that requirement of recording programs involving discussions of issues of public importance presented on noncommercial educational stations were challenged on appeal as being violative of the First and Fifth Amendments, Community Service Broadcasting of Mid-America, Inc. v. F.C.C., appeal docket, No. 76-1081 (D.C. Cir. Jan. 26, 1976). The case has been remanded to the Commission for consideration of certain First Amendment issues designated by the Court of Appeals. Rather than dealing with these questions in the instant proceeding, they will be resolved in Docket No. 19861, where those rules were adopted.

[17] See attached Statement of Commissioner Hooks below.

(1) Program, operating and maintenance logs.

(2) Equipment performance measurements required by § 73.254.

(b) Program logs shall be made available upon request for public inspection and reproduction at a location convenient and accessible to the residents of the community to which the station is licensed. All such requests for inspection shall be subject to the procedural requirements set forth below. The licensee, however, may where good cause exists, as discussed in paragraph 64, the Public and Broadcasting Procedural Manual, refuse to permit such inspection. Notwithstanding, the provisions of this section, permitting inspection elsewhere than the station, the licensee shall remain responsible for the safekeeping of the logs.

(c) In connection with requests for inspection the following procedural requirements shall govern:

(1) Parties wishing to inspect shall make a prior appointment with the licensee and, at that time, identify themselves by name and address; identify the organization they represent, if any; and state the general purpose of the examination.

(2) Inspection of the logs shall take place at the station or at such other convenient and accessible location as may be specified by the licensee. At its option the licensee may make an exact copy available in lieu of the original program logs.

(3) Copies of logs shall be available to the party desiring to inspect the logs, provided such party shall pay the reasonable costs of reproduction.

(4) An inspecting party shall have a reasonable time to examine the program logs. If examination is requested beyond a reasonable time, the licensee may condition such further inspection upon the inspecting party's willingness to either duplicate such logs at the examiner's expense, or reimburse the licensee for whatever reasonable expense is incurred if supervision is deemed necessary.

(5) No log need be made available for public inspection until 45 days have elapsed from the day covered by the log in question.

NOTE.—In cases where the logging system employed does not provide for a written program log, the licensee shall retain at its option, and subject to the above provisions, copies of either the station's pre-logs (operating schedules), undated and certified correct or the recordation produced by an automatic maintenance of program logging data device (i.e., tapes or encoded printouts.) See § 73.282(f).

5. Section 73.586 is amended to read as follows:

§ 73.586 Availability of logs and records.

(a) The following shall be made available upon request by an authorized representative of the Commission:

(1) Program, operating and maintenance logs.

(2) Equipment performance measurements required by § 73.554.

(b) Program logs shall be made available upon request for public inspection and reproduction at a location convenient and accessible to the residents of the community to which the station is licensed. All such requests for inspection shall be subject to the procedural requirements set forth below. The licensee, however, may where good cause exists, as discussed in paragraph 64, the Public and Broadcasting Procedural Manual, refuse to permit such inspection. Notwithstanding the provisions of this section, permitting inspection elsewhere than the station, the licensee shall remain responsible for the safekeeping of the logs.

(c) In connection with requests for inspection the following procedural requirements shall govern:

(1) Parties wishing to inspect shall make a prior appointment with the licensee and, at that time, identify themselves by name and address; identify the organization they represent, if any; and state the general purpose of the examination.

(2) Inspection of the logs shall take place at the station or at such other convenient and accessible location as may be specified by the licensee. At its option the licensee may make an exact copy available in lieu of the original program logs.

(3) Copies of logs shall be available to the party desiring to inspect the logs, provided such party shall pay the reasonable costs of reproduction.

(4) An inspecting party shall have a reasonable time to examine the program logs. If examination is requested beyond a reasonable time, the licensee may condition such further inspection upon the inspecting party's willingness to either duplicate such logs at the examiner's expense, or reimburse the licensee for whatever reasonable expense is incurred if supervision is deemed necessary.

(5) No log need be made available for public inspection until 45 days have elapsed from the day covered by the log in question.

NOTE.—In cases where the logging system employed does not provide for a written program log, the licensee shall retain at its option, and subject to the above provisions, copies of either the station's pre-logs (operating schedules), updated and certified correct or the recordation produced by an automatic maintenance of program logging data device (i.e., tapes or encoded printouts). See § 73.582(f).

APPENDIX B

PARTIES FILING COMMENTS

Action for Children's Television*
American Broadcasting Companies
American Library Association*
Annapolis Broadcasting Corp
Arkansas Television Company
Bahia De San Francisco Co.
Baton Rouge Broadcasting Company
Beaverkettle Company
Bonneville International Corp.*
Border Broadcasting, Inc.
Broad Street Communications Corp.; Cox Broadcasting Corp.; Newhouse Broadcasting Corp.; Plough Broadcasting Company, Inc.
Capitol Broadcasting Corp.
Central Broadcasting, Inc.
Central Carolina Broadcasting
Charlotte Broadcasting Corp.
Christian Enterprises, Inc.
Chronicle Broadcasting Co.
Citizens Communications Center
Classified Radio for Connecticut, Inc.*
Clinch Valley Broadcasting Corp.
Colonial Broadcasting Co., Inc.
Colorado Broadcasters Association
Columbia Broadcasting System
Combined Communications Corp.; Combined Communications Corp. of Kentucky, Inc., et al.
Committee for Community Access and Media Advocacy Center*
Concho Valley Broadcasters
Constance A. Golden
Council on Children, Media and Merchandising*
Daytime Broadcasters Association
Dover Broadcasting Co., Inc.
Dwight-Karma Broadcasting Co.; Secret Mountain Laboratory, Inc.; and Coconino Media, Inc.
Eagle Pass Broadcasters, Inc.
Eastern Broadcasting Corp.
Edna Edwards
Educational Broadcasting Corp.
Fairchild KLIF, Inc.
Fairfield Broadcasting, Inc.
Fisher's Blend Station, Inc.
Fredericksburg Broadcasting Corporation
Gaylord Broadcasting Co.
Gilmore Broadcasting Corp.
Greater Media, Inc.
Gross Telecasting, Inc.
Haley, Bader and Potts
Hampton Roads Broadcasting Corp.
Harrison Broadcasting Corp.
Hearst Corp.
Heart O'Wisconsin Broadcasters, Inc.
Independent Broadcasting Co.
Inspiration Radio for Southern California
Jersey Cape Broadcasting Corp.
Kaye-Smith Enterprises
KBOA, Inc.; KTHS, Inc.
KBWD, KOXE-FM
KDBM AM/FM
KDEN Broadcasting Co., Inc.
KDTV, et al
Kentucky Broadcasters Association
Keystone Broadcasting Co., Inc.
KFRD
KGVO Broadcasting, Inc.; KCAP AM/FM Broadcasters, Inc.; KSEI Broadcasters, Inc.; New Executive Motel, Inc.
KITN-KITI Corporation
KKUB
KKZZ/KOTE-FM
KLFJ
KMAM/KMOE-FM
KOSY
KPAN AM/FM
Kramer Broadcasting, Inc.
KRE AM/FM
KREW Radio
KRTR, KWRB-TV
KSWA, Inc.*
KTIL
KTVB, Inc.
KWFC
KWHO-FM
KYOU, KGRE-FM
Listeners' Guild, Inc.
Mahoning Valley Broadcasting Corp.
Marine Broadcasting Corp. and Seaboard Broadcasting
Mark Twain Broadcasting Co.

*The comments marked with an asterisk were late-filed but since their consideration is not prejudicial to any party and their lateness did not exceed a few days, we have decided to consider them in this proceeding.

Maryland-District of Columbia-Delaware Broadcasters Association, Inc.
Massanutter Broadcasting Co.
McClatchy Newspapers
Media Central
Meredith Corporation
Metromedia, Inc.
Michiana Telecasting Corp.
Midnight Sun Broadcasters, Inc.
Mission Broadcasting Co
Mississippi Broadcasters Association
Missouri Broadcasters Association
Morehead Broadcasting Co., Inc.
National Association of Broadcasters
National Broadcasting Company, Inc.
National Federation of Community Broadcasters, Inc.
National Radio Broadcasters Association
National Religious Broadcasters, Inc.
Nebraska Broadcasters Association
New Jersey Coalition for Fair Broadcasting*
New South Radio, Inc.
Norman Knight
Office of Communication of the United Church of Christ
Ohio Association of Broadcasters
Ohio State University
Ozark Broadcasting Corp.
Palmetto Radio Corp.
Pennsylvania Association of Broadcasters
Pike County Broadcasting Co.
Public Broadcasting Service
Public Media Center
Puerto Rico Broadcasting, Inc.
Queen City Communications, Inc.
Radio Carisbad, Inc.
Radio Greeley
Radio Laredo, Inc.
Radio Medford, Inc.
Radio Wolfeboro, Inc.
Ray R. Paul and Eugene L. Burke
Rio Grande Valley Coalition on the Media
Rocky Mountain Broadcasters Association
Rust Craft Broadcasting Co.
Scott Broadcasting Companies
Screen Actors Guild
Sonderling Broadcasting Corp.
Soundamerica Corp.
Southern Broadcasting Co.
Southern Nevada Communications Corp.
State Telecasting Co., Inc.*
Storer Broadcasting Co.
Suburban Radio Group, Inc.
Television Muscle Shoals, Inc.
Thomas A. Byres
Tom S. Whitehead, Inc.
Tony Jewell
Tri-County Broadcasting Corp.
Vacationland Broadcasting Co., Inc.
WAAC Radio
Wagner Broadcasting Corporation
Washoe Empire
WBOC AM/FM
WCSC Radio
WDIX
WESC
WGNU
WHWL
WIRO
WJDA, WESX
WJIM AM/FM
WJZM
WKBL AM/FM Radio
WKLC AM/FM, et al.
WLBC AM/FM
WMAR, Inc.
WNCN Listeners' Guild and Citizens Committee to Save Jazz Radio*
WSLB Radio
WSMC
WTIP
WTVY, Inc.
WVOX

PARTIES FILING REPLY COMMENTS

American Broadcasting Companies
Bahia De San Francisco Television Company, et al.
Broad Street Communications Corp.; Cox Broadcasting Company, Inc.; Newhouse Broadcasting Corp.; Plough Broadcasting Company, Inc.
Citizens Communications Center
Clinch Valley Broadcasting Corp.; Cornhusker Television Corp.; Fetzer Broadcasting Company; Palidium Publishing Company; Radiohio, Inc.; Scranton Broadcasters, Inc.; State of Wisconsin-Educational Communications Board; WBNS TV, Inc.; WJAC, Inc.
Combined Communications Corp.; Combined Communications Corp. of Kentucky, Inc.; Eleven-Fifty Corp.; Flower City Television Corp.; Gaylord Broadcasting Company; KTAR Broadcasting Company; Pacific and Southern, Inc.; Woonsocket Broadcasting Company; WPTA-TV, Inc.; WQOK, Inc.
Committee for Community Access and Media Advocacy Center
Dwight-Karma Broadcasting Company; Secret Mountain Laboratory, Inc.; and Coconino Media, Inc.
Fairfield Broadcasting Company
Gross Telecasting, Inc.
National Citizens Committee for Broadcasting[1]
Public Interest Research Group
Public Media Center
WGBH Educational Foundation
WHDH Corporation

STATEMENT OF COMMISSIONER BENJAMIN L. HOOKS DISSENTING IN PART

IN RE: PETITION FOR RULEMAKING TO REQUIRE BROADCAST LICENSEES TO MAINTAIN CERTAIN PROGRAM RECORDS

I agree with the Commission's action to the extent that it provides greater public access to citizens groups and members of the public by requiring radio licensees to make their program logs and the contents of their public files available for public inspection and reproduction. This action will be of great assistance to both licensees and members of the public in better enabling both to have constructive and meaningful discussion and be better informed as to the problems and concerns of both.

However, I must dissent from that portion of the Order which dismisses out of hand the request for retention and disclosure of transcripts or tapes of news and public affairs programs. Without commenting specifically on the substance of the proposal, I do believe that the issues raised by both citizens groups and broadcasters should receive further inquiry. For example, I would want more detailed information on the financial, as well as, the constitutional aspects and ramifications of the proposal. In short, I believe that additional study of this proposal is necessary.

[FR Doc.77-16715 Filed 6-10-77;8:45 a.m.]

[1] Although titled comments, we believe NCCB intended that their filing be considered reply comments and consquently we consider them as such.

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket No. 75-16; Notice 12]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Bus Air Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOD.

ACTION: Final rule.

SUMMARY: In response to two petitions for reconsideration of earlier rulemaking and to related requests, the NHTSA has extended for 4 months the existing suspension of the bus service brake stopping distance requirements contained in Standard No. 121, Air Brake Systems, along with an additional 3-month extension for school buses. A manufacturer of intercity buses and a manufacturer of school bus chassis petitioned to extend the suspension, which was scheduled to end September 1, 1977. The delay in reaching a decision on the petitions has made a short extension desirable.

DATE: Effective date June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

George Reagle, Office of the Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-1836.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Standard No. 121 (49 CFR 571.121) regulates the braking system performance of air-braked trucks, buses, and trailers. The standard has been in effect for trailers since January 1, 1975, and for trucks and buses since March 1, 1975. Following implementation of the requirements for buses, a pattern of erratic behavior developed in the performance of the antilock system used by manufacturers of transit and intercity buses to satisfy the "no lockup" requirements of the standard (S5.3.1). At an October 1975 public meeting the bus operators and manufacturers involved reviewed their experiences with implementation of the standard and expressed their views on potential safety hazards of antilock malfunction. Based on these and other reports, the NHTSA proposed a suspension of the service brake stopping distance requirements (including the "no lockup" requirement) to provide a period in which modified antilock hardware and newly-introduced systems could be field-evaluated (40 FR 52856; November 13, 1975). The proposed suspension of 1 year until January 1, 1977, was made final January 6, 1976 (41 FR 1598; January 9, 1976). Several vehicle manufacturers and user groups argued that the suspension should be for a longer period and the

suspension was subsequently extended from January 1, 1977, to September 1, 1977 (41 FR 52055; November 26, 1976).

PETITIONS AND REQUESTS FOR DELAY

Motor Coach Industries (MCI) and its parent company Greyhound Corporation have asked that the termination of the suspension for service brake requirements be delayed until January 1, 1979, in the case of intercity buses. The American Public Transit Association (APTA) also petitioned for the same delay in the case of both intercity and transit buses. The Chicago Transit Authority (CTA) recommended complete exclusion of transit buses from the standard, although the arguments in their letter only address the "no lockup" requirement, and the CTA may have meant to request exclusion from this requirement only.

Transit and intercity buses use a distinctive axle configuration, and only one supplier of antilock components for the axle exists. The supplier, AC Division of General Motors, has indicated its readiness to supply antilock components to transit and intercity bus manufacturers (and those school bus manufacturers that utilize the same distinctive axle).

International Harvester (IH) petitioned for reconsideration of the September 1977 termination date for stopping distance requirements in the case of air-braked school buses, arguing that reliability testing of new sensor and mounting components would require continuation of the suspension until mid-April 1978. IH had reported a safety-related defect in the school bus antilock system in July 1976 due to vibration-induced "false cycling" problems associated with the school bus duty cycle. While IH and its antilock supplier are not experiencing reliability problems with the new antilock component used on school bus chassis, the company wishes to accumulate at least 6 months of field evaluation before going into production. IH and Kelsey-Hayes (its antilock suppler) met with the NHTSA engineering staff on February 17, 1977, to provide information on the field evaluation. That meeting was followed by additional meetings and a detailed letter request to Kelsey-Hayes for further durability testing data.

This notice also responds to a recommendation on the bus suspension from the Truck and Bus Safety Subcommittees of the National Motor Vehicle Safety Advisory Council and the National Highway Safety Advisory Committee. These subcommittees were established by the Secretary of Transportation to provide recommendations on truck and bus safety. At the request of former NHTSA Administrator John Snow, the subcommittees convened in March 1977 to address the issue of Standard No. 121's implementation. From that meeting, the subcommittees recommended, among other things, continuation of the suspension of service brake requirements for buses until January 1, 1979. The American Trucking Associations (ATA) has since petitioned the NHTSA to adopt this and related recommendations of the subcommittees.

EVALUATION OF THE PETITIONS

While most of the petitions, requests, and recommendations were not accompanied by supporting information, the MCI and IH petitions included data on reliability testing to support their requests. Data on the AC Division system used on intercity, transit, and some school buses, was evaluated separately from the data on the Kelsey-Hayes system used by IH on its school bus chassis.

Intercity and Transit Buses. When the bus service brake stopping distance suspension was proposed in November 1975, AC Division indicated that it would enter the intercity and transit bus antilock market, and MCI agreed to have one of its intercity buses equipped with AC equipment. MCI equipped a second bus with AC equipment on an experimental basis and subsequently installed four more systems on a production line basis in 1976.

The 1-year suspension was made final in January 1976. In May 1976 the agency proposed continuation of the suspension to September 1977 "to have the experience of a full year of antilock operation in all environmental conditions, particularly in the winter season" and to permit reaching "a sound decision in time to permit orderly planning of bus production."

In making final the 8-month extension in November 1976 the agency noted AC Division's test experience with bus antilock systems (including data on MCI buses) and AC's position that it expected to have antilock ready as production hardware by January 1, 1977. The NHTSA therefore notified the public that "The preliminary data indicate that a reliable antilock system will be available in time for reinstatement of the requirements and a further delay is not contemplated" (41 FR 52057; November 26, 1976). In a February 1977 meeting with the NHTSA, AC Division indicated that it has production hardware ready on a 4-month leadtime basis, and that General Motors is prepared to equip its own production of intercity, transit, and school buses with its product starting September 1, 1977.

AC Division field-evaluated its system on GMC buses (both intercity and transit), on Flxible transit buses, on one Prevost intercity bus, and on MCI intercity buses. AC reported to the NHTSA on 34 installations, of which six were MCI buses. Data were reported on the MCI buses both for an early generation of components and for a later set. Second generation computers were supplied so that common computers with a new diagnostic feature could be used on trucks and buses. Prototypes of second generation sensors were provided to account for bus brake temperatures that are higher than those of trucks, and to prevent water intrusion in the new design.

In analyzing reported malfunctions on the MCI buses, the agency eliminated three "burned out" computer failures that occurred while the bus was in the shop and were caused by a mechanic's negligence that permitted a "severe load dump" to the electrical system. A malfunction caused by improper bearing adjustment was also eliminated. As of April 25, 1977, 5 malfunctions had occurred during 2.8 million axle miles of travel (187,00 vehicle miles per failure). The malfunctions were "fail safe" and all occurred before the corrections discussed above. Mileage since the corrections produced no malfunctions.

The AC Division bus antilock system is essentially the same as AC truck systems that have proved reliable in service since their introduction in early 1975. While the agency does not dispute MCI's view of what level of testing it considers appropriate, the NHTSA has confirmation by General Motors, as a manufacturer of both intercity and transit buses, that they are confident of the AC Division system and are prepared to place it on their vehicles.

At the same time, the second generation sensor is entering production at this time for installation on trucks, and production units will be available for further evaluation in the more demanding bus application. In view of this opportunity for evaluation of redesigned sensors built on production tooling, and in view of the agency's delay in responding to the petitions for reconsideration, it is concluded that a short continuation of the suspension until January 1, 1978, is justified. Accordingly, on reconsideration of the September 1, 1977, termination date established last November, the NHTSA hereby extends the suspension to January 1, 1978, for transit and intercity buses.

The CTA asked for total exclusion of transit buses from the standard but addressed only the issue of antilock system reliability. APTA petitioned for continuation of the suspension for both transit and intercity buses, although the association's arguments addressed only transit buses. APTA reviewed experience with the Rockwell system that had developed problems in early 121-equipped buses, cited the subcommittee's recommendation for further delay, and recommended the initiation of a 6-month 200-vehicle fleet test prior to implementing the service brake stopping distance requirements.

The NHTSA has analyzed the two petitions and does not believe that they provide additional information that would justify a delay beyond January 1, 1978, for these buses. The CTA did not provide data that would substantiate its assertions that radio frequency interference (RFI) is a problem, or that transit buses do not require "no lockup" performance. The NHTSA believes the references to RFI refer to the past system used on buses. AC Division has detailed the precautions it has taken against. RFI, and it has had field experience with its system on trucks for more than 2 years. The safety need for "no lockup" performance on transit buses was discussed by the NHTSA in the November 1976 notice

cited earlier, and the agency maintains its view of the desirability of this safety feature.

The majority of APTA's comment addressed the Rockwell system that is no longer in use. The only comment about the AC Division system pointed out the introduction of the second generation sensor in June 1977 and concluded that a 200-bus fleet test of the antilock components would be desirable. The NHTSA has explained above why it considers a 4-month delay adequate to be assured of reliability of this component. As to the size of the test fleet, it is the agency's view that the APTA membership could have tested 200 units on its transit bus fleets during the past 18 months if it had cared to. The agency is not aware of APTA objections to the size of the AC Division test effort at the time it was constituted as a 34-bus fleet.

School buses. In the case of air-braked school buses, a comparable situation has arisen to that of intercity and transit buses. Second generation componentry for IH buses has been introduced by Kelsey-Hayes, no reliability problems have been encountered, and the subcommittees also recommended continuation of the suspension. While the same considerations argue for a 4-month delay, the agency does not have as many miles of field data on the newly-designed sensor and mounting bracket upon which to make a judgment of system reliability as it did in the case of the AC Division system and its new sensor. In addition, most school buses receive little or no use during the summer months. For this reason the NHTSA concludes that the full period of delay requested by IH in its petition for reconsideration should be allowed. In this period, approximately 100 new sensor installations will be monitored to provide full assurance of system reliability. Accordingly, 3 additional months of suspension have been provided in the case of school buses only.

TRUCK AND BUS SAFETY SUBCOMMITTEES

The NHTSA Administrator invited the subcommittees Chairman to hear a presentation of NHTSA findings on the issue of continued suspension for buses. That invitation was expanded to include those members of the subcommittees that wished to accompany the Chairman to the April 22, 1977, briefing. Although not planned as a meeting of the subcommittees, a summary of the meeting has been prepared for submission to the public docket.

The subcommittees heard the agency's views and offered their own. The agency weighed the points made by the subcommittees in support of a delay until January 1, 1979, but concluded that adequate field-testing time would be available to make preparations for meeting the full requirements of Standard No. 121 by January 1, 1978, in the case of transit and intercity buses, and by April 1, 1978, in the case of school buses. The American Trucking Associations had petitioned the NHTSA to follow the subcommittees' recommendation of a January 1, 1979, effective date for buses and other enumerated vehicles. To the degree that this decision does not grant the American Trucking Associations' petition relative to buses, it is denied for the reasons set forth above. Other items in the ATA petition will be treated in subsequent notices.

At the meeting the agency expressed its view that it is incumbent on a manufacturer asking for more test time to explain why its test program had not been enlarged to proportions that would give adequate assurance of reliability by the scheduled termination date. Opportunities to expand the test program in this case existed in November 1976 when the agency stated it contemplated no further delay and again in January 1977 when Rockwell withdrew as a supplier of antilock systems. The agency urged expansion of test programs when requests for further delay were received. Contacted about the size of its test fleet, MCI indicated that the test fleet was kept small in the first instance so that it could be carefully monitored to avoid accidents. Only after some confidence in the safety of the new components is accumulated will MCI expand its programs to a larger number of buses.

The agency knows that it cannot and should not design a manufacturer's test program. At the same time, the agency cannot be prevented from carrying out its safety mission simply by the decision of a manufacturer not to undertake design and testing of safety systems proposed by the agency. It is obvious from the legislative history of the National Traffic and Motor Vehicle Safety Act that Congress intended the manufacturers to be responsive to the agency's proposal for upgrading safety systems.

While the agency has not adopted completely the recommendation of the subcommittees in the case of buses, their recommendations have formed the basis of several significant actions by the Department of Transportation. Noteworthy in this regard is the decision by the Federal Highway Administration's Bureau of Motor Carrier Safety (BMCS) to commence "courtesy inspections" of 121-equipped vehicles later this year. In the near term, these courtesy inspections are for informational, educational, and training purposes, and are intended to form the basis for future complete BMCS compliance inspections.

In consideration of the foregoing, the phrase "Except for a bus manufactured before September 1, 1977" in S5.3.1 of Standard No. 121 (49 CFR 571.121) is amended to read "Except for a school bus manufactured before April 1, 1978, or any other type of bus manufactured before January 1, 1978".

The economic and inflationary impacts of this rulemaking have been evaluated in accordance with Office of Management and Budget Circular A-107, and an Economic Impact Statement is not required.

Because the amendment delays requirements that would otherwise become effective and does not create additional obligations for any person, the agency finds that the amendment may become effective immediately.

The program official and lawyer principally responsible for this rulemaking are Duane Perrin and Tad Herlihy, respectively.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Issued on June 7, 1977.

JOAN CLAYBROOK,
Administrator.

[FR Doc.77-16553 Filed 6-7-77; 4:07 pm]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—OTHER REGULATIONS RELATING TO TRANSPORTATION

[Ex Parte No. MC-88]

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

Subpart B—Common Carrier Freight Tariff and Classification

TERMINAL AND SPECIAL SERVICES

AGENCY: Interstate Commerce Commission.

ACTION: Final rule; correction.

In FR Doc. 77-15921 appearing at page 28889 in the FEDERAL REGISTER of June 8, 1977, the portion of the preamble reading "Effective Date: August 5, 1977", which appears on page 28889, is corrected to read "Compliance Date: September 5, 1977".

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-16731 Filed 6-10-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE MISCELLANEOUS AMENDMENTS TO CHAPTER

PART 3-30—CONTRACT FINANCING

Single Letter of Credit Recipients and Central Points Addresses

AGENCY: Department of Health, Education, and Welfare.

ACTION: Final rule.

SUMMARY: This rule adds appendix C to the HEW procurement regulations, and deletes § 3-30.150, the schedule of organizations under the single letter of credit system. These changes are made to provide contracting offices with a current list of organizations eligible for payment under letters of credit.

EFFECTIVE DATE: June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Frederick J. Brennan, Division of Procurement Policy and Regulations Development, Office of Grants and Procurement Management, OASMB-OS, Department of Health, Education, and Welfare, Washington, D.C. 20201, 202-245-8791.

SUPPLEMENTARY INFORMATION: It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to participate in the rule making process. However, the amendments herein involve changes to HEW internal administrative procedures. Therefore, the public rule making process is deemed unnecessary in this instance. The provisions of these amendments are issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

NOTE: The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Date: May 26, 1977.

PAUL A. STONE,
Deputy Assistant Secretary for Grants and Procurement.

§ 3-30.150 [Reserved]

1. Section 3-30.150, Schedule of organizations under single letter of credit system, is deleted in its entirety and is to be reserved.

2. Appendix C, Single Letter of Credit Recipients and Central Point Addresses, is added to chapter 3 of 41 CFR to read as follows:

APPENDIX C—SINGLE LETTER OF CREDIT RECIPIENTS AND CENTRAL POINT ADDRESSES

State	Organization and payee number	Recipient EINS[1]	Letter of credit
Alabama	University of Alabama Medical Center, 1-636005396-A4, director, office of grants and contracts accounting, University of Alabama, University Station, Birmingham, Ala. 35294.	1-636001138-A2 1-636001138-A3 1-636001138-A4 1-636001138-A5 1-636001138-B1 1-636005396-A3 1-636005396-A4 1-636005396-A5 1-636005396-A6 1-636005396-A7 1-636005396-A8	75080110
	University of Alabama, 1-636001138-A1, comptroller, University of Alabama, P.O. Box M, University, Ala.	1-636001138-A1 1-636001138-A6 1-636001138-A7 1-636001138-A8 1-636001138-A9 1-636001138-B2 1-636001138-B3 1-636001138-B4	75080115
Do	Southern Research Institute, 1-630288868-A2, financial officer, Southern Research Institute, 2000 9th Ave., South Birmingham, Ala. 35205.	1-630288868-A1 1-630288868-A2	75083532
Alaska	State of Alaska, 1-900001517-A1, director, division of finance, department of administration, Pouch C, Juneau, Alaska 99801.	1-000700389-A1 1-926001185-A2 1-926001185-A3 1-926001185-A4 1-926001185-A5 1-926001185-A7 1-926001185-B1 1-926001185-B2 1-926001185-B3 1-926001185-B6 1-926001185-B7 1-926001185-B8 1-926001185-B9 1-926001185-C1 1-926001185-C2	75080021
Arizona	State of Arizona, 1-866004791-B7, State treasurer's office, State Capitol, Phoenix, Ariz. 85007.	1-866004791-A1 1-866004791-A2 1-866004791-A3 1-866004791-A4 1-866004791-A5 1-866004791-A6 1-866004791-A7 1-866004791-A8 1-866004791-A9 1-866004791-B2 1-866004791-B3 1-866004791-B7 1-866004791-B8 1-866004791-C2 1-866004791-C5 1-866004791-C7 1-866004791-C8 1-866004791-C9 1-866004791-D1 1-866004791-D2 1-866004791-D3 1-866004791-D5 1-866004791-D6 1-866004791-D7 1-866004791-D8 1-866004791-D9 1-866004791-E3 1-866004791-E5 1-866004791-E6 1-866004791-E7 1-866004791-E8 1-866004791-E9	75080082
California	County of San Diego, 1-95000934-A2, auditor and controller county of San Diego, county administration center, 1600 Pacific Highway, San Diego, Calif. 92101.	1-956000924-A1 1-956000924-A2	75080386
	University of California, 1-900001727-A1		75081471
	Letter of Credit, Universities of California, Berkeley, Calif. 94720:		
	Santa Barbara	1-956006145-A1 1-956006145-A2	75081471

State	Organization and payee number	Recipient EINS [1]	Letter of credit
	San Diego	1-956006144-A1 1-956006144-A2 1-956006144-A3	75081471
	Davis	1-946036494-A1	75081471
	Los Angeles	1-956006143-A1 1-956006143-A2 1-956006143-A3 1-956006143-A4 1-956006143-A6	75081471
	Irvine	1-952226406-A1 1-952226406-A2	75081471
	Berkeley	1-946002123-A1 1-946002123-A2	75081471
	Riverside	1-237361894-A1 1-956006142-A1	75081471
	Santa Cruz	1-941539563-A1	75081471
	San Francisco	1-946036493-A1 1-946036493-A6 1-946036493-A7 1-946036493-A8	75081471
	Los Alamos Laboratory	1-856004458-A1	75081471
	Lawrence Livermore Laboratory	1-946031193-A1	75081471
	Scripps Clinic and Research Foundation, comptroller, Scripps Clinic and Research Foundation, 476 Prospect St., La Jolla, Calif. 92037.	1-951684089-A1	75087560
Connecticut	Yale University, 1-060640973-A1, treasurer, Yale University grants and contracts, 155 Whitney Ave., New Haven, Conn. 06511.	1-060640973-A1 1-060640973-A2 1-060640973-A4 1-060640973-A5 1-060640973-A6 1-060640973-A7 1-060640973-A8	75089755
District of Columbia	Georgetown University, 1-530196603-A1, treasurer, Georgetown University, 37th and O Sts, NW., Washington, D.C. 20007.	1-530196603-A1 1-530196603-A2 1-530196603-A3 1-530196603-A4 1-530196603-A5 1-530196603-A6 1-530196603-A7	75083450
	George Washington University, 1-530196584-A1, treasurer, George Washington University, Rice Hall, Washington, D.C. 20006.	1-530196584-A1 1-530196584-A3	75083441
	Gorgas Memorial Institute, 1-530196518-A1, treasurer, Gorgas Memorial Institute, 2007 I St, NW., Washington, D.C. 20007.	1-530196518-A1	75083522
	National Academy of Sciences, 1-530196932-A1, treasurer, National Academy of Sciences, 2101 Constitution Ave. NW., Washington, D.C. 20037.	1-530196932-A1 1-530196932-A2	75083992
Florida	University of Florida, 1-596001874-C7, fiscal contract officer, University of Florida, Room 106, R. Johnson Hall, Gainesville, Fla. 32611.	1-596001874-C7 1-596001874-F2	75083326
	University of Miami, 1-590624458-A1, chief accountant, University of Miami, P.O. Box 9057, Coral Gables, Fla. 33124.	1-590624458-A1 1-590624458-A2 1-590624458-A3 1-590624458-A6	75085253
Georgia	State of Georgia, 1-581130678-A1, director, department of administrative services, fiscal division, Pryor-Mitchell Building, Atlanta, Ga. 30334.	1-580073190-A2 1-581130678-A1 1-581130678-A5 1-581130678-A6 1-586000246-A2 1-586002042-A1 1-586002042-A2 1-586002042-A3 1-586002042-A4 1-586002042-A6 1-900000257-A1 1-900000648-A1	75083462
Guam	Territory of Guam, 1-980018947-E6, department of administration, P.O. Box 884, Government of Guam, Agana, Guam 96110.	1-000040215-A1 1-000040218-A1 1-000040228-A1 1-000040238-A1 1-000307495-A1 1-000313462-A1 1-900000270-A1 1-900000273-A1 1-900000274-A1 1-980018947-A1 1-980018947-A2 1-980018947-A3 1-980018947-A4 1-980018947-A7 1-980018947-A8 1-980018947-A9 1-980018947-B1 1-980018947-B2 1-980018947-B3 1-980018947-B5 1-980018947-D1 1-980018947-E5 1-980018947-E7 1-980018947-F1	7508B368
Illinois	University of Illinois Medical Center, 1-376000511-A5, business manager, University of Illinois, Chicago, Ill., P.O. Box 6998, Chicago, Ill. 60680.	1-376000511-A1 1-376000511-A3 1-376000511-A5 1-376000511-A8 1-376000511-A9 1-376000511-B2 1-376000511-B4 1-376000511-B5 1-376000511-C1 1-376000511-C2 1-376000511-C3	75083885
Kansas	Kansas State University, 1-480771751-A1, comptroller, Kansas State University of Agriculture and Applied Sciences, Anderson Hall, Manhattan, Kans. 66502.	1-480771751-A1 1-480771751-A2	75084200

State	Organization and payee number	Recipient EINS [1]	Letter of credit
Louisiana	State of Louisiana, 1-900001516-A1, assistant state treasurer, State treasurer's office, P.O. Box 44154, Capitol Station, Baton Rouge, La. 70804.	1-000014390-A1 1-000014607-A1 1-237208290-A1 1-237208290-A2 1-720591509-A1 1-720637038-A1 1-720637038-A2 1-720645546-A1 1-720650883-A1 1-720695435-A1 1-720707278-A1 1-726000720-A1 1-726000733-A1 1-726000734-A1 1-726000734-A2 1-726000734-A3 1-726000743-A1 1-726000745-A1 1-726000756-A1 1-726000766-A1 1-726000800-A1 1-726000800-A2 1-726000813-A1 1-726000821-A1 1-726000821-A2 1-726000821-A3 1-726000821-A4 1-726000821-A5 1-726000826-A1 1-726001901-A1 1-726011595-A1 1-726011595-A3 1-726011595-A5 1-726011595-A6 1-726011595-A8 1-726011595-A9 1-726012498-A1 1-726014571-A1 1-726101595-A1 1-900001256-A1 1-900001342-A1 1-900002575-A1	75080020
Maine	Jackson Laboratories, 1-010211513-A1, financial officer, The Jackson Laboratories, Otter Creek Rd., Bar Harbor, Maine 04609.	1-01211513-A1	75087315
Massachusetts	Boston University, 1-042103547-A1, comptroller, Boston University, 755 Commonwealth Ave., Boston, Mass. 02215.	1-042103547-A1 1-042103547-A2 1-042103547-A4	75081272
	Forsyth Dental Center, 1-042104230-A2, assistant treasurer, Forsyth Dental Center, 140 Fenway, Boston, Mass. 02115.	1-042104230-A1 1-042104230-A2	75083375
	Harvard University, 1-042103580-B1, office of the comptroller, president and fellows of Harvard College, Cambridge, Mass. 02138.	1-042103580-A2 1-042103580-A3 1-042103580-A4 1-042103580-A5 1-042103580-A6 1-042103580-A7 1-042103580-A8 1-042103580-A9 1-042103580-B1	75083630
	Massachusetts General Hospital, 1-041564655-A4, treasurer, Massachusetts General Hospital, 45 Milk St., Boston, Mass. 02114.	1-041564300-A1 1-041564655-A3 1-041564655-A4 1-041564655-A5	75084810
	Massachusetts Institute of Technology, 1-042103594-A1, fiscal officer, division of sponsored research Massachusetts Institute of Technology, Cambridge, Mass. 02139.	1-042103594-A1 1-042103594-A2	75084836
	Worcester Foundation, 1-042121658-A1, finance officer, Worchester Foundation for Experimental Biology, Inc., 222 Maple Ave., Shrewsbury, Mass. 01545.	1-042121658-A1	75089080
Maryland	Johns Hopkins University, 1-520595110-A5, university budget officer, Johns Hopkins University, Garland Hall, Room 327, Charles & 34th St., Baltimore, Md. 21218.	1-000701501-A1 1-520595110-A1 1-520595110-A2 1-520595110-A3 1-520595110-A4 1-520595110-A5	75084130
Michigan	University of Michigan, 1-386006309-A1, university cashier regents of the University of Michigan, 1015 L.S. & A. Bldg., Ann Arbor, Mich. 48104.	1-386006309-A1 1-386006309-A2 1-386006309-A3 1-386006309-A4 1-386006309-A5 1-386006309-A6 1-386006309-A7 1-386006309-A8 1-386006309-A9 1-386006309-B1 1-386006309-B2	75085301
Minnesota	Mayo Foundation, 1-416011702-A1, treasurer, Mayo Foundation, 200 First St. SW., Rochester, Minn. 55901.	1-4160011702-A1 1-4160011702-A2	75084875
	University of Minnesota, 1-416007513-A5, director, research administration, 105 Administrative Services Bldg., 2610 University Ave., St. Paul, Minn. 55114.	1-416007513-A1 1-416007513-A2 1-416007513-A3 1-461007513-A5 1-416007513-A8 1-416007513-B2 1-416007513-B3 1-416007513-B4 1-416007513-B5 1-416007513-B7	75085448
Missouri	Midwest Research Institute, 1-440545878-A1, treasurer, Midwest Research Institute, 425 Volker Blvd., Kansas City, Mo. 64110.	1-440545878-A1	75085361

State	Organization and payee number	Recipient EINS [1]	Letter of credit
Nebraska	State of Nebraska, 1-470491233-C5, accounting department, administrative services office, State Capitol Bldg., Lincoln, Nebr. 68509.	1-000021900-A1 1-210674761-A1 1-470491233-A1 1-470491233-A3 1-470491233-A4 1-470491233-A6 1-470491233-A7 1-470491233-A8 1-470491233-A9 1-470491233-B1 1-470491233-B2 1-470491233-B3 1-470491233-B4 1-470491233-B5 1-470491233-B6 1-470491233-B7 1-470491233-B8 1-470491233-B9 1-470491233-C1 1-470491233-C2 1-470491233-C3 1-470491233-C4 1-470491233-C5 1-470491233-C6 1-470491233-C8 1-470491233-C9 1-470491233-D1 1-470491233-D2 1-470491233-D4 1-476000479-A1 1-476000535-A1 1-476000535-A8 1-741699874-A1 1-900001910-A1 1-900001919-A1 1-900002209-A1 1-900002333-A1 1-900003427-A1 1-900003437-A1	75086320
New York	Adelphi University, 1-111630741-A1, business manager, Adelphi University, South Ave., Garden City, N.Y. 11530.	1-111630741-A1	75080040
	Albany Medical Center, 1-141338310-A1, assistant treasurer, Albany Medical, College of Union University, 47 New Scotland Ave., Albany, N.Y. 12208.	1-141338310-A1	75080150
	Children's Hospital of Buffalo, 1-160748423-A1, comptroller, Children's Hospital of Buffalo, 219 Bryant St., Buffalo, N.Y. 14222.	1-160748423-A1	75082160
	New York Medical College, 1-131099420-A1, treasurer, New York Medical College, Flower/Fifth Ave., Hospitals, 1 East 100th St., New York, N.Y. 10029.	1-131099420-A1	75086270
	New York University 1-135562308-A1, assistant controller, New York University, 500 Kimball Hall, Washington Square, New York, N.Y. 10003.	1-135562308-A1 1-135562308-A3 1-135562308-A4 1-135562308-A5 1-135562308-A6	75086330
	New York University Medical Center, 1-135562309-A1, comptroller, New York University Medical Center, 550 First Avenue, New York, N.Y. 10016.	1-135562308-A2 1-135562308-B1 1-135562309-A1 1-135562309-A2 1-135562309-A3 1-229124053-A1	75086333
	University of Rochester, 1-160743209-A1, research accountant, University of Rochester, River Campus, Rochester, N.Y. 14627.	1-160743209-A1 1-160743209-A2 1-160743209-A3 1-160743209-A4 1-160743209-A5	75087272
	Research Foundation of the State University of New York, 1-141368361-J3, comptroller, research foundation of State University of New York, P.O. Box 7126, Albany, N.Y. 12224	1-131819472-A1 1-132633612-A1 1-141363361-A1 1-141368361-A1 1-141368361-A2 1-141368361-J3 1-146013200-E4 1-146013200-E5 1-146013200-E6 1-146013200-E7 1-146013200-E8 1-146013200-E9 1-146013200-F1 1-146013200-F2 1-146013200-F3 1-146013200-F4 1-146013200-F5 1-146013200-F6 1-146013200-F7 1-146013200-F8 1-146013200-F9 1-146013200-G1 1-146013200-G2 1-146013200-G3 1-146013200-G4 1-146013200-G5 1-146013200-G6 1-146013200-G7 1-146013200-G8 1-146013200-G9 1-146013200-H1 1-146013200-H2 1-146013200-H3 1-146013200-H4 1-146013200-J3 1-146013200-K4 1-146013200-L5 1-146013200-L6 1-146013200-L7	75087210

State	Organization and payee number	Recipient EIN8 [1]	Letter of credit
	Research Foundation of the City University of New York, 1-131988190-A1, treasurer, Research Foundation of the City University of New York, 1411 Broadway, New York, N.Y. 10018.	1-131988190-A1 1-131988190-A8	75082337
	State of New York, 1-146013200-J7, director, State accounts, Alfred E. Smith Building, Albany, N.Y. 12225.	1-146013200-A1 1-146013200-A2 1-146013200-A3 1-146013200-A4 1-146013200-A5 1-146013200-A6 1-146013200-A7 1-146013200-A8 1-146013200-A9 1-146013200-B1 1-146013200-B2 1-146013200-B3 1-146013200-B4 1-146013200-B5 1-146013200-B7 1-146013200-B8 1-146013200-B9 1-146013200-C1 1-146013200-C3 1-146013200-C4 1-146013200-C5 1-146013200-C6 1-146013200-C8 1-146013200-C9 1-146013200-D1 1-146013200-D3 1-146013200-D4 1-146013200-D5 1-146013200-D6 1-146013200-D7 1-146013200-D9 1-146013200-E1 1-146013200-E2 1-146013200-E3 1-146013200-H5 1-146013200-H6 1-146013200-H7 1-146013200-H8 1-146013200-H9 1-146013200-I1 1-146013200-I2 1-146013200-I3 1-146013200-I4 1-146013200-I7 1-146013200-I8 1-146013200-J1 1-146013200-J4 1-146013200-J5 1-146013200-J6 1-146013200-J7 1-146013200-J8 1-146013200-J9 1-146013200-K1 1-146013200-K2 1-146013200-K3 1-146013200-K6 1-146013200-K7 1-146013200-K9 1-146013200-L3 1-146013200-L4 1-146013200-L8	75086340
Ohio	Case Western Reserve University, 1-341018992-A1, Comptroller, Case Western Reserve University, 2040 Adelbert Rd., Cleveland, Ohio 44106.	1-341018992-A4 1-341018992-A1 1-341018992-A2	75089472
Tennessee	St. Jude's Children's Research Hospital, 1-620646012-A1, Treasurer, St. Jude's Children's Hospital, 332 North Lauderdale, Memphis, Tenn. 38101.	1-620646012-A1	75083427
Texas	Baylor University, College of Medicine, 1-741613878-A, Business Manager, Baylor College of Medicine, 1200 Moursund Ave., Houston, Tex. 77025.	1-741613878-A1 1-741613878-A2	75081070
	University of Texas, at Houston Health Center, 1-741761309-A4, Associate Dean, for Business Affairs, University of Texas Medical School, P.O. Box 20036, Houston, Tex. 77025.	1-741761309-A4 1-741761309-A6	75088056
	University of Texas Medical School, 1-756002868-A4, Business Manager, University of Texas Southwestern Medical Schools, 5323 Harry Hines Blvd., Dallas, Tex. 75235.	1-756002868-A3 1-756002868-A4 1-756002868-A5	75088130
	University of Texas, M.D. Anderson Hospital, 1-746001118-A1, Supervisor, Grant Reporting, M.D. Anderson Hospital, University of Texas, 6723 Bertner Ave., Houston, Tex. 77025.	1-746001118-A1	75088910
	University of Texas Medical Branch, Galveston, Tex., 1-74600949-A1, Business Manager, University of Texas Medical Branch, 1000 Strand, Galveston, Tex. 77550.	1-74600949-A1	75088916
Utah	University of Utah and University of Utah Research 1-876000525-A6, Controller, University of Utah, 122 Park Bldg., Salt Lake City, Utah 84112.	1-876000525-A1 1-876000525-A2 1-876000525-A3 1-876000525-A6 1-876000525-A7 1-876000525-A8	75089067
Washington	University of Washington, 1-916001537-A5, Director, Office of Grant/Contract Services, University of Washington, 211 Administration Bldg., Seattle, Wash. 98195.	1-916001537-A1 1-916001537-A2 1-916001537-A4 1-916001537-A5 1-196001537-A6 1-916001537-A9	75089320

Wisconsin	State of Wisconsin, 1-396006469-B1, Budget Operations, State Budget Office, One West Wilson St., Madison, Wisc. 53607.	1-000000504-A1	750811610
		1-000702000-A1	
		1-396808464-A1	
		1-391051231-A1	
		1-396006436-A1	
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		1-396006447-A1	
		1-396006461-A1	
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		1-396006461-A3	
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		1-396006461-A7	
		1-396006461-A8	
		1-396006461-A9	
		1-396006461-B1	
		1-396006466-A1	
		1-396006469-A1	
		1-396006469-A5	
		1-396006469-A6	
		1-396006469-A7	
		1-396006469-B1	
		1-396006469-B5	
		1-396006487-A1	
		1-396006487-A2	
		1-396006488-A1	
		1-396006492-A1	
		1-396006492-A2	
		1-396006492-A3	
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		1-396006493-C7	
		1-396006493-C8	
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		1-396028867-A2	
		1-396091677-A1	
		1-396091677-A2	
		1-396320507-A1	
		1-900000022-A1	
		1-900002012-A1	
		1-900002564-A1	
		1-900002665-A1	
		1-900003134-A1	

[1] *Central Registry System Entity Identification Number (CRS-EIN).* CRS-EIN is a 12-digit number used to identify a recipient organization/individual in the HEW Central Registry System (CRS). This system utilizes a standard identification number within HEW to identify recipients of Federal assistance-like programs. The first digit identifies whether the recipient is an organization (1) or individual (2). The next "9" digits uniquely associate the organization/individual to an employer identification number assigned by the Internal Revenue Service in the case of an organization or a social security number assigned by the Social Security Administration in the case of an individual. A two-character suffix code is assigned by the Central Registry System, HEW, to identify component levels within the recipient organization, such as: School of Medicine, Research Division, Department of Biology, etc. A suffix is not applied to a social security number since that number is unique to each individual.

[FR Doc.77-16579 Filed 6-10-77;8:45 am]

CHAPTER 14—DEPARTMENT OF THE INTERIOR

Nomenclature Amendment

AGENCY: Office of the Secretary, Department of the Interior.

ACTION: Final rule.

SUMMARY: By Secretarial Order No. 3000 dated March 31, 1977, the functions of the Assistant Secretary—Administration and Management and the Assistant Secretary—Program Development and Budget were consolidated under the Assistant Secretary—Policy, Budget and Administration. This amendment incorporates the consolidation and change of title into the Interior Procurement Regulations.

EFFECTIVE DATE: This amendment is effective immediately.

FOR FURTHER INFORMATION CONTACT:

Mr. James E. Johnson, Chief, Division of Procurement and Grants, Office of Administrative and Management Policy, Department of the Interior, Washington, D.C. 20204, telephone number 202-343-5914.

SUPPLEMENTARY INFORMATION: Since this amendment is entirely administrative in nature and relates solely to internal procedures, proposed rulemaking procedures are inappropriate. Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Chapter 14 of Title 41 of the Code of Federal Regulations is amended as follows: Whenever the title "Assistant Secretary-Administration and Management" appears in this chapter, it is changed to read "Assistant Secretary-Policy, Budget and Administration."

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

JUNE 3, 1977.

[FR Doc.77-16654 Filed 6-10-77;8:45 am]

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114-1—INTRODUCTION

AGENCY: Office of the Secretary, Interior.

ACTION: Final regulations.

SUMMARY: This document clarifies the procedures for issuance of Interior Property Management (IPMR) Temporary Regulations. The IPMR sections have also been renumbered to correspond with the Federal Property Management (FPMR) numbering system.

DATE: This amendment is effective June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

James O. Wyatt, Chief, Division of Property Management, Office of Administrative and Management Policy, Department of the Interior, Washington, D.C. 20240, telephone number 202-343-3185.

SUPPLEMENTARY INFORMATION: Because this amendment relates only to internal Departmental procedures, the proposed rulemaking procedures are inapplicable. The primary author of this document is Charles H. Young, Property Management Officer, Office of Administrative and Management Policy, telephone number 202-343-3185.

NOTE: The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

JUNE 3, 1977.

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and 40 U.S.C. 486(c), Chapter 114, Title 41 of the Code of Federal Regulations is amended as set forth below.

The Table of Contents for Subpart 114-1.1 is revised to read as follows:

Subpart 114-1.1—Regulation System

Sec.

AUTHORITY: 5 U.S.C. and 40 U.S.C. 486(c).

Subpart 114-1.1 is revised to read as follows:

Subpart 114-1.1—Regulation System

§ 114-1.100 Scope of subpart.

This subpart describes the Department of the Interior Property Management Regulations System which establishes uniform property management policies, regulations, and procedures for use throughout the Department of the Interior.

§ 114-1.101 Federal property management regulations system.

The Federal Property Management Regulations System is the basis of the Interior Property Management Regulations System.

§ 114-1.102-50 Interior property management regulations.

Interior Property Management Regulations (IPMR) are issued only as needed to (a) supplement the Federal Property Management Regulations (FPMR) governing the acquisition, utilization, management, and disposition of real and personal property, and (b) to implement other property management policies and regulations promulgated by the Office of Management and Budget and the General Services Administration.

§ 114-1.103-50 IPMR temporary regulations.

(a) IPMR Temporary Regulations shall be issued when: (1) Time is limited;

(2) The regulation is not of a permanent nature or is subject to frequent changes.

(b) Each Temporary Regulation not subject to frequent changes shall have an established expiration date or be scheduled for conversion to a permanent regulation.

§ 114-1.104-50 Publication and distribution of IPMR.

§ 114-1.104-50.1 Publication.

All IPMR issuances shall be published on looseleaf, light green paper. Permanent regulations shall first be published in the FEDERAL REGISTER under this 41 CFR Part 114, then reproduced and transmitted as 400 DM Additions to the FPMR. Temporary regulations shall be published as numbered memoranda identified as "Interior Property Management Regulations Temporary Regulations."

§ 114-1.104-50.2 Distribution.

All IPMR issuances shall receive the same distribution as FPMR amendments. Requests for a change in either the quantity or the address shall be forwarded to the Division of Property Management in the Office of Administrative and Management Policy.

§ 114-1.104-50.3 Filing.

As described in 400 DM 1, the IPMR are to be interleaved with looseleaf editions of the Federal Property Management Regulations.

§ 114-1.105-50 Authority for IPMR System.

Interior Property Management Regulations (IPMR) are prescribed by the Secretary under authority of 5 U.S.C. 301, 40 U.S.C. 486(c), 41 CFR 101-1.108, and other authorities specifically cited in the text.

§ 114-1.106-50 Applicability of IPMR.

The Interior Property Management Regulations System applies to all bureaus and offices in the Department of the Interior unless otherwise indicated in the IPMR or specifically excluded by law.

§ 114-1.107-50 Consultation regarding IPMR.

IPMR of more than a routine nature are developed in consultation with affected bureaus and offices. Additionally, five interbureau property management committees have been established for consultation and assistance in the formulation of Departmental policies and procedures in the following areas of property management: (a) Personal property; (b) real property—utilization, disposal, inventory, and controls; (c) real property—acquisition and relocation; (d) quarters; (e) appraisal.

§ 114-1.108-50 Interior implementation and supplementation of FPMR.

(a) As provided in IPMR 114-1.102, the Department shall issue IPMR to supplement or expand upon material already covered in the basic FPMR. In the absence of any IPMR issuance, the basic FPMR material shall govern.

(b) The IPMR System shall also be used to incorporate property management policies and procedures related to subject matter not covered in the FPMR.

(c) The IPMR shall be consistent with the policies and procedures contained in the FPMR and shall not duplicate or paraphrase FPMR material.

§ 114-1.109-50 Numbering in IPMR System.

(a) IPMR are issued in the same numerical sequence as the material covered in the FPMR except that the agency identification number is "114," the number of the chapter in Title 41 of the Code of Federal Regulations which has been assigned to the Department for publication of the IPMR.

(b) IPMR shall be numbered "50" or higher to identify any part, subpart, or section that does not have a corresponding FPMR number.

(c) Any reference to the IPMR shall clearly identify the chapter, part, section, and paragraph. The official reference for this paragraph is 41 CFR 114-1.109(c), and the informal reference is IPMR 114-1.109(c).

(d) Bureau regulations codified into the FPMR System shall be identified by alphabetical designation immediately following the Department Code (114), as specified below:

114A—Office of the Secretary
114B—Office of Administrative Services
114C—Reserved
114D—Fish and Wildlife Service
114E—Bureau of Mines
114F—Geological Survey
114G—Reserved
114H—Bureau of Indian Affairs
114J—Bureau of Land Management
114K—National Park Service
114L—Office of Territorial Affairs
114M—The Alaska Power Administration
114N—Bureau of October Recreation
114P—Mining Enforcement and Safety Administration
114R—Office of Water Research and Technology
114S—Bureau of Reclamation
114T—Bonneville Power Administration
114U—Southeastern Power Administration
114W—Southwestern Power Administration
114Y—Office of Aircraft Services
114Z—Defense Electric Power Administration

§ 114-1.110 Deviation.

Any deviation from the mandatory provisions of the FPMR and IPMR requires prior written approval by the Assistant Secretary—Policy, Budget and Administration. The head of each bureau and office may request such approval by submitting a detailed justification to the Office of Administrative and Management Policy.

[FR Doc.77-16653 Filed 6-10-77;8:45 am]

proposed rules

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 905]

[Docket No. AO-85-A8]

ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Recommended Decision and Opportunity to File Written Exceptions on Proposed Further Amendment of Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends certain changes in the marketing order regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, based on industry proposals considered at a public hearing on March 10, 1977. The principal change would be the merger of the Shippers Advisory Committee and Growers Administrative Committee to form an administrative committee which reflects both shipper and grower interests. Another change would authorize separate regulations for Dancy and Robinson varieties of tangerines to recognize seasonal and other differences between the two varieties. In addition, a change in the provisions relating to a percentage grade or size limitation would authorize a broader, more representative, basis for computation of shipments of a specified grade or size. Other minor changes would be made in the order to reflect current practices.

DATE: Comments are due on or before July 13, 1977.

ADDRESS: Comments should be filed with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-3545).

SUPPLEMENTARY INFORMATION:

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed further amendment of the marketing agreement, as amended, and Order No. 905, as as amended (7 CFR Part 905) regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida (hereinafter, in the text of the Findings and Conclusions, collectively referred to as the "order").

Interested persons may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, on or before July 13, 1977. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation nf marketing agreements and marketing orders (7 CFR Part 900).

Preliminary statement. This proposed amendment of the marketing agreement, as amended, and order, as amended, was formulated on the record of a public hearing held at Lakeland, Florida, on March 10, 1977. Notice of the hearing was published in the February 23, 1977, issue of the FEDERAL REGISTER (42 FR 10693). The proposals contained in the notice of hearing were submitted by the Growers Administrative Committee.

Material issues. The material issues of record are as follows:

1. Change the definition of "Secretary", "Fruit", "Variety", and "Producer"; replace "standard packed box" with "standard packed carton"; and add a definition of "Committee".

2. Update order provisions relating to district and redistricting.

3. Merge the Shippers Advisory Committee and Growers Administrative Committee into a single committee titled Citrus Administrative Committee.

4. Add authority for a public member to the committee.

5. Revise provisions relating to the committee with respect to: nomination, selection, duties, compensation, and procedure.

6. Delete reference to "supplies on track" from market factors required to be considered by the committee in formulating recommendations for regulation of shipments.

7. Change order provisions relating to a limitation of a portion of a grade or size.

8. Delete the section pertaining to exemptions.

9. Make conforming changes.

Findings and conclusions. The findings and conclusions on the material issues are based on the record of the hearing:

(1) The term "Secretary" should be modified to make it clear that this term includes officials and employees of the Department to whom authority has been delegated by the Secretary of Agriculture to act in his stead. This would recognize that it is not physically possible for the Secretary to perform all of the tasks involved in the administration of all the programs under his jurisdiction. The Secretary has the authority to so delegate and it is customary for him to exercise such authority by arranging for some such tasks to be performed under delegation of authority by persons under his supervision. The current definition does not make this clear, hence, the definition should be revised as hereinafter set forth.

Authority should be provided in the order to regulate the handing of Dancy and Robinson tangerines as separate varieties of fruit. Currently, the Dancy and Robinson varieties are included in the same varietal classification. Hence, both varieties are required to be under the same regulations. This does not permit recognition of the different characteristics of the two varieties. Robinson variety tangerines mature earlier than tangerines of the Dancy variety and attain a slightly larger size at maturity than the Dancy. Hence, a size regulation which permits shipment of smaller sizes of mature Robinson tangerines also permits shipment of immature Dancy tangerines. Inasmuch as there is no current authority to provide separate regulations for Dancy and Robinson tangerines it has been difficult to apply a regulation which recognizes the size and related maturity differences between the varieties. Authority for separate regulation would enable issuance of regulations more appropriate for each variety. Persons familiar with Dancy and Robinson tangerines, including inspectors, can distinguish between the two varieties. Hence, the issuance of regulation recognizing differences in such characteristics as size or quality is appropriate and practical, and would tend to effectuate the purposes of the order and the act and the definition of "variety" should be amended as hereinafter set fourth.

The name of the fruit designated in the order as "Murcott Honey oranges" should be changed to "Honey tangerines". The designation of Honey tangerines is descriptive of this variety of fruit as it exhibits features characteristic of the tangerine. This fruit is commonly referred to in the industry as the "Honey tangerine". This has been recognized in the development of State grades applicable to fresh intrastate shipments of this fruit. These standards are identical to

the U.S. Standards for Grades of Florida Tangerines with minor exceptions, and in recent years regulations for this fruit under the order have been based on these standards. Therefore, it is appropriate that the name of this fruit be changed to Honey tangerines, as hereinafter set forth.

The order should provide authority for the committee, with the approval of the Secretary, to recommend inclusion under the order of other varities of the specified citrus fruits.

The order currently provides for regulation of oranges, grapefruit, tangerines, and tangelos grown in the production area in Florida. Regulation may be applied to new varieties which closely resemble one of the standard varieties but this may not be entirely appropriate and occasionally an unlike variety may be designated and produced in significant quantities. These varieties compete with varieties regulated under the order but are not regulated. The shipment of varieties which are not regulated under the order can adversely affect returns to producers of varieties which are regulated. Hence, the order should contain authority enabling any varietey which compete with varieties regulated under the order to be made subject to appropriate requirements the same as varieties covered under the order.

The term "producer" should be redefined as hereinafter set forth to identify those persons who are eligible to participate in referenda and in the election of nominees for positions on the committee and those who are eligible to serve as producer members on the committee. Presently, "producer" is defined in the order as "any person engaged in the production of fruit." Such definition is too broad and could include other individuals who are not recognized by the industry as producers, such as part-time grove employees. The consensus of the industry is that the definition should be amended to make it clear that "producer" or "grower" is a person owning or having control of the disposition of his production. Thus, a producer should be defined as follows: "producer" is synonymous with "grower" and means any person who is engaged in the production for market of fruit in the production area and who has a proprietary interest in the fruit so produced.

The order currently contains a definition of "standard packed box". This is a unit of measure equivalent to one and three-fifths (1⅗) United States bushels of fruit. That term was included in the order to provide a convenient unit upon which to base assessments and reports of fresh shipments. At the time this term was included in the order, and for several years thereafter, the principal container used for shipping fresh citrus fruit was a wood box with a capacity of 1⅗ bushels. This container has now been replaced by a corrugated paperboard carton with a capacity of four-fifths of a bushel. In recognition of this, the Fruit and Vegetable Inspection Division of the Florida Department of Agriculture at Winter Haven, which compiles much of the data used by the committee, has converted all of its fresh citrus records to a four-fifths bushel carton basis. In addition, the Florida Department of Citrus eliminated the 1⅗ bushel box as an approved container, and under the Department of Citrus rules, Chapter 20-39.02, it has adopted the four-fifths bushel as the standard container for shipping fresh citrus. Since the standard packed box is no longer used for packaging citrus fruits, the definition of such term should be deleted from the order. A definition of "carton or standard packed carton" should be included in the order. Carton or standard packed carton should be defined as hereinafter set forth to mean a unit of measure equivalent to four-fifths (⅘) of a bushel of fruit. Likewise, §§ 905.41 Assessments and 905.70 Manifest report should be amended so that such sections refer to "carton or standard packed carton", as hereinafter set forth, as the assessment unit and shipping records of the committee should be related to the standard container commercially used by the industry.

The provisions of current § 905.12, § 905.13, § 905.14, § 905.16, should be redesignated as § 905.13, § 905.15, § 905.16, § 905.17, and § 905.18, respectively in the order to facilitate addition of new § 905.12 Committee. The term "committee" should be defined to mean "the Citrus Administrative Committee established pursuant to § 905.19" as hereinafter discussed.

(2) Redesignated § 905.13 should define the geographic districts into which the production area is divided for purposes of allocating grower positions on the committee. The order contains authority for the committee, with the Secretary's approval, to redefine the districts. Such redefinition was effected most recently in 1966 by amendment of the committee's administrative rules. This action resulted in the reduction of the number of districts from seven to five, and is reflected in the definition of districts set forth in § 905.125. These districts currently constitute an appropriate basis for allocation of producer representation. Since the definition of districts set forth in § 905.12 is obsolete such definition should be replaced with the definition described in § 905.13 hereinafter set forth.

Paragraph (k) of current § 905.31 authorizes the committee, with the approval of the Secretary, to redistrict and reapportion members among districts. The text of § 905.31(k) should re revised and redesignated as § 905.14 in the order. The revision should simplify the language and clearly indicate that only grower membership of the committee is subject to reapportionment. In addition, the date "1980-81" should be substituted for "1965-66." The order currently requires the committee to consider redistricting and reapportionment during the 1965-66 fiscal period, and in each fifth fiscal period thereafter. Since the record indicates that the districts and allocation of members are presently appropriate, the committee should not be required to consider redistricting and reapportionment until the season 1980-81.

(3)-(4) Currently, there are two committees established under the order. The Shippers Advisory Committee (SAC) and the Growers Administrative Committee (GAC). As the name implies, the duties of SAC are largely advisory, its principal function being to evaluate the economic factors enumerated in the order relating to citrus produced in Florida and other states, and, if it deems advisable to regulate any variety as provided in the order, to make a recommendation to the GAC. The GAC has a number of duties which are enumerated in the order. These are largely administrative but they include the responsbility of submitting to the Secretary any recommendation of SAC together with its own recommendations and supporting information related to the economic factors enumerated in the order which have a bearing on the recommendation.

The SAC is comprised of 8 members and alternates, all shippers. At least three positions on SAC are to be filled by persons affiliated with cooperative marketing organizations, and the remainder are to be filled by persons not so affiliated. The GAC is comprised of 8 or 9 members and alternates, currently 9, all growers. The positions on GAC are apportioned among five geographic districts as specified in the order. At least three such positions are to be filled by growers affiliated with cooperative marketing organizations.

At the time the provision for two committees was included in the order, it was believed that the interests of shippers and growers were sufficiently different as to require them to function on different bodies. In recent years these differences have tended to become obscure and the two committees have found it advantageous to meet together in the consideration of matters under the order.

In the consideration of recommendations for regulations the committees normally meet several times each year during the marketing season. Often conditions develop which make it desirable for meetings to be scheduled on short notice. In recent years the Federal Advisory Committee Act which applies to meetings of SAC has affected committee operations in that it requires publication of meeting notices in the Federal Register at least 7 days, and preferably 15 days, in advance of meetings. Since the committees have found that the members of both GAC and SAC can operate in harmony in meetings and other activities under the order, the merging of the two committees into one administrative body would be a reasonable and appropriate means of providing the marketing expertise of shippers to such body without retaining the cumbersome procedures now involved in the operation of SAC. Hence, it is concluded that the order should be amended to abolish GAC and SAC and to provide for establishment and membership of a committee comprised of 8 or 9 grower members and alternates and 8 shipper members and alternates to be named the Citrus Administrative Committee (CAC).

Also, the public interest is to be observed in actions taken under marketing orders, hence, the interests of all groups including growers, handlers, and consumers should be considered. Therefore, the order should provide for a public member on the CAC. Although all committee meetings are open to the public, there has been little participation by consumers. A public representative on the committee would be in a position to contribute the views of the public, other than that of the industry, to the development of recommendations for regulation designed to serve the interest of both the industry and the public generally. Therefore, it is concluded that the order should be amended as hereinafter set forth to provide authority for a position of non-industry member on the committee. Such member should have the same rights and privileges as other members of the committee. It would be appropriate for the grower and shipper members of CAC, with the approval of the Secretary, to establish by an administrative rule specifying the term of office, qualifications, and manner of nomination for persons to fill the public member position and the order should so provide.

(5) Current provisions of the order relating to term of office of members and alternate members of present committees under the order are contained in § 905.21 and § 905.24, respectively. These provisions have proved effective in order operations and should be appropriately modified to make them applicable to the members and alternate members of the Citrus Administrative Committee as hereinafter specified in § 905.20.

Provision for selection of initial members of the Citrus Administrative Committee should be included in the order. The record indicates that an orderly transition from the two committee system to the single committee could be effected if the members and alternate members serving on the present committees under the order were to become the members and alternates of the Citrus Administrative Committee. Inasmuch as the record indicates that the new Citrus Administrative Committee should be comprised of the same number of grower and shipper members as the present committees and qualifications the same, this would be appropriate. It is therefore concluded the order should provide, as hereinafter set forth, that the initial members and alternate members of the Citrus Administrative Committee shall be the same as those serving on the GAC and SAC when the amendment becomes effective establishing CAC.

Provisions relating to nomination of members and alternate members of the GAC and SAC are contained in § 905.22 and § 905.25, respectively. These provisions, with editorial changes and minor revisions, should be made applicable to the nomination of the grower and shipper members and alternate members of CAC as hereinafter specified in § 905.22.

Currently, the order requires the Secretary to give notice of meetings for the purpose of nominating members and alternate members to the GAC and SAC. This function should be assumed by CAC.

The number of committee member and alternate member nominees required to be submitted to the Secretary should be changed in the order to conform to the number of members and alternates to be selected by him. Currently the order requires submission of a specified larger number of nominees for positions to be filled. Evidence indicates that such provision has served no useful purpose in the operation of the order. In selecting members and alternate members to the committee, the order authorizes the Secretary to select from other eligible persons, in addition to the nominees, to insure that the best qualified individuals are selected. Hence, the Secretary may exercise a choice, and submission of a larger number of nominees is unnecessary.

Provisions relating to selection of members and alternate members of the GAC and SAC are contained in § 905.23 and § 905.26, respectively. These provisions, with editorial changes and minor revision, should be made applicable to the selection of members and alternate members of the CAC as hereinafter specified in § 905.23.

Allocation of grower membership among districts should be as set forth in § 905.126 *Subpart—Rules and Regulations*. The allocation set forth in § 905.23 is no longer appropriate. Therefore, the order should be amended, as hereinafter set forth. As so amended § 905.23(a) applicable to grower membership on the Citrus Administrative Committee would reflect the allocation currently set forth in § 905.126. The requirement that at least three of the independent shipper members and alternate members shall also be producers should be deleted. This provision which was designed to assure that SAC would have access to grower expertise within its ranks is inappropriate and unnecessary in the establishment of an administrative committee consisting of both producers and shippers as the interests of both groups are adequately represented on the single committee.

The duties of the GAC contained in § 905.31 should be the duties of the new CAC with two exceptions. The duty to notify the SAC of meetings of the GAC contained in § 905.31(j) should be deleted as GAC and SAC should be abolished as separate entities. As previously discussed, § 905.31(k) which relates to redistricting and reapportionment of membership among districts should be redesignated as § 905.14. Therefore, § 905.31(k) should be deleted. Likewise, in the light of the foregoing, § 905.32 *Duties of the Shippers Advisory Committee* should be deleted.

The order should be amended, as hereinafter set forth, to provide that an alternate member may be reimbursed for reasonable expenses necessarily incurred by him in attendance of meetings and in the performance of other committee business. Authorizing the payment of compensation for alternate members would encourage greater participation in committee activities. Such participation is desirable as it makes available to the committee a broader base of experience and it facilitates alternate members gaining experience in dealing with problems facing the committee. Hence, alternate members would be better prepared to deal with situations in which they may serve as a member. Moreover, since the alternate is serving the interests of the industry, it appears equitable that he be reimbursed for reasonable expenses incurred by him in attending committee meetings or performing other committee business.

The order should provide, as hereinafter set forth, that ten members or alternates acting as members of the CAC shall be necessary to constitute a quorum and ten members, including five grower members, must concur to validate a decision. This is an appropriate requirement and would provide for consideration of matters affecting the industry by a majority of the committee while assuring that growers continue to retain a prominent role in decision-making. Currently, the order provides that five members of either committee are necessary to form a quorum or pass a decision except that the GAC may recommend a regulation of shipments of grapefruit grown in Regulation Area I or Regulation Area II which meet the requirements of Improved No. 2 Grade only upon the affirmative vote of a majority of its members from the regulation area affected. This provision should be carried forward in § 905.34(b) of the amended order to permit such recommendation by a majority of the members from either Regulation Area I or Regulation Area II on the Citrus Administrative Committee.

The notice of hearing contained a proposal which would permit the committee, in cases of emergency, to vote by telephone with the stipulation that two dissenting votes would prevent its adoption.

The proponents stressed that the authority for the committee to consider proposals and vote by telephone is needed to provide flexibility in the operation of the order. They pointed out that situations such as those brought about by hurricanes and freezing temperatures occur and call for quick action which would be facilitated by authorization to vote by telephone. An example was given of a situation which developed as a result of the recent freeze in which action by the Secretary was needed to relax a regulation so the industry could move fruit before the onset of the State's embargo. The committees' action was limited to providing the Secretary with the results of a telephone poll of the members of SAC and GAC and a request that the Secretary relax the regulation. The telephone poll thus taken and the accompanying request did not have the same standing as a formal recommendation developed in accordance with procedures provided under the order.

The opponents objected to the proposal primarily on the basis that telephone voting does not permit the full discussion provided by an assembled meeting. With respect to those situations when action may be needed but the committee finds it difficult or impossible to assemble, they suggested that the Secretary could act without a formal recommendation from the committee.

The advantages of an assembled meeting are recognized, and it is a fact that the Secretary may take actions relative to the order without a formal recommendation from the committee. However, it is recognized also that the committee is established under the order to provide the Secretary with information and recommendations for his consideration in taking actions relative to the order. A committee recommendation arrived at by an authorized telephone vote of the committee along with other available information is of greater assistance to the Secretary than no formal committee recommendation. It is particularly important that the industry sentiment as reflected by an action of the committee be available to the Secretary when he takes action in an emergency situation.

The record indicates that if two dissenting votes are received when a matter is presented in a telephone vote this should prevent its adoption. This would appear to constitute an ample safeguard to prevent abuse of the telephone voting procedure. If in the conduct of a telephone vote two members vote in opposition, this may be taken as a signal that an assembled meeting should be scheduled at which the matter can be subjected to a full discussion. Therefore, it is concluded that consistent with the foregoing, and as hereinafter set forth, the order should be amended to authorize the committee to vote by telephone.

Currently, § 905.34(c) relates to giving notice of meetings of the Growers Administrative Committee. This should be made applicable to the Citrus Administrative Committee and designated as § 905.34(d).

(6) In developing its recommendations the Growers Administrative Committee is required by § 905.51 of the order to consider factors relating to citrus fruit produced in Florida and other States including "amount on hand at the principal markets, as evidenced by supplies on track". When the order was initially made effective most of the citrus crop was shipped by rail. The record indicates that in 1975–76 rail shipments accounted for less than 2.5 percent of fresh citrus shipments from Florida. In that year and during the subsequent season the substantial portion of Florida citrus was shipped by truck. Also, trucks are the principal mode of transportation of Texas and California-Arizona citrus fruits. Thus, information as to track supplies of citrus fruits from the different producing areas is no longer indicative of the amount of fruit at the principal markets or suggestive of demand prospects. In view of this development, consideration of the amount on hand at principal markets as evidenced by track supplies should be made non-compulsory.

Ample information is available to the committee at each meeting which is relevant to the analysis of the market for Florida citrus. Section 905.51 of the order requires consideration by the committee of each of the different factors having a bearing on the demand situation. This section should be amended (1) to empower the Citrus Administrative Committee to make recommendations to the Secretary on the basis of specified available information and (2) to make minor editorial changes relative to the deletion of the reference to the Shippers Advisory Committee.

(7) The title of § 905.52 of the order should be changed to "Issuance of Regulations" consistent with terminology currently used in more recently issued marketing orders. The references to Shippers Advisory Committee and Growers Administrative Committee should be deleted and the text revised to reflect the shift to the Citrus Administrative Committee. In addition, the proviso in paragraph (a)(1) pertaining to regulations which provide for regulations limiting a portion of a specified grade or size of a variety should be revised to provide a new basis for determining such percentage. Considerable difficulty has been experienced in achieving compliance when regulations have been in effect under this provision. Initially, the order authorized the limitation of a percentage of a grade or size of fruits on a weekly basis and provided that the quantity permitted to be shipped by a handler would be determined as a percentage of the total quantity of such variety shipped by the handler during the same regulation week. This resulted in violations when handlers based the limited quantity on the quantity they intended to ship and the total quantity actually shipped was less. Reasons given for such discrepency included interferences such as rain, harvesting delays, and late arrival of trucks at the packinghouse. This resulted in an amendment to the order to provide that the portion of a grade or size of a variety a handler could ship would be set as a percentage of the handler's total shipments of the variety he shipped during the last week preceding the regulation week within the current season. This change was intended to resolve compliance difficulties by permitting handlers to make the calculation of such shipments of a variety based on a known volume of shipments. However, this basis for determining shipments of a portion of a grade or size has likewise produced a substantial number of violations largely due to errors in computation by handlers. The record indicates that compliance and administration of this provision could be improved if the committee performs the computing and notifies each handler of the quantity representing his portion of a grade or size he is permitted to ship when a regulation under this provision is in effect.

The evidence indicates that a further improvement can be made if the determination of such quantity is based on shipments of a period longer than one week. Basing the percentage only on shipments of a preceding week ignores circumstances which may cause a handler to ship a smaller quantity than normal of the variety during a given week, and basing the handler's permitted shipments on that week would result in his being permitted to ship only at a correspondingly reduced level. Consequently, basing the portion on a longer representative prior preiod would be a more equitable basis for determining the quantity of a portion of a grade or size permitted to be shipped by a handler. To recognize the differences in varieties and seasons the order could provide that the representative period may be different for each variety of fruit as recommended by the committee and approved by the Secretary. It was advanced that a more equitable representative period may be one or two prior seasons and the elapsed number of weeks during the then current season, providing that any implementing rule would provide opportunity for new shippers who have no record of shipments during the representative period to participate and transfers between handlers should be permitted. The notice of hearing contained a proposal to amend § 905.52(a)(5) by substituting "State of Florida Citrus Fruit Laws" for the designation "Florida Citrus Code" which now is seldom used. A modification to the proposal was proposed and supported at the hearing. The modification which would delete "Florida Citrus Code" and insert in lieu thereof "Chapter 601 of the Florida Statutes and Regulations Effective Thereunder" would provide a more specific reference. Therefore, in consideration of the foregoing it is concluded that § 905.52 of the order should be amended, as hereinafter set forth.

(8) Exemption provisions in § 905.54 should be deleted. The exemption procedure therein specified has been effective under rules and regulations for over twenty years. During that time very few growers have applied for exemption and the industry conditions which justified exemptions have changed. The exemption provisions were designed to deal with a situation in which a grower was prevented by regulation from shipping a percentage of his fruit equal to the percentage set forth in the committee's marketing policy. When these provisions were included in the order the major portion of the fruits were shipped to fresh market and there was concern that regulation might prevent a grower from shipping at least the specified share of his crop to fresh outlets. Currently, the processing outlet utilizes a dominant share of the orange and grapefruit crops and a large portion of other citrus fruits. Hence, fruit which does not meet fresh market requirements can be marketed in the processing outlet. Moreover, with an abundance of fruit meeting fresh market requirements it would be ex-

tremely difficult to market lower quality fruit under an exemption. It would be detrimental to the interest of the industry to permit the marketing of inferior fruit in fresh channels when ample alternatives exist to permit constructive disposition. Therefore, the exemption provision should be eliminated from the order.

(9) The amendment heretofore recommended will make it necessary to make certain conforming changes in sections not specifically discussed in connection therewith. All such changes should be incorporated in the order as hereinafter set forth.

Rulings on briefs of interested persons. At the conclusion of the hearing, the Administrative Law Judge fixed April 15, 1977, as the final date for interested persons to file proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing.

Briefs and proposed findings and conclusions were filed on behalf of certain interested persons. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested persons are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied.

General findings. Upon the basis of the record, it is found that:

(1) The findings hereinafter set forth are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each previously issued amendment thereto. Except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed;

(2) The marketing agreement and order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) The marketing agreement and order, as amended, and as hereby proposed to be further amended, regulate the handling of fresh oranges, grapefruit, tangerines, and tangelos grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order, as amended, and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(5) The marketing agreement and order prescribe, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the difference in the production and marketing of fresh oranges, grapefruit, tangerines, and tangelos grown in the production area; and

(6) All handling of fresh oranges, grapefruit, tangerines, and tangelos grown in the production area as defined in the marketing agreement and order, as amended, and as hereby proposed to be further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the marketing agreement and order. The following amendment of the marketing agreement and order, as amended, is recommended as the detailed means by which the foregoing conclusions may be carried out:

1. Section 905.1 *Secretary* is revised to read as follows:

§ 905.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

2. Section 905.4 *Fruit* is revised by amending paragraph (f) to read as follows:

§ 905.4 Fruit.

* * * * *

(f) Honey tangerines.

3. Section 905.5 *Variety* is revised by amending paragraphs (i), (j), and (k), and adding new paragraphs (l) and (m). As amended § 905.5 reads as follows:

§ 905.5 Variety.

* * * * *

(i) Dancy and similar tangerines, excluding Robinson and Honey tangerines;

(j) Robinson tangerines;

(k) Honey tangerines;

(l) Navel oranges; and

(m) Other varieties of citrus fruits specified in § 905.4 as recommended by by the committee and approved by the Secretary.

4. Section 905.6 *Producer* is revised to read as follows:

§ 905.6 Producer.

"Producer" is synonymous with "grower" and means any person who is engaged in the production for market of fruit in the production area and who has a proprietary interest in the fruit so produced.

5. Section 905.10 *Standard packed box* is revised to read as follows:

§ 905.10 Carton or standard packed carton.

"Carton or standard packed carton" means a unit of measure equivalent to four-fifths (⅘) United States bushels of fruit, whether in bulk or in any container.

6. The provisions of §§ 905.12, 905.13, 905.14, 905.15, 905.16 are redesignated as §§ 905.13, 905.15, 905.16, 905.17, and 905.18, respectively, and a new § 905.12 is added reading as follows:

§ 905.12 Committee.

"Committee" means the Citrus Administrative Committee established pursuant to § 905.19.

7. Section 905.13 is revised and a new § 905.14 is added to read as follows:

§ 905.13 District.

(a) "Citrus District One" shall include the Counties of Hillsborough, Pinellas, Pasco, Hernando, Citrus, Sumter, and Lake.

(b) "Citrus District Two" shall include the Counties of Osceola, Orange, Seminole, Alachua, Putnam, St. Johns, Flagler, Marion, Levy, Duval, Nassau, Baker, Union, Bradford, Columbia, Clay, Gilchrist, and Suwannee, and County Commissioner, Districts One, Two, and Three of Volusia County, and that part of the Counties of Indian River and Brevard not included in Regulation Area II.

(c) "Citrus District Three" shall include the County of St. Lucie and that part of the Counties of Brevard, Indian River, Martin, and Palm Beach described as lying within Regulation Area II, and County Commissioner's Districts Four and Five of Volusia County.

(d) "Citrus District Four" shall include the Counties of Manatee, Sarasota, Hardee, Highlands, Okeechobee, Glades, De Sota, Charlotte, Lee, Hendry, Collier, Monroe, Dade, Broward, and that part of the Counties of Palm Beach and Martin not included in Regulation Area II.

(e) "Citrus District Five" shall include the County of Polk.

8. Section 905.14 is revised to read as follows:

§ 905.14 Redistricting.

The committee may with the approval of the Secretary, redefine the districts into which the production area is divided or reapportion or otherwise change the grower membership of districts, or both: *Provided*, That the membership shall consist of at least eight but not more than nine grower members, and any such change shall be based, so far as practicable, upon the respective averages for the immediately preceding five fiscal periods of (1) the volume of fruit shipped from each district; (2) the volume of fruit produced in each district; and (3) the total number of acres of citrus in each district. The committee shall consider such redistricting and reapportionment during the 1980–81 fiscal period, and only in each fifth fiscal period thereafter, and each such redistricting or reapportionment shall be announced on or before March 1 of the then current fiscal period.

9. Delete §§ 905.20 through 905.26 and insert in lieu thereof the following:

§ 905.19 Establishment and membership.

(a) There is hereby established a Citrus Administrative Committee con-

sisting of at least 8 but not more than 9 grower members, and 8 shipper members. Grower members shall be persons who are not shippers or employees of shippers. Shipper members shall be shippers and employees of shippers. The committee may be increased by one non-industry member nominated by the committee and selected by the Secretary. The committee, with the approval of the Secretary, shall prescribe qualifications, term of office, and the procedure for nominating the non-industry member.

(b) Each member shall have an alternate who shall have the same qualifications as the member for whom he is an alternate.

§ 905.20 Term of office.

The term of office of members and alternate members shall begin on the first day of August and continue for one year and until their successors are selected and have qualified. The consecutive terms of office of a member shall be limited to three terms. The terms of office of alternate members shall not be so limited. Members, their alternates, and their respective sucessors shall be nominated and selected by the Secretary as provided in §§ 905.22 and 905.23.

§ 905.21 Selection of initial members of the committee.

The initial members of the Citrus Administrative Committee and their respective alternates shall be the members and alternates of the Growers Administrative Committee and the Shippers Advisory Committee serving on the effective date of this amendment. Each member and alternate shall serve until completion of the term for which he was selected and until his successor has been selected and qualified.

§ 905.22 Nominations.

(a) Grower Members. (1) The committee shall give public notice of a meeting of producers in each district to be held not later than July 10 of each year, for the purpose of making nominations for grower members and alternate grower members. The committee, with the approval of the Secretary, shall precribe uniform rules to govern such meetings and the balloting thereat. The chairman of each meeting shall publicly announce at such meeting the names of the persons nominated, and the chairman and secretary of each such meeting shall transmit to the Secretary their certification as to the number of votes so cast, the names of the persons nominated, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July.

(2) Each nominee shall be a producer in the district from which he is nominated. In voting for nominees, each producer shall be entitled to cast one vote for each nominee in each of the districts in which he is a producer. At least three of the nominees and their alternates so nominated shall be affiliated with a bona fide cooperative marketing organization.

(b) Shipper members. (1) The committee shall give public notice of a meeting for bona fide cooperative marketing organizations which are handlers, and a meeting for other handlers who are not so affiliated, to be held not later than July 10 of each year, for the purpose of making nominations for shipper members and their alternates. The committee, with the approval of the Secretary, shall prescribe uniform rules to govern each such meeting and balloting thereat. The chairman of each such meeting shall publicly announce at the meeting the names of the persons nominated and the chairman and secretary of each such meeting shall transmit to the Secretary their certification as to the number of votes cast, the weight by volume of those shipments voted, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July.

(2) Nomination of at least three members and their alternates shall be made by bona fide cooperative marketing organizations which are handlers. Nominations for not more than five members and their alternates shall be made by handlers who are not so affiliated. In voting for nominees, each handlers or his authorized representative shall be entitled to cast one vote, which shall be weighted by the volume of fruit by such handler during the then current fiscal period.

§ 905.23 Selection.

(a) From the nominations made pursuant to § 905.22(a) or from other qualified persons, the Secretary shall select one members and one alternate member to represent District 2 and two members and two alternate members each to represent District 1, 3, 4, and 5 or such other number of members and alternate members from each district as may be prescribed pursuant to § 905.14. At least three such members and their alternates shall be affiliated with bona fide cooperative marketing organizations.

(b) From the nominations made pursuant to § 905.22(b) or from other qualified persons, the Secretary shall select at least three members and their alternates to represent bona fide cooperative marketing organizations which are handlers, and the remaining members and their alternates to represent handlers who are not so affiliated.

10. Section 905.31 *Duties of Growers Administrative Committee* is revised by: (1) Revising the title and introductory sentence thereof; and (2) deleting paragraphs (j) and (k). As amended § 905.31 reads as follows:

§ 905.31 Duties of Citrus Administrative Committee.

It shall be the duty of the Citrus Administrative Committee:

* * * * *

(j) [deleted]
(k) [deleted]

§ 905.32 [Revoked]

11. Section 905.32 *Duties of Shippers Advisory Committee* is deleted.

12. Section 905.33 *Compensation and expenses of committee members* is revised to read as follows:

§ 905.33 Compensation and expense of committee members.

The members and alternate members of the committee shall serve without compensation but may be reimbursed for expenses necessarily incurred by them in attending committee meetings and in the performance of their duties under this part.

13. Section 905.34 *Procedure of committees* is revised to read as follows:

§ 905.34 Procedure of committee.

(a) Ten members of the committee shall constitute a quorum.

(b) For any decision or recommendation of the committee to be valid, ten concurring votes, five of which must be grower votes, shall be necessary: *Provided*, That the committee may recommend a regulation restricting the shipment of grapefruit grown in Regulation Area I or Regulation Area II which meets the requirements of the Improved No. 2 grade or the Improved No. 2 Bright grade only upon the affirmative vote of a majority of its members present from the regulation area in which such restriction would apply; and whenever a meeting to consider a recommendation for release of such grade is requested by a majority of the members from the affected area, the committee shall hold a meeting within a reasonable length of time for the purpose of considering such a recommendation. If after such consideration the requesting area majority present continues to favor such release for their area the request shall be considered a valid recommendation and shall be transmitted to the Secretary. The votes of each member cast for or against any recommendation made pursuant to this subpart shall be duly recorded. Whenever an assembled meeting is held each member must vote in person.

(c) The committee may, in cases of emergency, vote by telephone and all such votes must be confirmed in writing. Any proposition so voted upon shall first be fully explained to all members or alternates acting as members. When any proposition is submitted to be voted on by telephone, two (2) dissenting votes shall prevent its adoption.

(d) The committee shall give the Secretary the same notice of meetings as is given to the members thereof.

14. Section 905.51 *Recommendations for regulaion* is amended by revising paragraph (a), by deleting paragraph (b) and substituting "committee" for "Growers Administrative Committee" in paragraph (c) and by redesignating paragraph (c) as paragraph (b). As amended § 905.51 reads as follows:

§ 905.51 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate any variety in the manner provided in § 905.52, it shall give due consideration to the following factors relating to the citrus fruit produced

in Florida and in other States: (1) Market prices, including prices by grades and sizes of the fruit for which regulation is recommended; (2) maturity, condition, and available supply, including the grade and size thereof in the producing areas; (3) other pertinent market information and (4) the level and trend of consumer income. The committee shall submit to the Secretary its recommendations and supporting information respecting the factors enumerated in this section.

(b) The committee shall give notice of any meeting to consider the recommendation of regulations pursuant to § 905.52 by mailing a notice of meeting to each handler who has filed his address with the committee for this purpose. The committee shall give the same notice of any such recommendation before the time it is recommended that such regulation become effective.

15. Section 905.52 *Regulation by the Secretary* is revised by:

(1) Revising the title thereof;

(2) Substituting "committee" for "Shippers Advisory Committee and the "Growers Administrative Committee" in the first sentence of paragraph (a);

(3) Revising the proviso in subparagraph (1) of paragraph (a);

(4) Substituting "Chapter 601 of the Florida Statutes and regulations effective thereunder" for the "Florida Citrus Code" in subparagraph (5) of paragraph (a);

(5) Deleting "Growers Administrative Committee" in paragraph (b) and "Shippers Advisory Committee and the Growers Administrative Committee" in paragraph (c) and substituting therefor the word "committee"; and

(6) Adding "of any variety" following the words "to any or all shipments" in the first sentence of paragraph (c). As amended § 905.52 reads as follows:

§ 905.52 Issuance of regulations.

(a) Whenever the Secretary shall find from the recommendations and reports of the committee, or from other available information, that to limit the shipment of any variety would tend to effectuate the declared policy of the act, he shall so limit the shipment of such variety during a specified period or periods. Such regulations may:

(1) Limit the shipments of any grade or size, or both, of any variety, in any manner as may be prescribed, and any such limitaion may provide that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the grade and size limitations applicable to shipments of the same varieties grown in Regulation Area I: *Provided*, That whenever any such grade or size limitation restricts the shipment of a portion of a specified grade or size of a variety, the quantity of such grade or size that may be shipped by a handler during a particular week shall be established as a percentage of the total shipments of such variety by such handler in such prior period established by the committee with the approval of the Secretary, in which he shipped such variety.

* * * * *

(5) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the shipment of fruit for export, other than to Canada and Mexico: *Provided*, That such regulation shall not authorize the use of any container which is prohibited for use for fruit under the provisions of Chapter 601 of the Florida Statutes and regulations effective thereunder.

(b) Prior to the beginning of any such regulations, the Secretary shall notify the committee of the regulation issued by him, and the committee shall notify all handlers by mailing a copy thereof to each handler who has filed his address with the committee for this purpose.

(c) Whenever the Secretary finds from the recommendations and reports of the committee, or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of any variety of fruit in order to effectuate the declared policy of the act, he shall so modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis, and in like manner, the Secretary may terminate any such modification or suspension.

(d) * * *

§ 905.54 [Revoked]

16. Section 905.54 *Exemptions* is deleted.

§ 905.14 [Redesignated]

A typographical error in § 905.14 (redesignated herein as § 905.16) is corrected by substituting "Township 15 South, Range 32 East;" for "Township 18 South, Range 32 East". As so revised and redesignated said section reads as follows:

§ 905.16 Regulation Area II.

"Regulation Area II" shall include that part of the State of Florida particularly described as follows:

Beginning at a point on the shore of the Atlantic Ocean where the line between Flagler and Volusia Counties intersects said shore, thence follow the line between said two counties to the Southwest corner of Section 23, Township 14 South, Range 31 East; thence continue South to the Southwest corner of Section 35, Township 14 South, Range 31 East; thence East to the Northwest corner of Township 15 South, Range 32 East; * * *

17. The following sections are revised by substituting "committee" for references to "Growers Administrative Committee and Shippers Advisory Committee".

§ 905.27 Failure to nominate.

In the event nominations for a member or alternate member of the committee are not made pursuant to the provisions of § 905.22 * * *

§ 905.28 Acceptance of membership.

Any person selected by the Secretary as a member or alternate member of the committee * * *

§ 905.29 Inability of members to serve.

(a) An alternate for a member of the committee * * *

(b) In the event of the death, removal, resignation, or disqualification of any person selected by the Secretary as a member or an alternate member of the committee * * *

§ 905.30 Powers of the committee.

The committee, * * *

§ 905.35 Right of the Secretary.

The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the committee, * * *

§ 905.36 Funds.

(a) All funds received by the committee * * *

(b) The Secretary may, at any time, require the committee * * *

(c) Upon the removal or experimentation of the term of office of any member of the committee * * *

EXPENSES AND ASSESSMENTS

§ 905.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred to carry out the functions of the committee * * *

§ 905.41 Assessments.

(a) Each handler who first handles fruit shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by the committee for the maintenance and functioning, during each fiscal period, of the committee established under this subpart. Each such handler's share of such expenses shall be that proportion thereof which the total quantity of fruit shipped by such handler as the first handler thereof during the applicable fiscal period is of the total quantity of fruit so shipped by all handlers during the same fiscal period. The Secretary shall fix the rate of assessment per standard packed carton of fruit to be paid by each such handler. The payment of assessments for the maintenance and functioning of the committee * * *

(b) At any time during or after the fiscal period, the Secretary may increase the rate of assessment so that the sum of money collected pursuant to the provisions of this section shall be adequate to cover the said expenses. Such increase shall be applicable to all fruit shipped during the given fiscal period. In order to provide funds to carry out

the functions of the committee established under § 905.19, handlers may make advance payment of assessments.

§ 905.42 Handler's accounts.

(a) * * *

(b) The committee * * *

REGULATIONS

§ 905.50 Marketing policy.

(a) Before making any recommendations pursuant to § 905.51 for any variety of fruit the committee shall, with respect to the regulations permitted by § 905.52, submit to the Secretary a detailed report setting forth an advisable marketing policy for such variety for the then current shipping season. Such report shall set forth the proportion of the remainder of the total crop of such variety of fruit (determined by the committee to be available for shipment during the remainder of the shipping season of such variety) deemed advisable by the committee to be shipped during such season.

(b) In determining each such marketing policy and advisable proportion, the committee shall give due consideration to the following factors relating to citrus fruit produced in Florida and in other States: (1) The available crop of each variety of citrus fruit in Florida, and in other States, including the grades and sizes thereof, which grades and sizes in Florida shall be determined by the committee * * *

(c) In addition to the foregoing, the committee shall set forth a schedule of proposed regulation for the remainder of the shipping season for each variety of fruit for which recommendations to the Secretary pursuant to § 905.51 are contemplated. Such schedules shall recognize the practical operations of harvesting and preparation for market of each variety and the change in grades and sizes thereof as the respective seasons advance. In the event it is deemed advisable to alter such marketing policy or advisable proportion as the shipping season progresses, in view of changed demand and supply conditions with respect to fruit, the committee shall submit to the Secretary a report thereon.

(d) The committee * * *

§ 905.53 Inspection and certification.

(a) Whenever the handling of a variety of a type of fruit is regulated pursuant to § 905.52, each handler who handles any variety of such type of fruit shall, prior to the handling of any lot of such variety, cause such lot to be inspected by the Federal-State Inspection Service and certified by it as meeting all applicable requirements of such regulation: *Provided*, That such inspection and certification shall not be required if the particular lot of fruit previously had been so inspected and certified unless such prior inspection was not performed within such time limitations as may be prescribed pursuant to paragraph (b) of this section. Each handler shall promptly submit, or cause to be submitted, to the committee a copy of each certificate of inspection issued to him covering varieties so handled.

(b) With respect to any variety regulated pursuant to § 905.52(a)(4), the committee * * *

HANDLER'S REPORT

§ 905.70 Manifest Report.

The committee may request information from each handler regarding the variety, grade, and size of each standard packed carton of fruit shipped by him and may require such information to be mailed or delivered to the committee or its duly authorized representative, within 24 hours after such shipment is made, in a manner or by such method as the committee may prescribe, and upon such forms as may be prepared by it.

§ 905.71 Other information.

Upon request of the committee, made with the approval of the Secretary, every handler shall furnish the committee, * * *

MISCELLANEOUS PROVISIONS

§ 905.80 Fruit not subect to regulation.

Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 905.52 and 905.53 and the regulations issued thereunder, ship any variety for the following purposes: (a) To a charitable institution for consumption by such institution; (b) to a relief agency for distribution by such agency; (c) to a commercial processor for conversion by such processor into canned or frozen products or into a beverage base; (d) by parcel poet; or (e) in such minimum quantities, types of shipments, or for such purposes as the committee * * *

§ 905.84 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of committee, * * *

(b) The said trustees (1) shall continue in such capacity until discharged by the Secretary, (2) shall, from time to time, account for all receipts and disbursements or deliver all property on hand, together with all books and records of the committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee, or the joint trustees pursuant to this part.

(c) * * *

(d) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said joint trustees.

§ 905.88 Personal liability.

No member or alternate of the committee * * *

Subpart—Rules and Regulations

§ 905.120 Nomination procedure.

Meetings shall be called by the committee in accordance with the provisions of § 905.22 for the purpose of making nominations for members and alternate members of the committee. The manner of nominating members and alternate members of the committee shall be as follows:

(a) At each such meeting the Secretary's agent shall announce the requirements as to eligibility for voting for nominees and the procedure for balloting, and shall explain the duties of the committee under §§ 905.51 through 905.89, inclusive.

(b) A chairman and a secretary of each meeting shall be selected.

(c) At each meeting there shall be presented for nomination and there shall be nominated not less than the number of nominees required under the provisions of §§ 905.19 and 905.22, all of whom shall have the qualifications therein provided.

(d) At the meetings of handlers, any person authorized to represent a handler may cast a ballot for such handler.

(e) At each meeting there may be cast at least the number of persons required to be nominated to represent the several districts or groups, as the case may be.

(f) All voting shall be by ballot and all ballots shall be delivered by the chairman or the secretary of the meeting to the agent of the Secretary.

§ 905.125 [Revoked]

§ 905.126 [Revoked]

§ 905.130 [Revoked]

§ 905.132 [Revoked]

Section 905.125 *Redefinition of districts*, § 905.126 *Changes in district representation*, § 905.130 *Exemption certificates*, § 905.131 Issuance of certificates, and § 905.132 *Reports* are deleted.

NON-REGULATED FRUIT

§ 905.140 Gift packages.

During any day any handler may, without regard to the provisions of § 905.52 and § 905.53 and the regulations issued thereunder, ship any variety for the following purpose, and in the following quantity, and types of shipment: (a) To any person one gift package containing such variety, individually addressed to such person, not in excess of two standard packed cartons if such packages are shipped direct to the addressee for use by such person other than for resale; or (b) to any distributor individually addressed gift packages of such variety not in excess of two standard packed cartons each for distribution by such distributor to the respective addressee, but not for resale.

§ 905.141 Minimum exemption.

Any shipment of fruit which meets each of the following requirements may be transported from the production area during any one day by any person or by the occupants of one vehicle exempt from the requirements of § 905.52 and § 905.53 and regulations issued thereunder:

(a) The shipment does not exceed a total of 15 standard packed cartons (12 bushels) of fruit either a single fruit or a combination of two or more fruits;

(b) The shipment consists of fruit not for resale; and

(c) Such exempted quantity is not included as a part of a shipment exceeding 15 standard packed cartons (12 bushels) of fruit.

§ 905.145 Certification of certain shipments.

Whenever a regulation pursuant to § 905.52 restricts the shipment of a portion of a specified grade or size of a variety, each handler shipping such variety during the regulation period shall, with respect to each such shipment, certify to the U.S. Department of Agriculture and the committee the quantity of the partially restricted grade or size, or both, contained in such shipment. Such certification shall accompany the manifest of such shipment which the handler furnishes to the Federal-State Inspection Service.

Signed at Washington, D.C. on June 7, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77-16664 Filed 6-10-77;8:45 am]

[7 CFR Part 916]

HANDLING OF NECTARINES GROWN IN CALIFORNIA

Proposed Rulemaking With Respect to Approval of Expenses and Rate of Assessment for the 1977–78 Fiscal Period and Carryover of Unexpended Funds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on proposed expenses of $875,421 and a rate of assessment of $0.07 per lug of nectarines for the functioning of the Nectarine Administrative Committee for the 1977–78 fiscal year. The committee administers locally a Federal marketing order program regulating the handling of nectarines grown in California. The regulation would enable the committee to collect assessments from first handlers on all assessable nectarines handled and to use the resulting funds for its expenses.

DATES: Comments must be received on or before June 28, 1977. Proposed effective dates: March 1, 1977, through February 28, 1978.

ADDRESSES: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202–447–3545)

SUPPLEMENTARY INFORMATION: The proposals under consideration were submitted by the Nectarine Administrative Committee, established under the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916) regulating the handling of nectarines grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions.

The proposals are as follows:

(1) Expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee, during the fiscal period March 1, 1977, through February 28, 1978, will amount to $857,421.

(2) The rate of assessment for the fiscal period, payable by each handler in accordance with § 916.41 is established at $0.07 per No. 22D standard lug box, or equivalent quantity of nectarines in other containers or in bulk.

(3) Unexpended assessment funds in excess of expenses incurred during the fiscal period ended February 28, 1977, shall be carried over as a reserve in accordance with § 916.42 of the amended marketing agreement and order.

Terms used in the marketing agreement, as amended, and order, as amended, shall when used herein, have the same meaning as is given to the respective term in the amended marketing agreement and order, and "No. 22D standard lug box" shall have the same meaning as set forth in Section 1387.11 of the "Regulations of the California Department of Food and Agriculture."

Dated: June 7, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-16688 Filed 6-10-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR CONSUMER APPLIANCES

Proposed Rulemaking and Public Hearing Regarding Procedural Regulations for Submission and Disposition of Petitions for Prescription of Rules to Supersede State Appliance Energy Use or Efficiency Regulation

AGENCY: Federal Energy Administration.

ACTION: Notice of Proposed Rulemaking and Public Hearing.

SUMMARY: The Federal Energy Administration (FEA) gives notice of a proposed rulemaking to establish procedural regulations for one aspect of the energy conservation program for consumer appliances. These proposed regulations deal with the submission and disposition of petitions requesting the Administrator, FEA, to prescribe a rule to supersede a State appliance energy use or efficiency regulation. These petitions may be submitted under the Energy Policy and Conservation Act. FEA will receive written comments and hold a public hearing on this proposal.

DATES: Request to Speak at Public Hearing: July 6, 1977, 4:30 p.m., e.d.t.

Submission of Written Comments: July 15, 1977, 4:30 p.m.

Submission of Hearing Statements: July 14, 1977, 4:30 p.m.

Public Hearing: July 15, 1977.

ADDRESSES: Request to Speak at Public Hearing and Submission of Written Comments: Federal Energy Administration, Executive Communications, Room 3317, Federal Building, Box ND, Washington, D.C. 20461.

Submission of Hearing Statements: Federal Energy Administration, Executive Communications, Room 3317, Federal Building, Box ND, Washington, D.C. 20461.

Hearings held at: Federal Energy Administration, 12th and Pennsylvania Avenue, N.W., Room 3000A, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Allan P. Weeks (Program Office), Old Post Office Building, 12th and Pennsylvania Avenue, N.W., Room 307, Washington, D.C. 20461, 202–566–4365.

James K. White (Office of General Counsel), 12th and Pennsylvania Avenue, N.W., Room 5116, Washington, D.C. 20461, 202–566–9380.

SUPPLEMENTARY INFORMATION:

A. BACKGROUND

FEA hereby proposes to amend Part 430 of Chapter II of Title 10 of the Code of Federal Regulations to establish a new Subpart D. Part 430 concerns the energy conservation program for consumer appliances established by Congress in the Energy Policy and Conservation Act of 1975, Pub. L. 94–163, 42 U.S.C. 6291–6309 (the Act). This program involves the development of Federal test procedures, labeling rules, energy efficiency improvement targets, and energy efficiency standards for consumer appliances covered under the Act. Covered appliances include refrigerators, freezers, dishwashers, and the like.

Section 327 of the Act (42 U.S.C. 6297) specifies the circumstances under which State appliance energy efficiency regulations will be superseded. Section 327(a) states the conditions under which State energy efficiency standards and disclosure requirements will be superseded by

Federal rules which also prescribe standards and disclosure requirements. Section 327(b)(1) applies to State appliance energy efficiency standards which are not superseded by Federal standards under 327(a). Section 327(b)(1) provides that:

> If a State regulation provides for an energy efficiency standard or similar requirement respecting energy use or energy efficiency of a covered product and if such State regulation is not superseded by subsection (a)(2), then any person subject to such State regulation may petition the Administrator for the prescription of a rule under this subsection which supersedes such State regulation in whole or in part. The Administrator shall, within 6 months after the date such a petition is filed, either deny such petition or prescribe a rule under this subsection superseding such State regulation. The Administrator shall issue such a rule with respect to a State regulation if and only if that petitioner demonstrates to the satisfaction of the Administrator that—
>
> (A) There is no significant State or local interest sufficient to justify such State regulation; and
>
> (B) Such State regulation unduly burdens interstate commerce.

The regulations proposed here establish the requirements for submission of petitions under section 327(b)(1). Significant aspects of the proposed regulations are discussed next.

B. Discussion of the Proposed Regulations

1. Procedural Framework

The decisional process for petitions under the proposed regulations is designed to accomplish two goals: facilitation of participation in the process by all interested persons, including particularly the affected State agency, department, or instrumentality whose regulation the petition seeks to supersede; and prompt action, consistent with fairness and the requirements of the Act. The proposed regulations require service of a petition and all subsequent submissions on the State agency concerned, and also require the FEA to obtain public comments and hold public hearings as described below. The regulations also require the FEA to inform the petitioner, the State agency, and all participants in FEA public proceedings of the disposition of a petition, at every stage of the process, both by service and through publication in the Federal Register.

Evaluation of a petition under the proposed regulations occurs in three stages. The first stage involves an immediate review of the petition, and, within 15 days of receipt, results in either FEA acceptance of the petition for filing (which starts the six-month statutory decision period) or rejection §430.43(b)). A petition can be rejected for failure to conform to the regulations, that is, for example, for failure to certify the petition has been served on the State, or for failure to include any or sufficient required factual information. A person submitting a petition which is rejected is free to reform and resubmit the petition.

Upon acceptance, a notice is published in the Federal Register indicating the petition has been filed and is available for public inspection at FEA offices (§ 430.44(a)(1)). The notice will request public comments. Any interested person will have a full opportunity to comment during this second stage, which the proposed regulations refer to as the initial public comment period (§ 430.44(a)). After review of the petition and the comments, the petition will either be denied or a proposed rulemaking will be issued (§ 430.44(a)(2)). A petition will be denied if FEA is not satisfied the petitioner has carried its burden on the State interest-undue burden statutory test, and will be noticed for a proposed rulemaking if all the submissions indicate the State regulation may impose a burden on interstate commerce not justified by the State or local interest asserted.

If a petition is denied in the initial public comment period, any interested person, including of course the petitioner, may file an application for reconsideration with the Assistant Administrator. The details concerning this application are in § 430.44(a)(3)–(6) of the proposed regulations. This application, the disposition of which is a prerequisite for judicial review (§ 430.44(a)(5)), must concisely state the basis for the application. The application may urge error in fact (including changed circumstances), or error in law, or both. Denial of an application is a final action for purposes of section 327(b)(1) and for judicial review. There is no other administrative appeal (§ 430.44(a)(6)). The granting of an application for reconsideration results in the issuance of a proposed rulemaking (§ 430.44(a)(4)).

The third stage of the evaluation of a petition is the proposed rulemaking stage (§ 430.44(b)). This stage is initiated by a Federal Register notice. The procedures are the same at this stage regardless of whether the proposal results from an initial decision or a decision to grant an application for reconsideration. There will be public comments and a public hearing (§ 430.44(b)(1)). The review standards are also the same: A petition will be denied if petitioner fails to carry its burden, and will be granted, through promulgation of a final rule, if it does. The decision following a proposed rulemaking proceeding is a final decision and action for all purposes. There is no administrative reconsideration or appeal (§ 430.44(b)(2)).

2. Required Factual Material

Section 327(b)(1) of the Act imposes on a petitioner the burden of demonstrating to the satisfaction of the Administrator that—

(A) There is no significant State or local interest sufficient to justify such State regulation; and

(B) Such State regulation unduly burdens interstate commerce.

In determining whether a petitioner has met its burden, FEA will balance the State interest in the State regulation, if any, against the burden of that regulation, if any, on interestate commerce. Petitioners are required to demonstrate, through presentation of factual information on both parts of the statutory test, the burden on interstate commerce outweighs any State interest.

The kind of factual material required under the proposed regulations is set out in § 430.43 (d) and (e). The required facts are directed toward a showing of increased costs, impact on the free flow of appliances in interstate commerce, and environmental impact. As indicated in the regulations, the information requested is the minimum sought. Petitioners are free, of course, to provide any additional data relevant to the analysis described here, and are urged to do so. Such additional facts, for example, might deal with impacts on competition and administrative costs. It should be clear providing facts in all the categories of § 430.43(d) does not insure prescription of a rule of supersession. This factual information is a necessary predicate for supersession, but the decision will be based on the facts.

C. Comment Procedure

1. Written Comments

FEA invites interested persons to submit written comments. The date and address for submission, as indicated earlier in the preamble, are July 15, 1977, and Federal Energy Administration, Executive Communications, Room 3317, Federal Building, Box ND, Washington, D.C. 20461. Submit 15 copies, and designate both the envelope and the written comments: "Regulations Under EPCA Section 327(b)(1)—Written Comments." Identify any information considered confidential and submit only one copy of that information. FEA reserves the right to detremine the confidential status of the information and to treat it according to that determination. FEA reserves the right to reject and not consider written comments not received by FEA after the stated date.

2. Request to Speak at Public Hearing

FEA invites interested persons to request an opportunity to speak at a public hearing. The date and address for submission of requests, as indicated earlier in the preamble, are July 6, 1977, and Federal Energy Administration, Executive Communications, Room 3317, Federal Building, Box ND, Washington, D.C. 20461. Submit one copy, and designate both the envelope and the request: "Regulations Under EPCA section 327(b)(1)—Requests to Speak." Each request shall state the name of the person making the request, the interest represented, and a telephone number where the person can be reached during normal business hours. Each request shall include a concise statement summarizing the proposed hearing statement.

Before 4:30 p.m., e.d.t. on July 8, 1977, FEA will notify those persons selected to make hearing statements. Persons so notified shall submit 50 copies of the hearing statement. The date and address for submission ,as indicated earlier in the preamble, are July 14, 1977, and Federal Energy Administration, Office of Executive Communications, Box ND, 12th & Pennsylvania Avenue, N.W., Washington, D.C., 20461. Designate both

the envelope and the hearing statement: "Regulations Under EPCA section 327 (b)(1)—Hearing Statements." Requests for adjustments of the 50 copy requirement can be made by so indicating in the request for an opportunity to speak or by arrangement with the Office of Regulations Management, FEA, telephone 202–254–3345.

FEA reserves the right to reject and not consider requests to speak and hearing statements not received by FEA on the stated date.

3. CONDUCT OF THE PUBLIC HEARING

FEA reserves the right to select the persons to be heard at the public hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited by FEA, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing (the Presiding Official). This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by FEA with respect to the subject matter of the hearing will be based on all information available to FEA. At the conclusion of all oral hearing statements, each person who has made a hearing sttement will be given the opportunity to make a supplemental statement. Any supplement statements will be subject to time limitations determined by the Presiding Official.

Any interested person may submit to the Presiding Official written questions to be asked of any person making a statement at the hearing. The Presiding Official will determine whether the question is relevant and whether time limitations permit it to be asked.

Any further procedural rules need for the proper conduct of the hearing will be announced by the Presiding Official.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by FEA and made available for inspection at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

NOTE: The FEA has determined this document does not contain a major proposal requiring presentation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

4. INTERIM REGULATIONS

In order to promote consistency in disposing of petitions submitted both before and after the effective date of these regulations, FEA will to extent possible use the proposed regulations as guidance in disposing of petitions submitted before that date.

(Energy Policy and Conservation Act, Pub. L. 94–163, as amended by Pub. L. 94–385; Federal Energy Administration Act of 1974, Pub. L. 94–275, as amended by Pub. L. 94–385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, it is proposed to establish a new Subpart D of Part 430 of Chapter II, Title 10, Code of Federal Regualtions, as set forth below.

Issued in Washington, D.C., June 8, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

Subpart D—Petitions for Prescription of a Rule to Supersede a State Appliance Energy Use or Efficiency Regulation

Sec.
430.40 Purpose.
430.41 Definitions.
430.42 General requirements.
430.43 Petitions.
430.44 Disposition of petitions.

AUTHORITY: Energy policy and Conservation Act, Pub. L. 94–163 as amended by Pub L. 94–385; Federal Energy Administration Act of 1974, Pub. L. 93–275, as amended by Pub. L. 94–385; E.O. 11790, 39 FR 23185.

Subpart D—Petitions for Prescription of a Rule to Supersede a State Appliance Energy Use or Efficiency Regulation

§ 430.40 Purpose.

This Subpart D establishes procedures for the submission and disposition of petitions for prescription of a rule to supersede a consumer appliance energy efficiency or energy use State regulation pursuant to section 327(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6297(b)(1)).

§ 430.41 Definitions.

(a) "Act" means the Energy Policy and Conservation Act of 1975, Pub. L. 94–163.

(b) "FEA" means the Federal Energy Administration.

(c) "Day" means calendar day.

(d) "Petition" means a petition filed pursuant to section 327(b)(1) of the Act.

(e) "State regulation" means a law or regulation of a State or political subdivision thereof.

§ 430.42 General requirements.

(a) *Scope.* Unless otherwise noted, the provisions of this section apply to all documents required or permitted to be submitted under this subpart.

(b) *Copies.* An original, which shall be signed, and five copies of each document shall be submitted to:

Assistant Administrator, Office of Energy Conservation and Environment, Attn: Appliance Program—Petition to Supersede, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

All submissions become part of the FEA's files and will not be returned.

(c) *Service.* All documents required to be served under this subpart shall, if mailed, be served by first class mail. Service upon a person's duly authorized representative shall constitute service upon that person.

(d) *Obligation to supply information.* A person who submits a petition is under a continuing obligation to provide any new or newly discovered information relevant to that petition. Such information includes, but is not limited to, information regarding any other petition or request for action subsequently submitted by that person.

(e) *The same or related matters.* A person who submits a petition or other request for action shall state whether, to the best knowledge of that person, the same or related issue, act, or transaction has been or presently is being considered or investigated by the FEA; by any other Federal agency, department, or instrumentality; by any Federal court; by a State or municipal agency, department, or instrumentality; or by a State court.

(f) *Computation of time.* (1) In computing any period of time prescribed by or allowed under this subpart, the day of the act from which the designated period of time begins to run is not to be included. If the last day of the period is a Saturday, Sunday, or Federal legal holiday, the period runs until the end of the next day that is neither a Saturday, Sunday, nor Federal legal holiday.

(2) Saturdays, Sundays, or intervening Federal legal holidays shall be excluded from the computation of time when the period of time allowed or prescribed is 7 days or less.

(3) When a submission is required to be made within a prescribed time, the FEA may grant an extension of time upon good cause shown.

(4) Documents received after regular business hours are deemed to have been submitted on the next regular business day. Regular business hours for the FEA's National Office, Washington, D.C., are 8 a.m. to 4:30 p.m.

(5) The FEA reserves the right to refuse to accept, and not to consider, untimely submissions.

§ 430.43 Petitions.

(a) *Petition requirements.* (1) A petition shall conform to the General Requirements of § 430.42 and, in addition, shall (i) state the name and address of the petitioner, (ii) contain a brief description of the interest of the petitioner, (iii) designate a person to be contacted by the FEA regarding disposition of the petition, (iv) include a copy of each State regulation for which a rule to supersede is sought, (v) identify each product covered by the State regulation for which a rule to supersede is sought, (vi) contain a summary of the position of the petitioner, and (vii) state whether the petitioner seeks a rule prescribing a State regulation in whole or in part and, if in part, which part or parts.

(2) The petitioner shall serve a copy of the petition, all supporting documents, and all future submissions on each State agency, department, or instrumentality whose regulation the petitioner seeks to supersede. The petition shall contain a certification of this service which states the name and mailing address of the served parties, and the date of service.

(3) A petition may be submitted on behalf of more than one person. A joint petition shall indicate each person participating in the submission. A joint petition shall provide the information required by paragraph (a)(1) of this section for each person on whose behalf the petition is submitted.

(4) All petitions shall be signed by the person submitting the petition or by a duly authorized representative. If submitted by a duly authorized representative, a petition shall certify this authorization.

(b) *Acceptance for filing.* (1) Within fifteen (15) days of the receipt of a petition by the FEA, the FEA will either accept it for filing or reject it, and the petitioner will be so notified in writing. FEA will serve a copy of this notification on the affected State agency, department, or instrumentality. Only such petitions which conform to the requirements of this subpart and which contain sufficient information for the purposes of a substantive decision will be accepted for filing. Petitions which do not so conform will be rejected and returned with an explanation.

(2) For purposes of the Act and this subpart, a petition is deemed to be filed on the date it is accepted for filing, not on the date of submission to or receipt by the FEA.

(3) Acceptance of a petition for filing is not, and therefore may not be construed as, a decision on the merits of a petition.

(c) *Docket.* A petition accepted for filing will be assigned an appropriate docket designation. Petitioner shall use the docket designation in all subsequent submissions.

(d) *Specific information requirements.* (1) The petition shall provide information sufficient to demonstrate to the satisfaction of the Administrator that—

(i) The petitioner is a person subject to the State regulation sought to be superseded (or is the duly authorized representative of that person);

(ii) Each product for which a rule to supersede is sought is a covered product under the Act;

(iii) There is no significant State or local interest sufficient to justify the State regulation; and

(iv) Such State regulation unduly burdens interstate commerce.

(2) For each appliance to which a petition applies, and for each person on whose behalf the petition is filed, the information required under paragraph (d)(1) of this section shall include at a minimum—

(i) The number of units sold in the State annually;

(ii) The percentage of national annual sales sold in the State;

(iii) A list of the models offered for sale both in the State and nationally at the time the State regulation was issued, the retail price of each model, and by model the number of units sold annually in the State and nationally;

(iv) A projected list of the models which would no longer be offered for sale in the State or nationally under the State regulation and a discussion of how these figures are derived;

(v) The projected additional manufacturing and distribution costs under the State regulation and a discussion of how these figures are derived;

(vi) The projected unit price increase, by model, under the State regulations, expressed as a percentage of the retail price and in dollars, and a discussion of how these figures are derived;

(vii) The projected effect of the State regulation on the number of units sold and on the dollar volume of sales, both in the State and nationally, and a discussion of how these figures are derived;

(vii) The overall cost of complying with the State regulation and a discussion of how this figure is derived;

(ix) To the best knowledge of the petitioner, the information provided in subdivisions (i)–(viii) of this subparagraph for the industry as a whole (and therefore not for each person on whose behalf the petition is filed); and

(x) A balancing of the impact of the State regulation with the interest of the State or locality in improving consumer appliance efficiency and in reducing energy consumption as that interest may affect the health, safety, welfare, ecology, or economy of the citizens of the State or locally.

(e) *Environmental report.* Each petition shall contain a report containing petitioner's assessment of the environmental consequences both of denial of the petition and of publication of a rule superseding the State regulations. The contents of this environmental report shall be the contents listed in § 208.7 of this chapter of the FEA's regulations, as applicable, 10 CFR 208.7.

§ 430.44 Disposition of petitions.

(a) *Initial public comment period.* (1) The FEA will publish a notice in the FEDERAL REGISTER of the submission and acceptance for filing of a petition. The notice will include a summary of the State regulation at issue and the petitioner's objection to the regulation. The notice will invite public comments by all interested persons.

(2) A reasonable time after the close of the initial public comment period, the FEA will either deny the petition or propose a rule to supersede the State regulation. Written notice of the decision and the reasons therefore will be served on the petitioner, the affected State agency, department, or instrumentality, and all persons who submitted comments, and will be publieshed in the FEDERAL REGISTER.

(3) If the petition is denied, any interested person may, within twenty (20) days from the date of issuance of the decision, submit an application for reconsideration to the Assistant Administrator, Office of Energy Conservation and Environment. An application is deemed accepted when received by the FEA. If petitioner is the applicant, petitioner shall serve a copy of the application on the affected State agency, department, or instrumentality. The FEA will publish a notice of submission of an application in the FEDERAL REGISTER. The applicant shall clearly and concisely state the basis for the application and the relief sought.

(4) The FEA will either deny the application for reconsideration or propose a rule to supersede the State regulation. Written notice of the decision and the reasons therefore will be served on the applicant, the affected State agency, the petitioner (if petitioner is not the applicant), and all persons who submitted comments in the initial public comment period, and will be published in the FEDERAL REGISTER.

(5) There has not been an exhaustion of administrative remedies until an application for reconsideration has been submitted and the review procedure completed by denial or proposal for a rule.

(6) The denial of an application for reconsideration is a final decision and action for all purposes under section 327(b)(1), including judicial review. There is no other administrative appeal or review under this subpart.

(b) *Proposed rulemaking.* (1) The FEDERAL REGISTER notice of a proposed rulemaking for prescription of a rule to supersede a State regulation will invite written comments on the proposed rule from all interested persons, and will provide for a public hearing. This rulemaking will be conducted pursuant to 5 U.S.C. 553 and section 7(i) of the Federal Energy Administration Act of 1974, 15 U.S.C. 767(i).

(2) A reasonable time after the close of the public hearing held pursuant to a notice of proposed rulemaking, but no later than six months after acceptance for filing, the FEA will either deny the petition and withdraw the proposed rule, or prescribe a final rule which supersedes the State regulation in whole or in part. Written notice of the decision and the reasons therefore will be published in the FEDERAL REGISTER and served on the petitioner, the affected State agency, and all persons who submitted comments in the proposed rulemaking proceeding. The decision is a final decision and action for all purposes, including judicial review. There is no administrative appeal or application for reconsideration.

(c) *Consolidation.* Whenever two or more petitions are filed with respect to the same State regulation, the FEA may consolidate two or more proceedings under this subpart for the purpose of resolving one or more issues whenever it appears that such consolidation will expedite or simplify consideration of such

issues. Consolidation shall not affect the running of any time period with respect to any petition.

(d) *Finality of decision.* A decision to prescribe a rule superseding a State regulation is final on the day the rule is issued, that is, signed at the FEA. A decision to deny a petition is final following the initial public comment period (§ 430.44(a)) on the day a denial of an application for reconsideration is issued, that is, signed at the FEA, and is final following a proposed rulemaking proceeding (§ 430.44(b)) on the day the denial is issued, that is, signed at the FEA.

[FR Doc.77-16777 Filed 6-9-77;9:54 am]

[410 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Cancellation of Public Hearing

AGENCY: Federal Energy Administration.

ACTION: Cancellation of hearing for proposed rule.

SUMMARY: This document cancels a public hearing on a proposed regulation for testing television receivers. This cancellation is being made in view of the lack of interest in presenting oral comments.

DATE: June 14, 1977 hearing cancelled.

FOR FURTHER INFORMATION CONTACT:

James A. Smith (Program Office), Room 307, Old Post Office Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 566-4635.

Elliott D. Light (Office of the General Counsel), Room 5116, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 566-9750 or (202) 566-9380.

SUPPLEMENTARY INFORMATION: On April 21, 1977, the Federal Energy Administration proposed test procedures for television receivers (42 FR 21580, April 27, 1977; corrected 42 FR 26430, May 24, 1977).

A public hearing with respect to these proposed test procedures was scheduled for 1:30 p.m. on June 14, 1977 in Washington, D.C. In view of the lack of interest in presenting oral comments on the proposed test procedure for television receivers, the hearing is hereby cancelled.

Issued in Washington, D.C., June 8, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-16763 Filed 6-9-77;8:18 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 76-PC-10]

HAWAIIAN ISLANDS TRANSITION AREAS AND CONTROLLED AIRSPACE

Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This proposed rule would alter the Hawaiian Islands transition area by establishing an outer transition area with a base of 5,500 feet above the surface and an inner transition area with a base of 1,200 feet above the surface. This proposed action would establish a common floor of controlled airspace between oceanic/domestic areas surrounding the entire State of Hawaii. A review of the controlled airspace in the vicinity of the Hawaiian Islands indicated that simplification of the structure as proposed herein would be appropriate.

DATES: Comments must be received on or before August 12, 1977.

ADDRESSES: Send comments on the proposal to: Director, FAA Pacific Region, Attention: Chief, Air Traffic Division, Docket No. 76-PC-10, Federal Aviation Administration, P.O. Box 4009, Honolulu, Hawaii 96813.

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:

Richard Huff, 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 rule making 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, Pacific Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 4009, Honolulu, Hawaii 96813. All communications received on or before August 12, 1977 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 rule making (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 Hawaiian Islands transition area is described in Federal Aviation Regulations, Subpart G, Part 71.181, as extending upward from 14,500 feet MSL within a set of geographic coordinates. Exclusions to this area include airspace less than 1500 feet above terrain, control area extensions, 1200 feet transition areas, Federal Airways, and Warning Areas 319, 320, 322, 511 and 512. As a result, the Hawaiian airspace area is a maze of control areas with arbitrary boundaries and nonstandard bases of 700 feet, 1200 feet, 2500 feet, 3500 feet, 5000 feet and 14,500 feet. In the interest of efficient management and a uniform airspace structure, compatible with military and civil IFR and non-IFR user requirements, the FAA proposes to define a standard outer transition area with a base of 5500 feet above the surface to establish a common floor of controlled airspace between oceanic/domestic areas and a standard inner transition area with a base of 1200 feet above the surface to provide controlled airspace for low altitude flights close to the islands.

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 navigation 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.

Drafting Information

The principal authors of this document are Richard Huff, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.-181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440) as follows:

In § 71.181, the following transition areas would be amended as follows:

1. Hawaiian Islands:

The airspace extending upward from 5500 feet above the surface within the area bounded by a line beginning at Lat. 24°03'N., Long. 156°19'W., to Lat. 23°32'N., Long. 155° 29'W., to Lat. 23°00'N., Long. 154°39'W., to Lat. 22°22'N., Long. 153°53'W., to Lat. 21°43' N., Long. 153°09'W., to Lat 20°16'N., Long. 152°14'W., to Lat. 19°13'N., Long. 151°52'W., to Lat. 17°40'N., Long. 155°49'W., to Lat. 18° 28'N., Long. 158°55'W., to Lat. 18°57'N., Long. 159°55'W., to Lat. 19°35'N., Long. 160°36'W., to Lat. 22°19'N., Long. 162°29'W., to Lat. 23° 07'N., Long. 162°13'W., to Lat. 23°49'N., Long. 161°39'W., to Lat. 24°17'N., Long. 160°52'W., to the point of beginning; and the airspace upward from 1200 feet above the surface within the area described above bounded by a line beginning at Lat. 22°28'N., Long. 155° 48'W., to Lat. 21°00'N., Long. 153°51'W., thence clockwise along the arc of a 115-mile radius circle of the HILO VORTAC (Lat. 19° 43'28''N., Long. 155°00'49''W.), to Lat. 19°00' N., Long. 153°23'W., to Lat. 19°00'N., Long. 157°40'W., to Lat. 20°28'N., Long. 160°29'W., thence clockwise along the arc of a 115-mile radius circle of the South Kauai VORTAC (Lat. 21°54'13''N., Long. 159°31'54''W.), to Lat. 23°30'N., Long. 159°02'W., to the point of beginning.

2. In the Hilo, Hawaii, transition area all after "the HILO VORTAC 099° radial;" would be deleted.

3. In the Honolulu, Hawaii, transition area all after "extending from 13 miles to 14 miles southwest of the VORTAC;" would be deleted.

4. In the Kahului, Hawaii, transition area all after "extending from 14 miles to 17 miles northeast of the VORTAC;" would be deleted.

5. In the Kaneohe, Hawaii, transition area all after "the 8-mile radius area to 12 miles N. of the TACAN;" would be deleted.

6. In the Kona, Hawaii, transition area all after "to 17.5 miles north of the VORTAC;" would be deleted.

7. In the Lihue, Hawaii, transition area all after "10.5 miles southeast of the Lihue VORTAC;" would be deleted.

8. In the Molokai, Hawaii, transition area all after "to a point 7 miles east of this intersection;" would be deleted.

9. North Hilo, Hawaii, transition area would be deleted.

10. Sunrise, Hawaii, transition area would be deleted.

11. Swordfish, Hawaii, transition area would be deleted.

12. Upolu Point, Hawaii, transition area would be deleted.

13. In the Waimea-Kohala, Hawaii, transition area all after "11.5 miles northeast of the Kamuela VOR;." would be deleted.

(Sec. 307(a) and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(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.)

Note.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 3, 1977.

Edward J. Malo,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-16463 Filed 6-10-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-AL-1]

PROPOSED REALIGNMENT OF FEDERAL AIRWAY

Designation of an Alaskan Low Altitude Reporting Point

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign the colored federal airway identified as Blue(B)-27 between Oscarville, Alaska, and Fort Davis, Alaska, via St. Marys, Alaska, and to also designate St. Marys, Alaska, as an Alaskan low altitude reporting point. The FAA is assuming ownership of the St. Marys, Alaska, Nondirectional Radio Beacon (NDB) for use in the common air traffic system. The FAA believes that this navigational facility will enhance the en route and terminal procedures in this area for the use of the flying public.

DATES: Coments must be received on or before July 13, 1977.

ADDRESSES: Send comments on the proposal to: Director, Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 77-AL-1, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501.

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:

David F. Solomon, 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: 202-426-8530.

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, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before July 13, 1977 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 Subparts B and I of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign the colored Federal airway identified as Blue(B)-27 between Oscarville, Alaska, and Fort Davis, Alaska, via St. Marys, Alaska, and to also designate St. Marys, Alaska, as an Alaskan low altitude reporting point. The Alaskan Region is in the process of assuming ownership of the Wein Air Alaska Airlines private nondirectional radio beacon (NDB) at St. Marys, Alaska, for use in the common air traffic system. This proposal is just the initial part of a plan designed to generally improve air traffic services in this area. The FAA believes that this action will enhance the en route and terminal procedures in this area for the use of the flying public.

DRAFTING INFORMATION

The principal authors of this document are David F. Solomon, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.109 as republished (42 FR 306) and § 71.211 as republished (42 FR 638) of Part 71 of the Federal Aviation Regulations to realign colored Federal airway B-27 in part between Oscarville, Alaska, and Fort Davis, Alaska, via St. Marys, Alaska, and to also designate St. Marys, Alaska, as an Alaskan low altitude reporting point as follows:

1. Section 71.109 B-27 after Oscarville, Alaska, RBN; "46 miles, 173 miles, 30 MSL," will be deleted and "St. Marys, Alaska, RBN;" inserted.

2. Section 71.211 Insert "St. Marys, Alaska, NDB" between "Sparrevohn, Alaska, NDB and Summit, Alaska, NDB."

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

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 3, 1977.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-16475 Filed 6-10-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-WA-9]

TERMINAL CONTROL AREA

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Dallas-Fort Worth, Tex., Terminal Control Area (TCA) by amending the horizontal boundaries of Area C (that airspace from 3,000 feet MSL to 8,000 feet MSL) to encompass portions of the existing Area D (that airspace from 4,000 feet MSL to 8,000 feet MSL). This action is proposed to resolve a continuing air traffic control problem by containing aircraft within the TCA during periods when simultaneous parallel instrument approaches are being conducted to Runways 17R/17L or 35R/35L.

DATES: Comments must be received on or before July 13, 1977.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southwestern Region, Attention: Chief, Air Traffic Division, Docket No. 77-WA-9, FAA, P.O. Box 1689, Fort Worth, Tex. 76101.

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. John Watterson, 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 rule making 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, Southwestern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before July 13, 1977 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 rule making 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 K of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Dallas-Fort Worth, Tex., TCA to contain aircraft within the TCA when simultaneous ILS approaches are being conducted to Runways 17R/17L or to Runways 35R/35L. The established glide slope intercept fixes for simultaneous approaches at Dallas-Fort Worth Airport are located at 11.6 miles on the respective localizer courses with 3000 feet as a turn-on altitude for Runway 17R/35L and 4000 feet for Runway 17L/35R. Since aircraft must be turned onto the final approach course beyond the glide slope intercept fix, the current 15-mile boundary of the 3000 foot floor portion of the TCA makes aircraft containment within the TCA exceedingly difficult under heavy traffic conditions. The FAA believes that this action will resolve an air traffic control problem by assuring that aircraft being turned onto the final approach course beyond the glide slope intercept point are contained within the TCA during heavy traffic conditions when simultaneous parallel approaches are being conducted.

DRAFTING INFORMATION

The principal authors of this document are John Watterson, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.401 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 642) to alter the description of Area C and Area D of the Dallas-Fort Worth, Tex., Terminal Control Area as follows:

AREA C

That airspace extending from 3,000 feet MSL to and including 8,000 feet MSL beginning at Lat. 32°51'45"N., Long. 96°54'30"W.; to Lat. 33°07'15"N., Long. 96°54'30"W.; thence counter clockwise along a 15 NM arc of the Dallas-Fort Worth Airport to Lat. 33°08'44"N., Long. 97°01'47"W.; to Lat. 33°11'43"N., Long. 97°01'47"W.; to Lat. 33°11'30"N., Long. 97°11'30"W.; to Lat. 32°35'20"N., Long. 97°11'30"W.; thence counter clockwise along the 20 NM arc to Lat. 32°33'56"N., Long. 97°01'47"W.; to Lat. 32°38'57"N., Long. 97°01'47"W.; thence counter clockwise along the 15 NM arc to Lat. 32°45'45"N., Long. 96°47'30"W.; thence to point of beginning, excluding Areas A and B.

AREA D

That airspace extending from 4,000 feet MSL to and including 8,000 feet MSL beginning at Lat. 32°45'45"N., Long. 96°47'30"W.; thence clockwise along a 15 NM arc of the Dallas-Fort Worth Airport to Lat. 32°38'57"N., Long 97°01'47"W.; to Lat. 32°33'56"N.,

Long. 97°01'47"W.; thence counter clockwise along a 20 NM arc of the Dallas-Fort Worth Airport to Lat. 32°42'00"N., Long. 96°43'10"W.; to point of beginning; and that airspace beginning at Lat. 33°07'15"N., Long. 96°54'30"W.; to Lat. 33°12'00"N., Long. 96°54'30"W.; to Lat. 33°11'43"N., Long. 97°01'47"W.; to Lat. 33°08'44"N., Long. 97°01'57"W.; thence clockwise along the 15 NM arc of the Dallas-Fort Worth Airport to the point of beginning.

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

NOTE: The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 3, 1977.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-16474 Filed 6-10-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-GL-9]

MINERAL POINT, WIS. TRANSITION AREA

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to designate a transition area at Mineral Point, Wisconsin, to provide controlled airspace for aircraft executing instrument approach procedures to the Iowa County Airport which are based on a Non-Directional Radio Beacon (NDB) navigational aid being installed at the airport. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions, and other aircraft operating under visual conditions. The circumstance which created this action was a request from the Iowa County Airport to provide that facility with instrument approach capability.

DATES: Comments must be received on or before July 14, 1977.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 77-GL-8, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration 2300 East Devon, Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions, and other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The circumstance which created this action was a request from the Iowa County Airport to provide that facility with instrument approach capacity. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 77-GL-8, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 14, 1977, 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, 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 C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700 foot controlled airspace transition area near Mineral Point, Wisconsin. Subpart C of Part 71 was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 307).

DRAFTING INFORMATION

The principal authors of this document are Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, and Joseph T. Brennan, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (42 FR 440), the following transition area is added:

MINERAL POINT, WISCONSIN

That airspace extending upward from 700' above the surface within a 5 statute mile radius of the Iowa County Airport, Mineral Point, Wisconsin (latitude 42°53'12" N., longitude 90°13'52" W.) and within 3 statute miles either side of the 030° bearing from the Mineral Point RBN, extending from the 5-mile radius area to 8.5 statute miles northeast of the airport.

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.81 of the Federal Aviation Regulations (14 CFR 11.61).

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Illinois, on May 18, 1977.

LEON C. DAUGHERTY,
Acting Director, Great Lakes Region.

[FR Doc.77-16723 Filed 6-10-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-GL-9]

CHICAGO O'HARE TERMINAL CONTROL AREA

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to alter the Chicago O'Hare Terminal Control Area (TCA) Chicago, Illinois, to insure that all high performance aircraft executing instrument approach procedures to O'Hare Airport are contained within the controlled airspace, to raise the floor in the outer portion and to clarify the boundaries of the TCA. The proposed action is based on a study of actual operations. The intended effect of this action will be to return to general aviation use a significant amount of presently restricted navigable airspace and to make slight adjustments in the present TCA configuration to insure that all high performance aircraft are fully contained within the TCA limits.

DATES: Comments must be received on or before July 14, 1977.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket

Clerk, Docket No. 77-GL-9, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action will be to return to general aviation use a significant amount of presently restricted navigable airspace and to make slight adjustments in the present TCA configuration to insure that all high performance aircraft are fully contained within the TCA limits. The circumstance which created the need for this action was a recent study by the FAA of actual aircraft operations into and out of O'Hare International Airport, which revealed that aircraft utilizing current procedures and conducting Rwy 22R, 27L or 9R approaches are descending in such proximity to the floor of the TCA previously described in 1973, that an acceptable level of separation (required clearance between large aircraft operating at O'Hare and the smaller general aviation aircraft cicumnavigating the area) does not exist. The FAA study also revealed that the outer area of the TCA with an existing floor of 3000' is not being used by the larger aircraft below 3600' and, therefore, should be returned to general aviation use. In addition, public comment of pilots indicated that the present TCA boundary, as charted, was very difficult to read and understand and should be standardized and/or simplified where possible. In this regard, we have removed as many corners and nonflyable or nonidentfiable areas on the charts as possible.

Additional technical data follows: The Chicago O'Hare TCA was originally established in 1970 and since its inception, one new runway has been constructed and several additional IFR procedures have been developed to the previously existing runways.

The last modification to the TCA was made on November 11, 1973. At that time the TCA was expanded to include additional airspace; however, no change was made to the "surface" area (Area A) or Area B, the 1900' MSL shelf.

A recent study of the O'Hare TCA airspace and the procedures that are associated with it indicates that another modification is now necessary. All instrument arrival and departure procedures used by large turbine powered aircraft are not fully contained within the existing TCA. The study also indicated that a significant amount of airspace could be returned for general aviation use.

Therefore, the FAA proposes to modify the O'Hare TCA to accomplish the following:

(1) Insure that large turbine powered aircraft are fully contained within the TCA throughout the arrival and departure process at O'Hare Airport.

(2) Return airspace for general aviation use.

It was determined from the recent study of the TCA and associated procedures that aircraft conducting instrument approaches to Rwy 9R exit Area B after passing the Medina NDB by 55°; to Rwy 22R after passing the Ridge Marker by 128°, and to Rwy 27L after passing the Wilson Marker by 148°, prior to entering Area A.

Consideration was given to increasing the glide path angle or relocating the glide path antenna as alternatives to modifying the TCA; however, neither alternative is feasible. An increase of the glide path angle or relocation of the antenna could result in placing the aircraft at an altitude over the end of the runway (Threshold crossing height) that exceeds the limits for conducting a safe landing for many types of aircraft.

Some turbo-prop and turbo-jet aircraft have difficulty containing their climb within the TCA to the south and west under certain weight and weather conditions. This is caused by the close proximity of Area A to the departure ends of Runways 22L and 27L. The proposed revision of Area A will not only insure that the arrival procedures are contained within the TCA, but also provide additional airspace to insure that departing aircraft will remain within the TCA to the south and west during the initial phase of departure.

Since the last modification of the TCA, procedures for aircraft operating to and from the primary airport (O'Hare) have been revised. These revisions will now permit some airspace to be returned for general aviation use.

The FAA proposes to raise the floor of the TCA outside of the 15 DME radius of the O'Hare VORTAC to the outer edge of the TCA from 3000' MSL to 3600' MSL. This modification will provide additional altitudes to help relieve the compression of traffic operating beneath the TCA.

To simplify the TCA structure for easier, quicker comprehension, the FAA proposes to lower the floor of the 4000' to 7000' MSL areas to the north and southwest to 3600' MSL. This modification will provide additional airspace for slow-climbing long-haul turbo-prop and turbo-jet aircraft and help prevent confusion that results from irregular boundaries and varying altitudes.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 77-GL-9, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 14, 1977, 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 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 K of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to redesignate the Chicago O'Hare Terminal Control Area at Chicago, Illinois. Subpart K of Part 71 was republished in the Federal Register on January 3, 1977 (42 FR 642).

Drafting Information

The principal authors of this document are Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, and Joseph K. McLaughlin, Office of the Regional Counsel.

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.401(b) of Part 71 of the Federal Aviation Regulations as follows: In § 71.401 (42 FR 642), the following Terminal Control Area is amended to read:

Chicago, Illinois, Terminal Control Area

a. *Primary Airport:* (1) Chicago O'Hare International Airport (latitude 41°58'57" N, longitude 87°54'25" W).

(2) Chicago O'Hare VORTAC (latitude 41°59'16" N, longitude 87°54'19" W).

b. *Boundaries:* (1) Area A. That airspace extending upward from the surface to and including 7000' MSL within 5 DME (nautical mile) radius of Chicago O'Hare (ORD) VORTAC from the 347° radial clockwise to the 052° radial then within the 6.5 DME (nautical mile) radius of Chicago O'Hare (ORD) VORTAC from the 052° radio clockwise to the 242° radial thence via a direct line to intercept the 6.5 DME (nautical mile) on the 295° radial, then clockwise via the 6.5 DME (nautical mile) radius to the 347° radial, thence via the 347° radial to the point of origin.

Area B. That airspace extending upward from 1900' MSL to and including 7000' MSL within 10.5 DME (nautical mile) radius of Chicago O'Hare (ORD) VORTAC, excluding Area A previously described and that area bounded on the southeast by a line 2 nautical miles northwest and parallel to the extended centerline of Runway 22R, on the south by the Chicago O'Hare (ORD) VORTAC

5 DME (nautical mile) radius, and southwest by the southwest boundary of Glenview, Illinois control zone, on the north by a 10.5 DME (nautical mile) radius of the Chicago O'Hare (ORD) VORTAC, and excluding Area E described hereinafter.

Area C. That airspace extending upward from 3000' MSL to and including 7000' MSL within 15 DME (nautical mile) radius of Chicago O'Hare (ORD) VORTAC, excluding Areas A and B, previously described, Area E, described hereinafter.

Area D. That airspace extended upward from 3600' MSL to and including 7000' MSL within 25 DME (nautical mile) radius of Chicago O'Hare (ORD) VORTAC, excluding Areas A, B, and C, previously described, Area E described hereinafter, and excluding the area between the 20 and 25 DME (nautical mile) radii of Chicago O'Hare (ORD) VORTAC from a line 7 nautical miles southwest of and parallel to the extended centerline of Rwy 32L, clockwise to a line 7 nautical miles southeast of and parallel to the extended centerline of Rwy 4R, and excluding the area between the 20 and 25 DME (nautical mile) radii of Chicago O'Hare (ORD) VORTAC from a line 7 nautical miles northwest of and parallel to the extended centerline of Rwy 4L clockwise to a line extending from a point on the 20 DME (nautical mile) radius of Chicago O'Hare (ORD) VORTAC 7 nautical miles southwest of the extended centerline of Rwy 14R and a point on the 25 DME (nautical mile) radius of Chicago O'Hare (ORD) VORTAC 6 nautical miles southwest of the extended centerline of Rwy 14R.

Area E. That airspace northeast of Chicago extending upward frfom 2500' MSL to and including 7000' MSL bounded on the northeast by the 10.5 DME (nautical mile) radius of Chicago O'Hare VORTAC, on the south by the extended centerline of Rwy 9/27 at NAS Glenview and on the northwest by a line 2 nautical miles northwest of and parallel to the extended centerline of Rwy 22R at Chicago O'Hare International Airport.

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.81 of the Federal Aviation Regulations (14 CFR 11.61).

NOTE: The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Illinois, on May 23, 1977.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.77-16724 Filed 6-10-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release No. IC-9799, File No. S7-701]

CERTAIN PERSONS NOT DEEMED INTERESTED PERSONS

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Securities and Exchange Commission has under consideration a proposal to adopt a rule to exempt certain persons from being deemed interested persons under the Investment Company Act of 1940. This exemption would apply under specified circumstances to a broker or dealer, or any affiliated person of such broker or dealer, who would otherwise be deemed an interested person of an investment company, or of an investment company's investment adviser or principal underwriter. It would obviate the need for exemptive applications under circumstances in which the Commission has granted a number of orders.

DATES: Comments must be received by July 18, 1977.

ADDRESS: Send comments to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT:

Mark B. Goldfus, Attorney, Division of Investment Management, Securities and Exchange Commission, Washington, D.C., 20549, 202-755-0225.

SUPPLEMENTARY INFORMATION: A broker or a dealer who is registered under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) ("Exchange Act") or any affiliated person of such broker or dealer, as described by subparagraphs (A)(v) and (B)(v) of section 2(a)(19) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(19) et seq.) ("Act"), is deemed an interested person of an investment company and of any investment adviser of or principal underwriter for any investment company.[1] The term "interested person" was added to the Act by the Investment Company Amendments Act of 1970.[2] Congress recognized the broad scope of that concept, and it delegated to the Commission the administration of section 2(a)(19). As stated in the House Report that accompanied that legislation:

> "The committee believes that the Commission has adequate exemptive authority under section 6(c) of the Act to administer these amendments in a flexible manner. For example, all broker-dealers and legal counsel for an investment company would be defined as interested persons, but the Commission could exempt any such person upon an appropriate showing that he, in fact, is in a position to act independently on behalf of the investment company and its shareholders in dealing with the company's investment adviser or principal underwriter.[3]

Accordingly, pursuant to section 6(c) of the Act, the Commission has granted numerous orders exempting persons from the status of interested person upon its determining that the statutory standards for such exemption has been satisfied.[4] To a large degree, these orders have concerned a person who would otherwise be deemed an interested person of an investment company, or of an investment company's investment adviser or principal underwriter, solely because he is a broker or dealer registered under the Exchange Act, or an affiliated person of such a broker or dealer, which does not directly or indirectly act as a broker or dealer except in distributing shares of one or more registered investment companies other than such investment company.[5] Moreover, the investment company has agreed not to engage in any securities transactions with or through such broker or dealer while that person is its director.[6] Under these circumstances, the Commission has determined that such person's capacity as a registered broker or dealer or affiliated person thereof would not materially affect his independence in dealing with the investment company's adviser or principal underwriter.

In administering the Act, the Commission has not found that the granting of these exemptive orders under such

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[1] Section 2(a)(19) of the Act in part states that the term interested person of another person means—(A) when used with respect to an investment company—

* * * * *

(iii) any interested person of any investment adviser of or principal underwriter for such company

* * * * *

(v) any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such a broker or dealer

* * * * *

(B) when used with respect to an investment adviser of or principal underwriter for any investment company—

* * * * *

(v) any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such a broker or dealer

* * * * *

A registered broker or registered dealer or affiliated person thereof is an interested person of an investment adviser of or principal underwriter for any investment company under subparagraph (B)(v). Such person is an interested person of an investment company under subparagraph (A)(v) and, by virtue of his status as an interested person of an investment adviser of or principal underwriter for an investment company, under subparagraph (A)(iii).

[2] Pub. L. 91-547, Sec. 2(a)(3), 84 Stat. 1413 (1970).

[3] H.R. Rep. No. 1382, 91st Cong., 2d Sess. 15 (1970).

[4] Section 6(c) of the Act (15 U.S.C. 80a-6(c)) states: The Commission, by rules and regulations upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of (the Act) or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of (the Act).

[5] Typically, such person is an affiliated person of an insurance company or member of a mutual fund complex that is registered as a broker-dealer or which has a subsidiary so registered to distribute its variable annuity contracts, variable life insurance contracts or mutual fund shares.

[6] E.g., Trinwall Cash Reserve, Inc., Rel. I.C.A. 9393 (August 11, 1976) and Group Securities, Inc., Rel. I.C.A. 7765 (April 11, 1973).

circumstances has impaired the protections afforded by those provisions of the Act incorporating the concept of interested person.[3] Although the Commission has granted orders to exempt persons from the status of interested person in instances other than those to which proposed Rule 2a–5 is directed, the Rule would be a feasible method for obviating the need for a significant number of applications. Requests for exemptive orders when a person could not rely on proposed Rule 2a–5 would be considered on an application-by-application basis.

Accordingly, the Commission presently proposes to adopt Rule 2a–5 under the Act to exempt from the status of interested person of an investment company, and of any investment adviser of or any principal underwriter for such investment company, certain persons and affiliated persons of such persons, who act as a broker or a dealer solely in distributing shares of one or more registered investment companies other than such investment company when no such shares are distributed to such investment company. Thus, the Rule would not apply to any interested person of an investment company, its investment adviser or its principal underwriter, if the investment company purchases shares being distributed by that person's affiliated broker-dealer.

The Commission proposes to amend Part 270, Chapter II of Title 17 of the Code of Federal Regulations, pursuant to section 6(c) of the Act,[4] as follows:

§ 270.2a–5 Certain persons not deemed interested persons.

A person shall not be deemed an interested person of another person, as defined by section 2(a)(19), with respect to an investment company, or any investment adviser of or any principal underwriter for such investment company, solely because such person is a broker or dealer, as described in subparagraphs (A)(v) and (B)(v) of section 2(a)(19), or an affiliated person of such a broker or dealer: *Provided*, That (a) such broker or dealer does not directly or indirectly act as a broker or dealer except in distributing shares of one or more registered investment companies other than such investment company; and (b) no such shares are distributed to such investment company.

All persons who are interested in this matter are invited to submit their views and comments on the proposed rule in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before July 18, 1977. All such communications should refer to File No. S7–701 and will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 3, 1977.

[FR Doc.77–16627 Filed 6–10–77;8:45 am]

[3] Reference is made to the status of interested person of another person in the following sections of the Act: section 10(a), regarding the composition of an investment company's board of directors; section 10(b), in part prohibiting the use of certain principal underwriters except under specific circumstances; section 10(d), regarding the composition of an investment company's board of directors under specific circumstances; section 15(c), regarding approval of investment advisory contracts or agreements; section 15(f), regarding conditions for receipt of benefit by certain persons in assigning an investment advisory contract or in changing control or identity of a corporate trustee; section 16(b), regarding changes in the boards of directors in connection with compliance with section 15(f)(1)(A); and section 32, regarding selection of an accountant. (15 U.S.C. 80a–10(a), 80a–10(b), 80a–10(d), 80a–15(c), 80a–15(f), 80a–16(b), 80a–15(f)(1)(A), 80a–31).

[4] Supra, n. 4.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 260]

INDIAN RESERVATIONS

Use of Water; Extension of Comment Period

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Extension of Comment Period.

SUMMARY: The deadline for comments on the proposed regulations to the Department's trust responsibility to provide a method to preserve and protect in perpetuity all rights to the use of water reserved for the benefit of Indians is hereby extended to July 15, 1977. The proposed regulations were published at 42 FR 14885 on March 17, 1977, and the comment period was previously extended to June 2, 1977, at 42 FR 20480 on April 20, 1977.

DATES: Comments must be received by July 15, 1977.

ADDRESSES: Written comments should be directed to: Mr. David C. Harrison, Office of Rights Protection, Telephone: 202/343–8018.

SUPPLEMENTARY INFORMATION: The authority for the Commissioner to issue these regulations is contained in sec. 7 of the Act of February 8, 1887 (24 Stat. 390, 25 U.S.C. 12), and secs. 463 and 465 of the Revised Statutes (25 U.S.C. 2, 9) and 230 DM 1, 2.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.77–16651 Filed 6–10–77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 77–096]

HACKENSACK RIVER, N.J.

Drawbridge Operation Regulations

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of Bergen County, New Jersey, the Coast Guard is considering revising the operation regulations for the Midtown Bridge across the Hackensack River, mile 16.5, to allow the draw to be maintained in a permanently closed position. The bridge has not been opened for the passage of vessels since 1973. The proposal will relieve the County of any obligation of maintaining a drawtender for the bridge.

DATE: Comments must be received before July 15, 1977.

ADDRESS: Comments should be submitted to and are available for examination at the office of Commander (oan), Third Coast Guard District, Governors Island, New York, New York 10004.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G–WBR/73), Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, 202–426–0942.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Each person submitting comments should include his name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Third Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

This change is being considered for two reasons. First the draw has not been opened for the passage of vessels since 1973. This indicates limited use of this waterway above the bridge. The second reason is the Bergen County has applied for a permit to construct a tidal barrier approximately 500 feet downstream from this bridge. This will effectively prevent navigation through this barrier. Proposed boat ramps above and below the barrier will provide for the needs of boaters.

Accordingly, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding a

new § 117.225(f)(1-c) immediately after § 117.225(f)(1-b) to read as follows:

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) * * *

(1-c) Hackensack River, N.J., Midtown Bridge, mile 16.5. The draws need not open for the passage of vessels, and paragraphs (b) through (e) of this section shall not apply to this bridge.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655 (g)(2)); 49 CFR 1.46(c)(5).)

NOTE: The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: June 6, 1977.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.77-16708 Filed 6-10-77;8:45 am]

[33 CFR Part 117]

[CGD 77-079]

BAYOU TERREBONNE, LA.

Drawbridge Operation Regulations

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Louisiana Department of Transportation has requested that the drawbridge across Bayou Terrebonne, mile 31.3, be allowed to be maintained in a fixed position. The bridge has not been opened in the past ten years. The proposed change will relieve the State of the obligation of maintaining a drawtender and permit the bridge to remain closed to vessels at all times.

DATE: Comments must be received on or before July 15, 1977.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (obr), Eight Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal.

The Commander, Eight Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquaters, Washington, D.C., who will evaluate all communications received and recommend final action on this proposal to the Commandant, U.S. Coast Guard. The proposed regulations may be changed in light of comments received.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

This proposal is being considered because the draw has not been opened for the passage of vessels for more than 10 years and because this reach of Bayou Terrebonne has silted to where the normal depth is 2 to 3 feet. Vessels travelling downstream on Bayou Terrebonne bypass this bridge by using adjacent Bayou Petit Caillou; upstream bound vessels turn off at the Company Canal near Bourg and then continue into the Gulf Intracoastal Waterway.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.245(j)(2) to read as follows:

§ 117.245 Navigable Waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(j) * * *

(2) Bayou Terrebonne, La.; Louisiana Department of Highways drawbridge near Presquille. The draw need not open for the passage of vessels and paragraphs (b) through (e) of this section shall not apply to this bridge.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655 (g)(2)); 49 CFR 1.46(c)(5).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: June 6, 1977.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.77-16711 Filed 6-10-77;8:45 am]

[33 CFR Part 117]

[CGD 77-101]

CHESTER CREEK, PA.

Drawbridge Operation Regulations

AGENCY: Cost Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Consolidated Rail Corportation (ConRail) has requested that the operation regulations for their drawbridge across Chester Creek, (Front Street) mile 0.1, be amended to require at least 24 hours notice before the draw is opened for the passage of vesels. The bridge has opened only once since November 1975 for the passage of a vessel. The proposed change will relieve ConRail of the obligation to man the bridge.

DATE: Comments must be received befor July 15, 1977.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Third Coast Guard District, Governors Island, New York, New York 10004.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Each person submitting comments should include his name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Third Coast Guard District will forward any comments received, with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

Present regulations at this bridge require that the bridge open on signal between the hours of 6 a.m. and 10 p.m. and that the bridge need not open between the hours of 10 p.m. and 6 a.m. A study of the bridge logs for the period of November 1975 through January 1977 reveal openings of the draw only for the passage of one vessel. The remaining openings were for maintenance, bridge tests, and posting new men on the bridge.

A preliminary investigation was conducted with the Army Corps of Engineers and Base Gloucester City. The Army Corps of Engineers advised that a proposed dredging project for this waterway has been placed on inactive status and no action on this project will be taken in the foreseeable future. Base Gloucester City advised there are no ma-

rinas or other commercial establishments upstream of this bridge.

Based on the above facts, the Consolidated Rail Corporation's request to be allowed to operate this bridge on a 24 hours advance notice basis appears reasonable.

Accordingly, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.229 to read as follows:

§ 117.229 Chester Creek (Front Street) Pa.

(a) The draw shall open on signal if at least 24 hours notice is given.

(b) The owner or agency controlling this bridge shall conspicuously post a notice stating how the authorized representative may be reached.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 as amended and OMB Circular A-107.

Dated: June 6, 1977.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc.77-16709 Filed 6-10-77;8:45 am]

[33 CFR Part 117]

[CGD 77-097]

NORTH BRANCH CANAL, CHICAGO RIVER, ILL.

Drawbridge Operation Regulations

AGENCY: Coast Guard, DOT

ACTION: Proposed rule.

SUMMARY: The Chicago, Milwaukee, St. Paul and Pacific Railroad Company has requested that the draw of their bridge at mile 3.54 across the North Branch Canal, Chicago River, be permanently closed to the passage of vessels. The bridge has only opened once since 1969 for the passage of a vessel. The proposal will enable the railroad to save unnecessary maintenance expenditures because there is no vessel traffic demanding bridge openings.

DATE: Comments must be received before July 15, 1977.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Ninth Coast Guard District, 1240 East 9th Street, Cleveland, Ohio 44199.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Each person submitting comments should include his name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Ninth Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

This proposal is being considered because the draw of this bridge has been opened once since 1969 (March 1973) and almost all river traffic on the Chicago River uses the West Channel in lieu of the North Branch Channel. If river traffic should develop in the future on the North Branch, the Commandant, U.S. Coast Guard, will direct the bridge owner to return the bridge to an operable condition within six months.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.663(e)(7) to read as follows:

§ 117.663 Chicago River and its tributaries.

* * * * *

(e) * * *

(7) The draw of the Chicago, Milwaukee, St. Paul and Pacific Railroad bridge need not open for the passage of vessels. However, the draw shall be returned to an operable condition after notification from the Commandant, U.S. Coast Guard, to take such action.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: June 6, 1977.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc.77-16710 Filed 6-10-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 745-6]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS—MASSACHUSETTS

Extension of the Effective Period of the Sulfur in Fuel Regulation for the Metropolitan Boston AQCR.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The proposed revision changes the expiration date of Regulation 5.1, "Sulfur Content of Fuels and Control Thereof," from July 1, 1977 to July 1, 1978, extending the effective life of the regulation to 2 years and 7 months. The regulation, which relaxes the sulfur limitations for fossil fuel burned by large sources in the Metropolitan Boston Intrastate Air Quality Control Region, was approved by EPA on December 5, 1975 as a revision to the State Implementation Plan. Comments are solicited on the effect of this extension.

DATES: Comments must be received on or before July 13, 1977.

ADDRESSES: Copies of the Massachusetts submittal are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 2113, JFK Federal Building, Boston, Massachusetts 02203; the Freedom of Information Center, Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460; and the Department of Environmental Quality Engineering, Division of Air and Hazardous Materials, Room 320, 600 Washington Street, Boston, Massachusetts 02111. Comments should be submitted to the Regional Administrator, Region I, Environmental Protection Agency, Room 2203, JFK Federal Building, Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT:

Wallace Woo, Air Branch, Environmental Protection Agency, Region I, Room 2113, JFK Federal Building, Boston, Massachusetts 02203. (617) 223-5609.

SUPPLEMENTARY INFORMATION: On May 31, 1972 (37 FR 10872), pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with exceptions, the Massachusetts Implementation Plan for the attainment of National Ambient Air Quality Standards (NAAQS).

On December 5, 1975 (40 CFR 56889) the Administrator approved a revision to the State Implementation Plan (SIP) for the Metropolitan Boston Intrastate Air Quality Control Region (AQCR), which relaxed the sulfur in fuel limitations contained in Regulation 5.1, "Sul-

fur Content of Fuels and Control Thereof," until July 1, 1977. Fossil fuel utilization facilities located in the cities and towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Newton, Somerville, Waltham, and Watertown having an energy input capacity of two and one half billion (2.5×10^9) Btu per hour or greater are permitted to burn fossil fuel with a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1.0 percent sulfur content residual fuel oil by weight). All other sources located in these cities and towns are continuing to burn fossil fuel with a sulfur content not in excess of 0.28 pounds per million Btu heat release potential (approximately equivalent to 0.5 percent sulfur content residual fuel oil by weight), in accordance with the original SIP regulation. For other towns in the AQCR, facilities having an energy input capacity of one hundred million (100×10^6) Btu per hour or greater are permitted to burn fossil fuel with a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2 percent sulfur content residual fuel oil by weight), and other sources are limited to burning fossil fuel with a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1.0 percent sulfur content residual fuel oil by weight), in accordance with the original SIP regulation.

On April 1, 1977, the Commissioner of the Massachusetts Department of Environmental Quality Engineering (the Massachusetts Department) submitted a revision to the SIP which would change the expiration date of Regulation 5.1 from July 1, 1977 to July 1, 1978. The proposed one-year extension gives the regulaton an effective life of 2 years and 7 months, from December 5, 1975 to July 1, 1978.

No other provisions of the regulation are changed. The regulation requires that each source be reviewed by the Massachusetts Department and be granted a permit prior to burning the higher sulfur content fuel. Approval of a source's plan to use higher sulfur fuel is contingent on the following conditions: mantenance of a three-day supply of lower sulfur fuel to be utilized during periods of adverse meteorological conditions and ability to convert to the lower sulfur fuel within three hours of notification by the Massachusetts Department; establishment and operation of ambient air qualty monitors where determined necessary by the Department; ability to comply with all other applicable regulations while burning the higher sulfur fuel, including the particulate emission limitations (determined by stack testing) and the opacity regulations. Any violation of the applicable NAAQS within the area of impact of a facility will result in a mandatory return by that source to lower sulfur fuel.

All of the sources in the size categories eligible to burn the higher sulfur content fuel were approved by EPA in the December 5, 1975 Rulemaking Notice. Of these, 19 actually converted to the higher sulful fuel. The other 9 sources chose not to convert.

Five of the 19 sources which had been burning higher sulfur fuel were ordered by the Massachusetts Department to return to the previously required lower sulfur fuel because of failure to meet the opacity or particulate emission limitations. These sources cannot be considered for approval to burn higher sulfur fuel during the extended effective period of the regulation unless they can demonstrate to the Massachusetts Department that they can meet the applicable regulatons through retesting for a new permit.

There have been no violations of the NAAQS for sulfur dioxide in the Metropolitan Boston Intrastate AQCR since the regulation has been in effect. However, there have been several violations of the NAAQS for total suspended particulates (TSP). The analysis performed by the Massachusetts Department indicates that, except for one source, those sources currently burning higher sulfur content fuel did not significantly contribute to the TSP violations in 1976. However, the Massachusetts Department's analysis shows that Eastman Gelatin Corporation, Peabody, may have contributed to TSP violations recorded at an ambient monitoring station in Peabody, and cannot be included in an approval of an extension of the effective period of the regulation.

The Administrator's decison to approve or disapprove the plan revision will be based on whether it meets the requirements of Sections 110(a)(2)(A)–(H) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. This revision is being proposed pursuant to Sections 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 1857c–(5)(a) and 1857(g)).

Dated: June 3, 1977.

JOHN A. S. MCGLENNON,
Regional Administrator, Region I.

[FR Doc.77-16625 Filed 6-10-77;8:45 am]

[40 CFR Part 52]

[FRL 745-7]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS—MAINE

Proposed Exemption of Municipal Refuse Conical Incinerators From Incinerator Particulate Emission Standard

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: The proposed revision to the Maine Implementation Plan was submitted pursuant to Chapter 570 of the Acts of 1975, enacted by the Maine Legislature. If the revision is approved by EPA, municipal refuse conical incinerators (also called "teepee incinerators") which serve a population of less than 25,000 will not have to comply with Maine's Incinerator Particulate Emission Standard.

COMMENTS BY: July 13, 1977.

ADDRESSES: Copies of the Maine submittal are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 2113, JFK Federal Building, Boston, MA 02203; Freedom of Information Center, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460; and the Maine Department of Environmental Protection, Bureau of Air Quality Control, Ray Building, Augusta, Maine 04330.

Comments should be submitted to the Regional Administrator, Region I, Environmental Protection Agency, Room 2203, JFK Federal Building, Boston, MA 02203.

FOR FURTHER INFORMATION CONTACT:

Wallace Woo, Air Branch, EPA Region I, Room 2113, JFK Federal Building, Boston, MA 02203 (617–223–5609).

SUPPLEMENTARY INFORMATION: On May 31, 1972 (37 FR 10870) pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with exceptions, the Maine Implementation Plan for the attainment of National Ambient Air Quality Standards (NAAQS).

On November 18, 1976, the Commissioner of the Maine Department of Environmental Protection (Maine DEP) submitted for EPA approval a proposed revision to the State Implementation Plan (SIP) which would exempt municipal refuse conical incinerators serving 25,000 persons or less from Regulation 100.4, the Incinerator Particulate Emission Standard, provided that proper leachate control, ash sifting, and ash disposal is accomplished and provided that the public health, safety and welfare are not adversely affected by the emissions from the cone burner.

To evaluate the impact on air quality of this revision, the Maine DEP calculated the ambient concentrations resulting from the operation of a typical municipal refuse conical incinerator. These calculations indicate that violations of the NAAQS will occur if municipal refuse conical incinerators are not subject to any emission limitations. Based on the information presently available, EPA is considering disapproval of this revision.

The Regional Administrator hereby issues this notice to advise the public that interested persons may participate in this rulemaking by submitting written comments to the address above.

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of Section 110(a)(2)(A)–(H) of the Clean Air Act as amended and EPA regulations in 40 CFR Part 51. This revision is being proposed pursuant to Sections 110(a) and 301 of the Clean Air

Act, as amended (42 U.S.C. 1857c-(5)(a) and 1857(g)).

Dated: June 2, 1977.

LESTER A. SUTTON,
Acting Regional Administrator, Region I.

[FR Doc.77-16624 Filed 6-10-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 30, 32]

[CGD 77-057]

INERT GAS SYSTEM

Proposed Amendment

Correction

In FR Doc. 77-13895 appearing at page 24874 in the issue for Monday, May 16, 1977, in the third column on page 24874 in the second paragraph, line 5, "Hong Haakong", should be "Kong Haakong".

[46 CFR Parts 50, 54, 56, 58, 61, 107, 108, 109]

[CGD 73-251]

REQUIREMENTS FOR MOBILE OFFSHORE DRILLING UNITS

Correction

In FR Doc. 77-12254, appearing at page 22296 in the issue of Monday, May 2, 1977, make the following changes:

1. On page 22299, first column, the last line of § 50.01-1(j) should read, "in Subchapter I-A of this chapter."

2. On page 22300, second column, in the third line of § 58.60-9, the number now reading "140" should read, "14C".

3. On page 22300, the next to last line in the second column should read, "28. By adding a new Subchapter I-A to".

4. On page 22302, third column, the sixth line of the definition for "Watertight" in § 107.111 should read, "of water from a nozzle (not less than 1 inch".

5. On page 22306, third column, the first word in paragraph (b) of § 107.401 should read, "International".

6. On page 22311, third column, paragraphs (a) and (b) of §108.301 should be designated as (b) and (c) and a new paragraph (a) should be added, reading, "(a) 'Downflooding angle' means the angle of heel at which openings in the hull, superstructure, or deckhouses commence to immerse."

7. On page 22315, first column, the second word in paragraph (c) of § 108.-425 should read "nozzle".

8. On page 22321, second column, the second word in paragraph (a)(4) of § 108.508 should read, "bearing".

NOTE.—This correction is republished without change from the issue of Tuesday, June 7, 1977, 42 FR 29026.

FEDERAL COMMUNICATION COMMISSION

[47 CFR Part 67]

[Docket No. 21264; FCC 77-366]

PUERTO RICO AND VIRGIN ISLANDS

Preparation of a recommended decision by a Federal-State Joint Board

AGENCY: Federal Communications Commission.

ACTION: Notice of Inquiry, Proposed Rule Makng, and Creation of a Federal-State Joint Board.

SUMMARY: The Commission has convened a joint board to prepare a recommended decision to prescribe a separations method applicable to Puerto Rico and the Virgin Islands. Rate integration between the mainland and the off-shore points of Puerto Rico and the Virgin Islands requires a division of revenue among the various carriers. In order to divide the revenues, the carriers facilities are allocated between inter-and intra-state use by means of a prescribed Separations formula. Such a prescription requires the convening of a Federal-State joint board to recommend what method should be used for Puerto Rico and the Virgin Islands.

DATES: Non-applicable.

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

FOR FURTHER INFORMATION CONTACT:

Francis L. Young, Tariff Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, 202-632-5550.

SUPPLEMENTARY INFORMATION:

Adopted: May 26, 1977.
Released: June 7, 1977.

NOTICE OF INQUIRY, PROPOSED RULE MAKING AND CREATION OF FEDERAL-STATE JOINT BOARD

In the matter of integration of rates and services for the provision of communications by authorized common carriers between the United States Mainland and Hawaii, Alaska, and Puerto Rico/Virgin Islands.

1. Notice is hereby given of an inquiry, proposed rulemaking and the convening of a Federal-State Joint Board under Section 410(c) of the Communications Act of 1934, as amended, 47 U.S.C. 410 (c), to prepare a recommended decision for the purpose of establishing the separations procedure(s) applicable to Puerto Rico and the Virgin Islands[1] for prompt review and action by the Commission.

2. In the Second Report and Order of the Domestic Communications Satellite Facilities proceeding, Docket No. 16495, 35 FCC 2d 844 (1973) we determined that the advent of domestic satellite service would be accompanied by the integration of services and charges between the United States mainland and Alaska, Hawaii, and Puerto Rico/Virgin Islands into domestic patterns. In Integration of Rates and Services, AT&T, et al., 61 FCC 2d 380 (1976) recon. pending, we adopted a phased MTS rate integration plan. Step 1 of the plan for Puerto Rico and the Virgin Islands is scheduled to become effective on July 1, 1977. Implementation of Step I will be accomplished through an interim settlement arrangement similar to the approach taken for Step I MTS integration for Alaska and Hawaii. Implementation of the final step of MTS integration is dependent on cost based divisions of revenues. In the interest of determining such divisions of revenues, a prescribed separations methodology is necessary.

3. The current separations procedures for the Mainland 48 States, which are incorporated into Part 67 of the Commission's Rules and the NARUC-FCC Separations Manual, were amended in 1970 to include the so-called "Ozark Plan" for the allocation of subscriber plant (and the non-traffic sensitive portion of local dial switching equipment). Separations Procedures, 26 FCC 247, 248. The foreward to the Separations Manual states that: "These procedures are not necessarily designed to apply to Alaska and Hawaii in view of the substantially different conditions in the case of these States." (emphasis supplied) Similarly, th manual does not currently apply to Puerto Rico and the Virgin Islands. Until now the Ozark Plan has not been applied to Alaska, Hawaii or Puerto Rico/Virgin Islands interstate MTS settlements.

4. During rate integration negotiations conducted among the carriers with the assistance of the Common Carrier Bureau, certain parties argued that the current Manual should not apply without modifications. As a result any interim settlement will necessarily proceed without any cost support and the carriers (American Telephone and Telegraph Company, All America Cables and Radio, ITT Communications, Inc.—Virgin Islands, Puerto Rico Telephone Company, and the Virgin Islands Telephone Company) have not been able to agree on final settlement arrangements. Our initial impression is that the offshore MTS jurisdictional separations and settlement procedures should be those that pertain for all mainland carriers participating in the provision of interstate MTS. However, we recognize

[1] A separate joint board is being simultaneously convened to prepare a recommended decision for the purpose of establishing the separations procedure(s) applicable to Hawaii and Alaska.

the legitimate concerns of the off-shore carriers and governments that the Ozark Plan may require some modification.

5. Accordingly, we are instituting this proceeding for the purpose of determining what modifications, if any, should be made to existing separations procedures so that they may be applied to Puerto Rico and the Virgin Islands. This inquiry shall address the question of whether each of the designated points should be treated the same as, or different from, Mainland points as well as the same or different among themselves. We have pending in Docket No. 20891 another Joint Board proceeding to determine whether changes in the separations procedures would be appropriate in light of customer-supplied equipment. It is our intention that this proceeding shall proceed separately since it concerns a problem unique to the offshore locations, and there exists a need for the resolution of the issues addressed herein as expeditiously as possible. We wish to make it clear that we are proceeding by rulemaking procedures in order to be in a position to implement our final decision in this proceeding. We expect to develop in this proceeding all relevant material and probative data and information needed for us to decide the issues presented.

6. Accordingly, pursuant to Sections 4(i), 4(j), 205, 213, 215, 403, 404 and 410 of the Communications Act of 1934, 47 U.S.C. 154(i), 154(j), 205, 213, 215, 403, 404 and 410, as amended *it is ordered*, That the aforementioned inquiry and proposed rule making proceeding is hereby instituted.

7. *It is further ordered*, That a Joint Board is hereby convened pursuant to the provisions of Section 410(c) of the Communications Act, 47 U.S.C. 410(c), as amended; That such Joint Board shall consist of the three members of this Commission's Telephone Committee, and four State Commissioners to be nominated by NARUC and approved by this Commission; and That the Chairman of this Commission shall be Chairman of the Joint Board.

8. *It is further ordered*, That the Joint Board shall consider all information, data, comments, views and other submissions which pertain to the issues and shall prepare a recommended decision to the Commission for its consideration and action; and That the State Commission members of the Joint Board shall sit with the Commission en banc at any oral argument that may be scheduled in this proceeding and shall be afforded an opportunity to participate in the Commission's deliberation, but not vote, when the Commission is considering the recommended decision of the Joint Board.

9. *It is further ordered*, That the schedule and deadlines for the filing of comments, reply comments or any other submission or information on this matter shall be established by the Joint Board and publicized by a Public Notice from this Commission.

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-16695 Filed 6-10-77;8:45 am]

[47 CFR Part 67]

[Docket No. 21263; FCC 77-365]

HAWAII AND ALASKA

Preparation of a recommended decision by a Federal-State Joint Board

AGENCY: Federal Communications Commission.

ACTION: Notice of Inquiry, Proposed Rule Making, and Creation of a Federal-State Joint Board.

SUMMARY: The Commission has convened a joint board to prepare a recommended decision to prescribe a separations method applicable to Alaska and Hawaii. Rate integration between the mainland and the offshore points of Alaska and Hawaii requires a division of revenue among the various carriers. In order to divide the revenues, the carriers facilities are allocated between inter- and intra-state use by means of a prescribed Separations formula. Such a prescription requires the convening of a Federal-State joint board to recommend what method should be used for Alaska and Hawaii.

DATES: Non-applicable.

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

FOR FURTHER INFORMATION CONTACT:

Francis L. Young, Tariff Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, 202-632-5550.

SUPPLEMENTARY INFORMATION:

Adopted: May 26, 1977.

Released: June 7, 1977.

NOTICE OF INQUIRY, PROPOSED RULE MAKING AND CREATION OF FEDERAL-STATE JOINT BOARD

In the matter of integration of rates and services for the provision of communications by authorized common carriers between the United States Mainland and Hawaii, Alaska, and Puerto Rico/Virgin Islands.

1. Notice is hereby given of an inquiry, proposed rulemaking and the convening of a Federal-State Joint Board under Section 410(c) of the Communications Act of 1934, as amended, 47 U.S.C. 410(c), to prepare a recommended decision for the purpose of establishing the separations procedure(s) applicable to Hawaii and Alaska[1] for prompt review and action by the Commission.

2. In the Second Report and Order of the Domestic Communications Satellite Facilities proceeding, Docekt No. 16495, 35 FCC 844 (1973) we determined that the advent of domestic satellite service would be accompanied by the integration of services and charges between the United States mainland and Alaska, Hawaii, and Puerto Rico/Virgin Islands into domestic patterns. In Integration of Rates and Services, AT&T, et al., 61 FCC 2d 380 (1976), recon. pending, we adopted a proposal of all parties to implement rate integration for Hawaii and Alaska in a three step approach. Step 1 of this plan was put into effect by the carriers in March, 1976, on a "keep whole" arrangement.[2] We stated our concern that the settlement arrangements proposed by the carriers may be inconsistent with the public interest and, that in the interest of determining an appropriate division of revenues we would designate this issue for hearing.

3. One of the major impediments to such a hearing, however, is the lack of prescribed separations procedures for the off-shore points. The current separations procedures for the Mainland 48 States, which are incorporated into Part 67 of the Commission's Rules and the NARUC-PCC Separations Manual, were amended in 1970 to include the so-called "Ozark Plan" for the allocation of subscriber plant (and the non-traffic sensitive portion of local dial switching equipment). Separations Procedures, 26 FCC 247, 248. The forward to the Separations Manual states that: "These procedures are not necessarily designed to apply to Alaska and Hawaii in view of the substantially different conditions in the case of these States." (emphasis supplied) Until now the Ozark Plan has not been applied to Alaska, Hawaii or Puerto Rico/Virgin Islands interstate MTS settlements.

4. In 1975 we approved the use of the NARUC-FCC Separations Manual for jurisdictional separations of the operations of RCA Alascom in Alaska, 54 FCC 2d 1206 (1971). During rate integration negotiations conducted among the carriers with the assistance of the Common Carrier Bureau, various Alaskan interests strenuously argued that the current Manual should not apply to Alaska in

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[1] Commissioner Robert E. Lee absent.

[1] A separate joint board is being simultaneously convened to prepare a recommended decision for the purpose of establishing the separations procedure(s) applicable to Puerto Rico and the Virgin Islands.

[2] The "keep whole" formula was based on maintaining the pre-Step 1 average revenue per minute (ARPM). Thus, the division of gross revenues between HTC and AT&T was increased from 60 percent/40 percent to 75 percent/25 percent, and between RCA Alascom and AT&T, the division of gross revenues was increased from 78 percent/22 percent to 99 percent/1 percent.

light of the unique circumstances existing in Alaska. Similarly, representatives of Hawaiian interests averred that the current manual does not apply to Hawaii. As a result, rate integration has so far proceeded without any cost support and accordingly the carriers (American Telephone and Telegraph, Hawaiian Telephone Company, and RCA Alascom), have not been able to agree on final settlement arrangements. While this approach was necessary for Step 1, rate integration must bear some relationship to cost. Our initial impression is that the off-shore MTS jurisdictional separations and settlement procedures should be those that pertain for all mainland carriers participating in the provision of interstate MTS. However, we recognize the legitimate concerns of the off-shore carriers and governments that the Ozark Plan may require some modification.

5. Accordingly, we are instituting this proceeding for the purpose of determining what modifications, if any, should be made to existing separations procedures so that they may be applied to Hawaii and Alaska. This inquiry shall address the question of whether each of the designated points should be treated the same as, or different from, Mainland points as well as the same or different among themselves. We have pending in Docket No. 20891 another Joint Board proceeding to determine whether changes in the separations procedures would be appropriate in light of customer-supplied equipment. It is our intention that this proceeding shall proceed separately since it concerns a problem unique to the offshore locations, and there exists a need for the resolution of the issues addressed herein as expeditiously as possible. We wish to make it clear that we are proceeding by rulemaking procedures in order to be in a position to implement our final decision in this proceeding. We expect to develop in this proceeding all relevant material and probative data and information needed for us to decide the issues presented.

6. Accordingly, pursuant to Sections 4(i), 4(j), 205, 213, 215, 403, 404 and 410 of the Communications Act of 1934, 47 U.S.C. 154(i), 154(j), 205, 213, 215, 403, 404 and 410, as amended *it is ordered*, That the aforementioned inquiry and proposed rulemaking proceeding is hereby instituted.

7. *It is further ordered*, That a Joint Board is hereby convened pursuant to the provisions of Section 410(c) of the Communications Act, 47 U.S.C. 410(c), as amended; That such Joint Board shall consist of the three members of this Commission's Telephone Committee, and four State Commissioners to be nominated by NARUC and approved by this Commission; and that the Chairman of this Commission shall be Chairman of the Joint Board.

8. *It is further ordered*, That the Joint Board shall consider all information, data, comments, views and other submissions which pertain to the issues and shall prepare a recommended decision to the Commission for its consideration and action; and That the State Commission members of the Joint Board shall sit with the Commission en banc at any oral argument that may be scheduled in this proceeding and shall be afforded an opportunity to participate in the Commission's deliberation, but not vote, when the Commission is considering the recommended decision of the Joint Board.

9. *It is further ordered*, That the schedule and deadlines for the filing of comments, reply comments or any other submission or information on this matter shall be established by the Joint Board and publicized by a Public Notice from this Commission.

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-16696 Filed 6-10-77;8:45 am]

[47 CFR Part 76]

[Docket No. 20561]

CABLE TELEVISION SYSTEM

Definition; Creation of Classes of Cable Systems; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: This document extends the time for filing comments in a proceeding that involves rules to be applied to cable television systems with fewer than 1000 subscribers. This extension is made at the request of the National Association of Broadcasters.

DATES: Comments must be received on or before June 21, 1977, and Reply Comments must be received on or before August 22, 1977.

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

FOR FURTHER INFORMATION CONTACT:

James Hudgens, Cable Television Bureau (202-632-6468).

SUPPLEMENTARY INFORMATION:

Adopted: June 1, 1977.

Released: June 6, 1977.

In the matter of amendment of Part 76 of the Commission's rules and regulations with respect to the definition of a cable television system and the creation of classes of cable systems (order) (42 FR 20134).

1. On May 19, 1977 the National Association of Broadcasters (NAB) requested that the time for filing comments and reply comments in the further notice of proposed rulemaking in the captioned proceeding be extended 30 days, until July 6 and August 5, 1977, respectively. In support of its request NAB states that since the release of the further notice three additional deadlines, none of which is readily subject to extension, have been imposed in other proceedings of substantial importance to NAB and other broadcast interests.[1] NAB maintains that meeting these deadlines will place extraordinary demands on counsel for NAB and other broadcast interests and would make the filing of meaningful comments in the instant proceeding, which involves analysis of a detailed audience fractionalization study accompanying the further notice, impossible.

2. To begin with the network inquiry, NAB states that it has no intention of filing comments in that proceeding. Insofar as NAB advances the scheduling problems of other broadcast interests, we note that no other petitions are before us. Furthermore, a 30-day extension of time has already been granted in the network inquiry proceeding, thus allowing any other affected parties an additional period of time to respond. Nor does it appear likely that all broadcast interests that might comment in the instant proceeding would also be participating extensively in the other two proceedings whose deadline are cited by NAB. Nevertheless, in view of the fact that the confluence of the several deadlines may impose unforeseen time constraints on some parties, and because the original time allowed for filing comments, sixty days, was not unusually long, we find a limited extension in the instant proceeding would be appropriate. Accordingly, we will extend the dates for filing comments to June 21, 1977 and August 22, 1977. This fifteen-day extension should afford the various interested broadcast parties an adequate opportunity to prepare responsive remarks without unduly delaying resolution of this proceeding.

Accordingly, *it is ordered*, That the dates for filing comments and replies in Docket 20561 are extended to June 21 and August 22, 1977, respectively.

This action is taken by the Chief, Cable Television Bureau, pursuant to authority delegated by § 0.288 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION,
JAMES R. HOBSON,
Chief,
Cable Television Bureau.

[FR Doc.77-16660 Filed 6-10-77;8:45 am]

[47 CFR Part 87]

[Docket No. 21261; FCC 77-353]

AVIATION INSTRUCTIONAL STATIONS

Removing the Limitation of Only One Per Landing Area

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This document would allow more than one fixed aviation instructional station to be authorized at a landing area; and would indicate that persons

[1] Commissioner Robert E. Lee absent.

[1] These are the due dates for filing comments in the Commission's Notice of Inquiry into commercial network television practices and the Office of Copyright's Notice of Inquiry regarding performance rights in sound recordings (comments due June 1 and May 31, respectively) and for filing Petition for Certiorari in *Home Box Office, Inc. v. FCC* (due June 6, 1977).

engaged in activities relating to the operation of free balloons are eligible for aviation instructional station licenses. This action is being taken to eliminate unnecessary restrictions and otherwise clarify the rules regarding aviation instructional stations.

DATES: Comments must be received on or before July 11, 1977, and Reply Comments must be received on or before July 21, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Robert McNamara, Aviation and Marine Division, Safety and Special Radio Services Bureau (202-632-7197).

SUPPLEMENTARY INFORMATION:

Adopted: May 25, 1977.

Released: June 8, 1977.

By the Commission:

In the matter of Amendment of Part 87 of the rules relative to aviation instructional stations.

1. Notice of Proposed Rule Making is hereby given.

2. Presently the Commission's rules provide that only one aviation instructional station will be authorized on a landing area. Such stations authorized for operation at a fixed point on a landing area are required to provide service without discrimination to all who are otherwise eligible for a license for an aviation instructional station. However, the limitation of one aviation instructional station per landing area does not apply to stations authorized for mobile operations on the ground. Thus a number of instructional stations may in fact operate on a given landing area.

3. We believe that the public interest and convenience will be served by amending our rules to remove the limitation of only one aviation instructional station per landing area. This will allow all eligible applicants to become licensees regardless of other stations licensed on the landing area. Currently competitive flying schools comprise most of the entities required to share the services of these fixed stations. By allowing each qualified entity on a landing area to become a licensee, both current licensees and those heretofore ineligible would benefit from a more convenient and equitable arrangement for station service. Provisions requiring the cooperative use of facilities would be unnecessary and therefore deleted from the rules. Problems regarding lack of cooperation and discrimination in the use of facilities will thus be eliminated. Such a change in licensing policy will not significantly increase the utilization of available frequencies since eligible parties are currently provided services via cooperative use of fixed facilities or via ground mobile aviation instructional stations, which are not affected by the one station per landing area limitation.

4. It is our intent to allow applicants to request any one of the frequencies available for assignment to aviation instructional stations. An applicant sharing a landing area where another aviation instructional station is authorized, may wish to share the same frequency or select an alternate. The circumstances regarding safety of operations and frequency congestion in the particular area will normally dictate his choice. However, the Commission reserves the right to specify the frequency of assignment.

5. Accordingly, we propose to delete § 87.349 from our rules to remove the limitation authorizing only one aviation instructional station at a landing area, and to amend § 87.341(a) and delete § 87.351 to clarify the availability of frequencies for assignment to aviation instructional stations.

6. In addition, we wish to clarify the status of free balloons with respect to aviation instructional stations. For the purpose of Subpart H, free ballooning has been interpreted as within the scope of soaring activities. Thus, persons engaged in activities involving the operation of free balloons have been deemed eligible for aviation instructional station licenses. We believe this interpretation should be specifically recognized in the rules.

7. Therefore, we propose to amend §§ 87.343 and 87.345 of our rules to indicate that persons engaged in activities relating to the operation of free balloons are eligible for aviation instructional station licenses.

8. Further, in the nature of an editorial change, we propose to delete the second sentence in § 87.343, relating to the use of aviation instructional frequencies by private aircraft stations, and add a more general statement in § 87.183 (frequencies available for airborne stations) to reflect the authorized usage of these frequencies by aircraft stations.

9. The proposed amendments to the Commission's rules, as set forth below, are issued pursuant to the authority contained in Sections 4(i) and 303 (b), (c), (d) and (r) of the Communications Act of 1934, as amended.

10. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before July 11, 1977, and reply comments on or before July 21, 1977. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

11. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 5 copies of all statements, briefs or comments shall be furnished the Commission. All comments received in response to this Notice of Proposed Rule Making, will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 87.183(m) is revised to read as follows:

§ 87.183 Frequencies available.

* * * * *

(m) 123.3, 123.5 and 121.95 MHz: These frequencies may be used by aircraft only for communications with aviation instructional station when engaged in pilot training, soaring or free ballooning activities, in accordance with Subpart H of this part.

* * * * *

2. Section 87.341(a) is revised to read as follows:

§ 87.341 Frequencies available.

(a) The frequencies 123.3 and 123.5 MHz are available exclusively for assignment to ground and aircraft instructional stations. Mobile stations will be assigned both of these frequencies. However, mobile stations are authorized to operate only on a noninterference basis to fixed instructional stations. The frequency 121.95 MHz is also available to instructional stations. The Commission, as a matter of policy, will attempt to maintain a 1 mile separation between transmitters on 121.95 MHz and adjacent channel receivers. Applicants for authority to use 121.95 MHz should, therefore, coordinate their proposal with the appropriate FAA regional offices prior to submitting their application. A statement of the coordination effected should accompany the application. Applicants for fixed stations may request assignment of any one of the available frequencies, however, the Commission reserves the right to specify the frequency of assignment.

* * * * *

3. Section 87.343 is revised to read as follows:

§ 87.343 Eligibility for license.

An aviation instructional station license will be granted only to flying schools and to persons engaged in soaring or free ballooning activities. Each application shall be accompanied by a statement that the applicant is either the operator of a flying school or engaged in soaring or free ballooning activities.

4. Section 87.345 is revised to read as follows:

§ 87.345 Scope of service.

Communications shall be limited to the necessities of pilot training; coordination of soaring activities between gliders, tow aircraft and ground stations; coordination of activities between free balloons and ground stations; and the promotion of safety of life and property.

§ 87.349 [Deleted]

5. Section 87.349 is deleted.

§ 87.351 [Deleted]

6. Section 87.351 is deleted.

[FR Doc.77-16661 Filed 6-10-77;8:45 am]

notices

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.

[Docket E77-69]

ADMINISTRATOR EMERGENCY NATURAL GAS ACT OF 1977

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Supplemental Emergency Order Pursuant to Section 6 of Pub. L. 95-2

By Order issued March 25, 1977, Consolidated Edison Company of New York, Inc. (Con Edison) was authorized, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), to purchase 101,458 MMBtu of natural gas from Odessa Natural Gas Corporation (Odessa). Further, this order authorized El Paso Natural Gas Company (El Paso) to charge a transportation rate of 1.0 cents per MMBtu plus 5 percent of the volumes transported for compressor fuel.

By petition for a supplemental emergency order, filed June 3, 1977, Con Edison requested that El Paso's transportation rate be changed from 1.0 cent per MMBtu to 1.0 cent per Mcf. Con Edison stated that this change of rate, which was agreed to by ElPaso, reflected a reduction in the price paid by Con Edison for said transportation.

Upon review of this request, it is my opinion that it should be granted. To the extent not inconsistent with this order, the provisions of the March 25, 1977 order shall remain in full force and effect.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Con Edison, Odessa Natural Gas Corporation, Pacific Gas & Electric Company, LoVaca Gathering Company, and El Paso. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

[FR Doc.77-16789 Filed 6-10-77;8:45 am]

[Docket E77-114]

EL PASO NATURAL GAS CO.

Emergency Order Pursuant to Section 6 of Pub. L. 95-2

On June 6, 1977, El Paso Natural Gas Company, (El Paso) filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)) an application for authorization to make certain emergency purchases of natural gas from Barber Oil, Inc. (Barber). For the reasons set forth below, I authorize these emergency purchases.

By agreement dated June 2, 1977, El Paso agreed to purchase natural gas from Barber's Hunker Com No. 1 Well, Eddy County, New Mexico. Said agreement will begin as soon as practicable as an emergency purchase and will terminate on July 31, 1977.

El Paso will purchase these supplies at a price of $2.25 per MMBtu, inclusive of all state and local taxes and other adjustments. I find the price to be fair and equitable in accordance with Order No. 2.

El Paso shall submit weekly reports as required by Order No. 4.

Pursuant to Section 6(a) of the Act, I hereby authorize Barber to sell El Paso natural gas from the Hunker Com No. 1 Well, Eddy County, New Mexico on the terms and conditions set forth in El Paso's filing in this proceeding.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon El Paso and Barber. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

JUNE 7, 1977.

[FR Doc.77-16787 Filed 6-10-77;8:45 am]

[Docket E77-115]

TEXAS GAS TRANSMISSION CORP.

Emergency Order Pursuant to Section 6 of Pub. L. 95-2

On June 6, 1977, Texas Gas Transmission Corporation (Texas Gas) filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), an application to make certain emergency purchases of natural gas, as an agent for certain of its customers,[1] from Tideway Oil Programs, Inc. (Tideway). Texas Gas also requests permission to construct those facilities necessary to receive the natural gas purchased and to transport and deliver this gas to certain of its customers.

By contract executed May 1, 1977, Texas Gas as agent, agreed to purchase 2,000 Mcfd of natural gas from Tideway at the Leatherman Creek Field, Claiborne Parish, Louisiana. The contract between Texas Gas and Tideway is to terminate on July 31, 1977.

Texas Gas, as agent, will purchase these supplies at a price of $2.25 per MMBtu inclusive of all State and local taxes and other adjustments. I find that price to be fair and equitable in accordance with Order No. 2.

Texas Gas, as agent, will receive delivery of the subject gas from Tideway at Claiborne Parish, Louisiana and transport and deliver such gas to its customers along the Texas Gas Pipeline System at existing delivery points. Texas Gas' proposed transportation rates are based upon the cost data supporting the settlement rates in Texas Gas' most recent Federal Power Commission rate case in Docket No. RP77-38, and the retention of a percent of the transported volumes for compressor fuel and company use and loss. I find no basis for prescribing other charges since the parties have agreed upon the transportation charges.

Further, Texas Gas advises that it will have to construct and install a meter station and related equipment at an estimated cost of $13,200 in order to transport these volumes to its customers. The cost of said facilities will be paid on a pro rata basis by those customers of Texas Gas for whom Texas Gas is acting as an agent.

Based upon the foregoing, Texas Gas is authorized to purchase gas, as agent, from Tideway and to transport and deliver such gas for certain of its customers and to construct those facilities necessary to receive the subject gas. This authorization is conditioned on (i) Texas Gas' submission of the names of the customers for which it is acting as agent, and (ii) those customers agreeing to submit reports as required by Order No. 4.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Texas Gas and Tideway. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

[FR Doc.77-16788 Filed 6-10-77;8:45 am]

[1] These customers are local distribution companies and interstate pipelines as defined in §§ 2 (1), (5) of the Act (91 Stat. 4 (1977)).

CIVIL AERONAUTICS BOARD

[Docket 30635; Docket 28966; Order 77-6-24]

COCHISE AIRLINES, INC.

Certificate of Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of June 1977.

ORDER

By Order 77-3-108, March 18, 1977, the Board requested all interested persons to submit comments concerning the scope of the Arizona Service Investigation in Docket 30635. In addition, the Board requested that applications and motions to consolidate be submitted within 20 days and answers thereto 10 days thereafter.

No applications were filed pursuant to that order and Cochise remains the sole applicant. Petitions to intervene have been filed by the Department of Defense, the County of Imperial, California (El Centro), the City of Phoenix, Arizona, and the town of Page, Arizona.

Comments in response to Order 77-3-108 have been filed by Cochise, Hughes Airwest, Frontier Airlines, Western Air Lines, and numerous civic parties.

In its comments, Cochise requests that the Board act promptly in determining the scope and procedural dates of the Arizona Service Investigation and states that the scope of the case should be as originally proposed by the motion for hearing filed in Docket 28966;[1] that it is in a failing financial condition which may require interim financial assistance and/or suspension of service at some of the small isolated points on its system;[2] that this potential loss of service to small communities warrants immediate action by the Board;[3] and that the efficiency of its proposed operations depends on the grant of all of the authority it requested.[4]

Airwest states that it does not oppose the deletion of its certificate responsibilities at Page, Kingman, Prescott and Blythe; that it does oppose such action at Yuma, El Centro and between Phoenix and Grand Canyon; that its current schedule plans contemplate the continuation of its present pattern of service at Blythe, El Centro, Yuma and Page and between Grand Canyon and Phoenix;[5] that it has no specific plans to dispose of the balance of its F-27 fleet, but would do so when it is relieved of the requirement to serve such cities as Cedar City, Page, Blythe, Crescent City and North Bend/Coos Bay. Frontier comments that it has no objection to its continued suspension or future deletion at Winslow,[6] but strenuously opposes any consideration of its suspension/deletion at Flagstaff; that Cochise did not request nor does it now advocate that Frontier be suspended or deleted at Flagstaff; and the City of Flagstaff strongly supports the retention of Frontier's service at that city and would object to its replacement.[7] Western's comments are concerned with insuring that the scope of the investigation exclude hub-to-hub service.[8]

The cities of Blythe, Douglas, Sierra Vista, Kingman, Winslow, and Prescott, the Lake Havasu City Chamber of Commerce, the State of Arizona, and the Yuma County Airport Authority have all filed in support of the motion for hearing.[9] Finally, the town of Page has filed comments in support of the proceeding and a motion to expand the issues to include the question of Page-Salt Lake City/Las Vegas authority.[10]

Answers to the requested comments have been filed by Airwest, the Arizona Congressional Delegation, the Arizona Department of Transportation, and Cochise. Airwest's answer is directed to the Town of Page's motion to expand the scope of the issues. The carrier states that it does not object to the requested expansion, per se, but that, if the issues are expanded, a pretrial restriction should be imposed to preclude new service between Las Vegas and Salt Lake City.[11]

The answers of the Arizona Congressional Delegation, the Arizona Department of Transportation and Cochise were generally directed at expediting the procedural dates in the case and requesting that the scope of the case be limited to that originally requested in the motion for hearing. In addition, Cochise states that Airwest has long planned to dispose of its F-27 fleet; that, when Airwest becomes an all-jet carrier, a Phoenix-Yuma-El Centro-Los Angeles routing would not be viable without a massive increase in subsidy; that Yuma is the heart of Cochise's proposed system, and, without the point, its system would be fragmented, crippled, and unable to survive without subsidy; that Airwest is not interested in serving the short-haul markets; that while Frontier is correct that Cochise did not propose Frontier's suspension/deletion at Flagstaff, the most cost effective local service program in Arizona would include Flagstaff in Cochise's system, with Frontier being deleted.

Upon consideration of all of the pleadings and relevant facts, we have decided that the scope of the Arizona Service Investigation will include those cities and issues requested in the motion for hearing, with certain modifications.

Our decision herein places in issue new or existing authority at sixteen points. These include Prescott, Kingman, Winslow and Page—points currently or (in the case of Page) to be suspended from the certificated air map; Blythe, El Centro, Grand Canyon, Yuma and Flagstaff—points currently receiving subsidized service from Airwest or Frontier; and Douglas/Bisbee, Lake Havasu City and Ft. Huachuca/Sierra Vista—points not now certificated to any carrier.[12] In addition, this investigation will include the issue of authority between these smaller traffic generating points and the hub cities of Phoenix, Tucson, Los Angeles and Las Vegas. It is the Board's judgment that this investigation should be of broad scope to permit a comprehensive review of the air service needs of these small communities and of the subsidy need costs of service. Consequently, the Board will place in issue whether, and subject to what conditions, certificated service should be authorized; and whether the certificated service should be provided by the incumbent carrier or Cochise or the incumbent carrier and Cochise at certain of the points in issue.[13]

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[1] The motion for hearing requested that Cochise be certificated between the terminal point Phoenix; the intermediate points Douglas, Ft. Huachuca/Sierra Vista, Tucson, Winslow, Flagstaff, Grand Canyon-Phoenix, Page, Prescott, Kingman, Lake Havasu City, Yuma, Las Vegas, Blythe, El Centro; and the terminal point Los Angeles. In addition, it was requested that Airwest and/or Frontier be suspended/deleted (or that their suspensions be continued) at Blythe, Grand Canyon, Page, Prescott, Yuma, El Centro, Kingman, and Winslow.

[2] By letter dated May 13, 1977, counsel for Cochise informed the Board that the carrier has suspended service at Page and might have to suspend service at Kingman.

[3] Cochise indicates that it sustained losses of $348,000 during the past two years.

[4] In accordance with Order 77-3-108, Cochise submitted a list of creditors. This material was accompanied by a motion to withhold from public disclosure. We will grant the motion.

[5] Airwest's current services to these cities is set forth in Appendix A.

[6] Frontier's certificate responsibility to serve Winslow was suspended for three years by Order 74-9-79, September 23, 1974.

[7] Frontier operates two daily round trips at Flagstaff (both operate to Phoenix with one operating beyond Flagstaff to Denver via certain intermediate points). O.A.G. May 15, 1977.

[8] Specifically, Western proposes a pretrial restriction requiring at least one intermediate stop on any new authority between Phoenix-Los Angeles/Las Vegas/San Diego, Las Vegas-Los Angeles/San Diego, Los Angeles-San Diego, and Tucson-Las Vegas/Los Angeles/San Diego.

[9] In addition, the Yuma County Airport Authority noted its support for Cochise's replacement of Airwest.

[10] Although it is not clear from its pleading, Page appears to also request that the issue of Page-Cedar City authority be included in the proceeding.

[11] In addition, Airwest objects to Page's use of this case to delay the implementation of the Board's decision in the Cedar City and Page Suspension/Deletion Case, Docket 27907. Subsequently Airwest submitted a letter clarifying its earlier comments regarding North Bend/Coos Bay, stating that it intends to replace its F-27 service at this point with DC-9 equipment as soon as the airport upgrades the runway for jet equipment. Accordingly, its corporate planning does not call for suspension/deletion at North Bend/Coos Bay at this time.

[12] While Cochise's original application also included such points as Nogales, Show Low and San Diego, the applicant indicated in its motion for hearing that it did not desire to serve these points. Therefore, in light of this and the fact that no comment regarding their inclusion have been received, service to Nogales, Show Low and San Diego will not be considered in this proceeding.

[13] In addition, the Board desires that there be explored in this proceeding whether it is in the public interest to allow Cochise, if it is certificated, to operate under Part 298 in markets which the carrier is not certificated to serve.

We will not, however, expand the scope of this proceeding to include the issue of Salt Lake City or Cedar City service [14] since (1) Cochise is unwilling to serve the points at present, (2) no carrier filed comments requesting their inclusion, and (3) the expansion would unnecessarily complicate the case.[15]

In order to afford the Board the greatest possible latitude in resolving the service needs of the communities involved, we will also place in issue the suspension/continued suspension or deletion of Blythe, Grand Canyon, Flagstaff, Kingman, Prescott, Winslow, and Page.[16] In addition, the Board will place in issue the question of whether the public convenience and necessity require the lifting of the suspensions of Airwest at Kingman, Page, and Prescott and/or Frontier at Winslow. In view of their low traffic generation, the proceeding will also explore the question of whether, from the point of view of both service needs and subsidy,[17] each of the non-hub cities in issue should be limited to the services of a single certificated carrier.[18]

In view of our intention to focus on the service needs of the above-mentioned small communities, we will impose pretrial restrictions prohibiting hub-to-hub nonstop service.[19] Such a restriction imposed prior to hearing will ensure that consideration of air service to small communities receives priority attention and will avoid undue expansion of the case.

Since we are not excluding in advance the possibility of eligibility for federal subsidy support, the issues to be examined will obviously include the question whether or not the public benefits to be derived from any grant of authority herein will justify the cost in federal subsidy of the services proposed.[20]

Accordingly, it is ordered That: 1. The Arizona Service Investigation (Docket 30635), instituted by Order 77–3–108, March 18, 1977, shall include consideration of the following issues:

a. Is Cochise Airlines, Inc. fit, willing and able to perform properly the air transportation proposed in its application and to conform with the provisions of the Federal Aviation Act of 1958, as amended, and the rules, regulations and requirements of the Board thereunder?

b. Do the public convenience and necessity require, taking into account subsidy need, if any, the certification of Cochise Airlines, Inc. to engage in air transportation of persons, property and mail between and among Page, Kingman, Prescott, Grand Canyon, Yuma, Flagstaff, Lake Havasu City, Winslow, Douglas, Ft. Huachuca/Sierra Vista, Phoenix, Tucson, Arizona, Las Vegas, Nevada, and Blythe, El Centro and Los Angeles, California?

c. If the application is granted, pursuant to (b.) above, in whole or in part, and a certificate is issued to Cochise Airlines, Inc., what terms, conditions and limitations, if any, should be attached to the certificate?

d. If the application is granted and a certificate is issued, is it in the public interest to authorize Cochise Airlines, Inc., to operate as an air taxi pursuant to 14 C.F.R. Part 298 in markets which it is not certificated to serve?

e. Do the public convenience and necessity require the deletion or suspension, with or without conditions, of the authority of Hughes Air Corp. d/b/a Hughes Airwest and/or Frontier Airlines, Inc., at Yuma, Grand Canyon, Flagstaff, Page, Arizona, Blythe and El Centro, California?

f. Do the public convenience and necessity require the lifting of the suspensions of Hughes Air Corp. d/b/a Hughes Airwest at Kingman and Prescott, Arizona and Frontier Airlines, Inc. at Winslow, Arizona?

2. Any authority awarded in this case shall be conditioned to prohibit nonstop air transportation between Phoenix-Los Angeles/Las Vegas, Las Vegas-Los Angeles and Tucson-Las Vegas/Los Angeles;

3. The petitions for leave to intervene filed by the United States Department of Defense, the County of Imperial (El Centro), the City of Phoenix, and the town of Page, be and they hereby are granted. All persons who have filed comments or answers in Docket 30635, be and they hereby are made parties to this proceeding;

4. The motion of Cochise Airlines, Inc., to withhold information concerning its creditors be and it hereby is granted;

5. The motion of Page for expansion of the proceeding is granted to the extent indicated herein and denied in all other respects; and

6. Petitions for reconsideration of this order shall be filed no later than twenty (20) days from the service date of this order and any answers thereto shall be filed ten (10) days thereafter.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[21]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-16717 Filed 6-10-77;8:45 am]

[14] As noted earlier, it is not clear from Page's comments whether it requests that the issue of service to Cedar City be included in this proceeding. In any event, assuming that it does, we will deny the request.

[15] See the Page and Cedar City Suspension/Deletion Case, wherein the Board found that Airwest should be suspended for three years, provided a commuter replacement (Sky West) provides a designated level of service, Order 77–1–133, January 24, 1977. This case is currently before the United States Court of Appeals (CA–77–1457) upon a petition for review filed by Page and the Board has stayed its order authorizing Airwest's suspension. Nevertheless, in order to permit the Board to have the greatest flexibility, authority at Page will be in issue to the same extent as the other small communities, i.e., for total deletion, suspension for three years pursuant to Order 77–1–133 or some different duration, no suspension with Airwest being required to continue service, the certification of Cochise or a combination of some of these.

[16] As the issues of new certification and suspension/deletion are not interdependent, the Board will have the option of considering the deletion/suspension of any of these points without the authorization of new service. This is in contrast to the Air Midwest Cetrification Proceeding, Docket 28262, wherein the Board considered the suspension/deletion of Frontier's authority only in connection with replacement air service by Air Midwest.

[17] Of course, questions of appropriate temporary or final subsidy rates must necessarily be determined in separate investigations conducted under section 406(b) of the Act, when and if a certificate is granted.

[18] This position is in accord with the Board's handling of the New England Service Investigation, Docket 22973, Order 74–7–70, July 17, 1974, Order 75–11–538, November 14, 1975.

[19] The only exception will be Phoenix-Tucson. This short-haul market involves an intra-Arizona city-pair and could be beneficial to Cochise on an entry mileage basis.

[20] We would also anticipate that consideration will be given to the following issues, among others: (1) Should the authority granted be temporary or permanent and, if temporary, what should be its duration? (2) Should the authority granted be eligible for subsidy in whole or part? (3) If it is found that any or all of the authority should be eligible for subsidy, (a) is there a subsidy ceiling under which the carrier might be expected to operate? and (b) should the Board impose a subsidy eligibility aircraft size limitation on Cochise's operations? Subsidy ceiling and aircraft size subsidy eligibility limitations were litigated in the Air Midwest Certification Proceeding, Docket 28262, (Orders 76–9–165 and 76–11–135).

[21] List of Hughes Airwest's current service at Blythe, El Centro, Grand Canyon, Page and Yuma filed as part of the original document.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CHILDREN'S HOSPITAL OF PHILADELPHIA

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 during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77–00097. Applicant: Children's Hospital of Phila., The Joseph Stokes, Jr. Research Institute, 34th and Civic Center Blvd., Philadelphia, Pa. 19104. Article: Free Flow electrophoresis apparatus, Model FF–5, complete. Manufacturer: Garching Instruments, West Germany. Intended use of article: The article is intended to be used to study renal tubule cells and subcellular fractions thereof, in particular brush border and antiluminal plasma membranes. Experiments will be conducted using different developmental stages in the life

of a rat, by removal and homogenization of the kidneys, with subsequent separation of the fractions of interest by the use of the electrophoresis apparatus.

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 capable of separating plasma membranes derived from renal tubule cells at different development stages on the basis of differing electrical surface changes. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated May 3, 1977 that the capability described above is pertinent to the applicant's intended research duties. HEW also advises that it knows of no domestic instrument or equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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, Special Import Programs Division.

[FR Doc.77-16643 Filed 6-10-77;8:45 am]

GEOPHYSICAL INSTITUTE

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 during orindary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 77-00174. Applicant: Geophysical Institute, C.T. Elvey Bldg., University of Alaska, Fairbanks, AK 99701. Article: TG-3A Water Level Gauge. Manufacturer: Aanderaa Instruments, Norway. Intended use of article: The article is intended to be used to measure the basic water circulation parameters for the first time under arctic conditions on the Alaskan coastal shelf.

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 combination of water level measurement (10 to 650 meters), temperature measurement (−50° to 35° centigrade) on magnetic tape for eight months duration, and small size (12.5 centimeters (cm) in diameter and 32 cm. in height for the case) for easy deployment through holes in ice caps. The National Oceanic and Atmospheric Administration (NOAA) advises in its memorandum dated May 23, 1977 that this combination of features in the article are pertinent to the applicant's intended purposes. NOAA also advises that it knows of no domestic instrument or apparatus which provides the features found to be pertinent.

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, Special Import Programs Division.

[FR Doc.77-16644 Filed 6-10-77;8:45 am]

MASSACHUSETTS GENERAL HOSPITAL

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 during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 77-00136. Applicant: The Massachusetts General Hospital, Fruit Street, Boston, Ma. 02114. Article: Electron Microscope, Model EM 201 and accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article will be used in studies concerned with the ultrastructural evaluation of the cells and extracellular materials in both developing tissues and in pathological speciments. Materials will be obtained from both experimental animals as well as biopsies of human tissues. Evaluation of the organization of the extracellular matrix, especially the fibrillar components consisting of collagen, proteoglycans and elastins will be studied. Doctoral candidates taking elective courses will be instructed in the use of the article in pursuit of research problems.

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 foreign article was ordered (December 22, 1976). Reasons: The description of the applicant's research and/or educational purposes establishes the fact that a conventional transmission electron microscope comparable to the foreign article is pertinent to the purposes for which the article is intended to be used. We know of no conventional transmission electron microscope which was being manufactured in the United States at the time the foreign article was ordered. ("Conventional transmission electron microscopes" are not to be confused with "scanning electron microscopes" which were manufactured domestically at the time the article was ordered and are still being manufactured in the United States.)

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 was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-16645 Filed 6-10-77;8:45 am]

SUNY—STONY BROOK

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 during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 77-00093. Applicant: State University of New York at Stony Brook, Dept. of Psychiatry & Behavioral Science, School of Medicine/Health Sciences Ctr., Stony Brook, N.Y. 11794. Article: Electron Microscope, Model JEM 100C and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in a research and training program on the organization and development of the brains of vertebrates. A wide variety of experiments will be conducted including structure of normal and abnormal synapse, sensory receptors, filled neurons, etc. The patterns of innervation and development will be examined using light, transmission electron microscopy, scanning transmission and secondary emission EM.

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 (January 10, 1977). Reasons: The foreign article is equipped with a scanning transmission electron microscope attachment which provides a guaranteed resolving power of 15 Angstroms. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated May 3, 1977 that the feature of the article described above is pertinent to the applicant's intended use. HEW also advises that it knows of no domestic instrument which provides the pertinent feature of the article.

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 was 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, Special Import Programs Division.

[FR Doc.77-16646 Filed 6-10-77;8:45 am]

TEXAS A & M 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 during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 77-00111. Applicant: Texas A&M University, Department of Animal Science, College Station, Texas 77843. Article: Electron Microscope, Model JEM-100S and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the study of the ultrastructure of biological tissues, particularly muscle, and for observation of structural details of purified proteins. Experiments to be conducted involve the characterization of the ultrastructure of muscle and other cells and alterations in this structure caused by antemortem and postmortem treatments. In addition, the article will be used to teach fundamentals of research instrumentation in the course Research Techniques and Instrumentation—Special Problems in Electron Microscopy.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or appartus 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 foreign article was ordered (January 3, 1977). Reasons: The foreign article provides distortion free micrographs over a magnification range 100 to 200,000X without a pole-piece change. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated May 23, 1977 that distortion free micrographs in the magnification range described above is pertinent to the applicant's purposes. HEW also advises that it knows of no domestic instrument which provided the pertinent feature at the time the article was ordered.

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 was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-16641 Filed 6-10-77;8:45 am]

UNIVERSITY OF CALIFORNIA—BERKELEY

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 during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 77-00099. Applicant: University of California, Department of Cell Physiology, 251 Hilgard Hall, Berkeley, California 94720. Article: Repetitive Flash Photolysis Apparatus and accessories. Manufacturer: Applied Photophysics, Ltd., United Kingdom. Intended use of article: The article is intended to be used in experiments which will be carried out on optical characterization of primary reactants in plant photosynthesis which involves studies of components in subcellular organelles, such as chloroplasts, and in subchloroplast fragments which are isolated from chloroplast preparations by detergent treatment.

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 monochromator and photomultiplier tube assembly for detecting absorbance changes at preselected wave lengths (300 and 500 nanometers) after flash activation. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated May 3, 1977 that the capability of the article described above is pertinent to the applicant's intended use. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

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, Special Import Programs Division.

[FR Doc.77-16642 Filed 6-10-77;8:45 am]

UNIVERSITY OF ILLINOIS—URBANA

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 during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00131. Applicant: University of Illinois Urbana-Champaign Campus, Purchasing Division, 223 Administration Building, Urbana, Illinois 61801. Article: Monochromator. Manufacturer: Chalk River Nuclear Laboratories, Canada. Intended use of article: The article is intended to be used at the Physics Research Laboratory to take advantage of the continuous high quality electron beam expected from the microton being installed in the accelerator barn. Photon scattering and other photon reactions in the energy range up to 50 meV will be investigated with an energy resolution 10 times better than has been possible in the past. The technique in these experiments involves the use of a beam of electrons with a well defined energy which is incident upon a thin bremsstrahlung target producing a continuous spectrum of photons with energies up to that of the incident electrons. The article is intended to be used by research staff and associated graduate students working on thesis problems in photonuclear physics.

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 76-00483 which was denied without prejudice to resubmission on November 23, 1976 for informational deficiencies. The article provides the capability to investigate photon scattering and other photon reactions in the energy range up to 50 million electron volts. The National Bureau of Standards (NBS) advises in its memorandum dated May 9, 1977 that the capability of the article described above is pertinent to the applicant's intended purposes. NBS also advises that 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, Special Import Programs Division.

[FR Doc.77-16647 Filed 6-10-77;8:45 am]

UNIVERSITY OF ROCHESTER

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 during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 77-00094. Applicant: University of Rochester School of Medicine and Dentistry, 601 Elmwood Avenue, Rochester, N.Y. 14642. Article: Oscilloscope Recording Camera, Model PC-2A and accessories. Manufacturer: Baytronics, Ltd., Canada. Intended use of article: The article is intended to be used as a unique teaching device in echocardiography in which trainees have an opportunity to study many variations in ultrasonic patterns of the heart and to develop an in-depth understanding of cardiac disease and function. The article will also be used to carry out active clinical research programs some of which has resulted in the publication of over 70 scientific papers and a textbook on echocardiography.

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 operation in areas with high ambient light levels. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated May 3, 1977 that the feature of the article described above is pertinent to the applicant's intended purposes. HEW also advises that domestic instruments or apparatus do not provide the pertinent feature.

The Department of Commerce knows or 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, Special Import Programs Division.

[FR Doc.77-16648 Filed 6-10-77;8:45 am]

UNIVERSITY OF WISCONSIN

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 during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 77-00071. Applicant: University of Wisconsin, Department of Physics, 1150 University Avenue, Madison, WI 53706. Article: Polarized Neutral Atomic Beam Source. Manufacturer: ANAC Ltd., New Zealand. Intended use of article: The article is intended to be used to provide a directed beam of polarized hydrogen or deuterium atoms of high intensity. The ultimate purpose of the device is to bombard the polarized atoms with an intense beam of fast neutral cesium atoms to study the transformation of polarized hydrogen atoms into polarized negative ions. The objective pursued in this investigation is to determine whether in atomic collisions of this type the atoms maintain a state of polarization or whether the polarization is disturbed by the collision process. If it develops that the atoms maintain polarization, the article will be used for a second purpose—to inject the polarized negative ions into the University of Wisconsin Tandem Accelerator in order to study nuclear reactions with polarized beams. The work described above will constitute part of the Ph. D. thesis of two graduate students in the course: Physics 990.

Comments: Comments have been received from Nuclide Corporation on January 26, 1977 with respect to this application which states inter alia that the application should be approved. 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 polarized neutral atomic beam capable of producing a directed high intensity beam of polarized hydrogen atoms by spatial separation in an inhomogeneous magnetic field. The National Bureau of Standards (NBS) advises in its memorandum dated May 10, 1977 that the specification of the article described above is pertinent to the applicant's intended purposes. NBS also advises that 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, Special Import Programs Division.

[FR Doc.77-16640 Filed 6-10-77;8:45 am]

UNIVERSITY OF WISCONSIN, EAU CLAIRE

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 during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00081. Applicant: University of Wisconsin-Eau Claire, Department of Biology, Eau Claire, WI 54701. Article: Electron Microscope, Model HS-9. Manufacturer: Hitachi Limited, Japan: Intended use of article: The article is intended to be used for teaching undergraduate, upper-division students and graduate students with some use for faculty research. These purposes include the development of proficiencies in EM techniques as well as original student faculty projects. Quality courses will be provided in introductory

and advanced botany, zoology and survey courses for students majoring in biology, elementary and secondary education, medical technology nursing, predental, premedical, allied health services and other campus programs.

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 foreign article was ordered (June 23, 1976). Reasons: The foreign article is a relatively-simple, easy to operate, medium resolution electron microscope designed for confident use in teaching beginning students with a minimum of detailed programming. The article provides 6Å point to point resolution, an accelerating voltage of 75 kilovolts, and low distortion magnification from 500X through 100,000X plus 200X for scanning which permits an overlap of light and electron microscopy. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated April 22, 1977 that relative simplicity and ease of operation are pertinent to the applicant's intended educational purposes. HEW also advises that it knows of no domestic instrument which provided the pertinent features at the time the article was ordered.

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 was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-16713 Filed 6-10-77;8:45 am]

ADVISORY COMMITTEE ON EAST-WEST TRADE

Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Advisory Committee on East-West Trade will be held on Wednesday, June 29, 1977, at 9:30 a.m., in Room 4833, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

The Committee was established to advise the Department, through the Deputy Assistant Secretary for East-West Trade, on ways to further its mission to promote and encourage the orderly expansion of commercial and economic relations between the United States and the communist countries.

Agenda items are as follows:

Morning Session, Room 4833, 9:30 a.m. to 12 Noon.

1. Review of miscellaneous items outstanding from previous meetings.
2. Review of the goals and objectives of the Bureau of East-West Trade.
3. Discussion of the political climate for U.S.-Soviet trade.

Afternoon Session, Room 4833, 1 p.m. to 3:30 p.m.

4. Review of recent developments in U.S. trade with the P.R.C.
5. Discussion of methods for conducting market research on the P.R.C.
6. Discussion of Soviet petroleum production and export potential.
7. Review of items submitted by Committee members.
8. Review of items submitted by the Public.

The meeting will be open to public observation and a period will be set aside for oral comments or questions by the public which do not exceed ten minutes each.

More extensive questions or comments should be submitted in writing before June 23, 1977. Other public statements regarding committee affairs may be submitted at any time before or after the meeting.

Approximately 20 seats will be available for the public (including 5 seats reserved for media representatives) on a first-come first-served basis.

Copies of minutes will be available 30 days after the meeting upon written request addressed to the Domestic and International Business Administration, Freedom of Information Officer, Freedom of Information Control Desk, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Inquiries should be addressed to William F. Kolarik, Jr., Committee Control Officer, Office of East-West Policy and Planning, Bureau of East-West Trade, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-4796.

ALAN A. REICH,
Deputy Assistant Secretary for East-West Trade.

[FR Doc.77-16727 Filed 6-10-77;8:45 am]

MICROPROCESSOR INSTRUMENTATION SUBCOMMITTEE OF THE ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Microprocessor Instrumentation Subcommittee of the Electronic Instrumentation Technical Advisory Committee will be held on Tuesday, June 28, 1977, at 9:30 a.m. in Room 5611, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 1973. On October 7, 1975, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Section 2404(c)(1) and the Federal Advisory Committee Act. The Microprocessor Instrumentation Subcommittee of the Electronic Instrumentation Technical Advisory Committee was established on January 13, 1977, with the approval of the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to electronic instrumentation, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Microprocessor Instrumentation Subcommittee was formed to study the effect that microprocessors are having and will have in the future on instrumentation and instrumentation systems. It will work on delineating the less significant uses of microprocessors in instrumentation.

The Subcommittee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Discussion of topics related to microprocessors in bus-interfaced instruments.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

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

With respect to agenda item (4), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formerly determined on December 8, 1976, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In the Sunshine Act, P.L. 94-409 that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting

have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Electronic Instrumentation Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on December 28, 1976 (41 FR 56377).

Dated: June 8, 1977.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, Department of Commerce.

[FR Doc.77-16694 Filed 6-10-77;8:45 am]

Economic Development Administration

HIGHLANDER SPORTSWEAR, INC.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Highlander Sportswear, Inc., 110 Edison Place, Newark, New Jersey 07102, a producer of outerwear garments for men and women, was accepted for filing on June 7, 1977, pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-16693 Filed 6-10-77;8:45 am]

Maritime Administration

CONSTRUCTION OF CATUG O.B.O. INTEGRATED TUG/BARGE TYPE VESSEL, MA DESIGN IB6-MT-128A

Computation of Foreign Cost; Notice of Intent

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 501(a) of the Merchant Marine Act, 1936 as amended, to compute the estimated foreign cost of the construction of CATUG OBO integrated tug/barge type vessel, MA Design IB6-MT-128a.

Any person, firm or corporation having any interest (within the meaning of section 501(a)) in such computations may file written statements by the close of business on August 5, 1977, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Streets, NW., Washington, D.C. 20230.

Dated: June 7, 1977.

By Order of the Maritime Subsidy Board Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.77-16766 Filed 6-10-77;8:45 am]

TITLE V CONSTRUCTION-DIFFERENTIAL SUBSIDY SHIP CONSTRUCTION PROGRAM

Proposed Predetermined Limitation Policy

Notice of a proposed new policy specifying a predetermined limit on the amount of Construction-Differential Subsidy (CDS) for the cost of machinery and electric plant spare parts and permitting the spare parts to be based ashore.

Notice is hereby given that the Maritime Subsidy Board considers it necessary to establish and therefore proposes a new policy specifying a predetermined limit on the amount of CDS for the cost of machinery and electric plant spare parts which are in addition to those required by American Bureau of Shipping (ABS) and permitting spare parts to be based ashore. This policy is to apply to all ships now under contract and will form the basis for permitting a Change Under Contract to be subsidized provided that a request for subsidy participation has been submitted to the Maritime Administration prior to delivery of the applicable ship. The policy establishes an upper limit on the cost of the additional spare parts eligible for CDS at a specified percentage of the base cost of the applicable machinery and electric plant material itself.

Present policy restricts award of CDS for spare parts to those which are carried aboard ship; shore-based spares are not included, except for propellers and tail shafts (1 spare per contract of 5 or less ships). Recent experience indicates that this policy no longer adequately addresses the nature of machinery breakdowns and the long lead times associated with procuring replacement parts. The purchase of a single shore-based replacement part, which can be used to repair the same machinery on two or more ships, is economically and operationally more desirable than buying a spare part for each ship or risking extended machinery down-times if no spare part is stocked at all.

The staff has reviewed spare parts requirements and cost to establish a fair and reasonable limit on the amount eligible for CDS. The staff utilized the existing Maritime Administration breakdown of a machinery and electric plant into standard cost classes, each of which is composed of equipment of a similar nature (pumps, heat exchangers, deck machinery, etc.). By reviewing manufacturer quotes for the cost of representative pieces of equipment and the cost of a reasonable complement of associated spare parts within each cost class, the average cost of spare parts expressed as a percentage of the cost of the equipment itself was established. Where the equipment covered by a cost class must be furnished with certain ABS spares, the cost of the ABS spares was deducted so that the percentage shown represents an allowance for spare parts which are in addition to those required by ABS; the cost of ABS spares is customarily included in the base cost of the equipment.

For example, the cost of a reasonable complement of spare parts for a complex machine, such as a steam turbine (cost class 25), represents approximately 10 percent of the cost of the steam turbine, while the cost of spare parts for comparatively simple equipment, such a shell and tube heat exchanger (cost class 34), represents only approximately 3 percent of the cost of the heat exchanger. Furthermore, ABS requires certain spare parts for steam turbines which amount to approximately 7 percent of the cost of the steam turbine, so that the balance allocated for additional spare parts for steam turbine is 3 percent (see table, cost class 25). ABS requires no spare parts for heat exchangers; therefore, the full 3 percent allowance applies to additional spare parts for heat exchangers (see table, cost class 34).

Accordingly, the proposed new policy to provide a CDS allowance for machinery and electric plant spare parts is as follows:

The total cost of machinery and electric plant spare parts (whether shore-based or carried aboard ship) which are in addition to those required by the regulatory bodies eligible for CDS shall not exceed the amount determined by application of the percentages shown in the Table below:

TABLE.—*Cost of additional spare parts*

Cost class	Type of equipment covered	Cost of spare parts [1]
12	Galley, pantry, and utility space equipment	1.0
15	Ventilation and heating	2.0
17	Air-conditioning machinery	3.0
18	Hull piping (engineering)	2.0
19	Cargo oil system	2.0
20	Hull piping (domestic)	2.0
21	Deck machinery	8.9
22	Electric generation and distribution	5.0
23	Electronics	5.0
25	Main engine	3.0
26	Shafting and propellers	6.0
27	Condensers	1.0
28	Boilers	1.0
29	Fuel oil service piping	4.0
30	Steam piping	4.0
31	Feed, condensate, circulating, and drain piping	4.0
32	Lube oil piping	4.0
33	Salt water evaporator system	7.0
34	Feed heaters and other heat exchangers	3.0
35	Pumps	13.0
36	Miscellaneous auxiliaries	7.0
39	Instruments and gages	15.0
40	Engineers workshop	1.0

[1] Expressed as percentage of base cost of the equipment in each cost class.

NOTES

1. Cost of spare parts required by ABS is not included in the percentages; the allowance is for spare parts which are in addition to those required by ABS.
2. Cost of spare anchor, propeller, or tailshaft is not included.

This proposed new policy is to be implemented in accordance with the following procedures and guidelines:

(1) The allowance is to be calculated by the Maritime Administration and will be included in the contract price for all new contracts for which CDS is awarded after this policy becomes effective.

(2) The allowance is to be fixed and will not be escalated under the escalation provisions (if any) of the contract. For changes to existing contracts, the allowance will be computed based on the original estimate.

(3) An audit, as deemed appropriate by the Maritime Administration, will be made at the end of the contract to determine total spare parts expenditures, and a Change Under Contract will be issued if actual expenditures are less than the allowance.

(4) Shipping and shipyard handling costs are to be included in the allowance.

(5) If the cost of material in a cost class is increased or decreased by reason of a Change Under Contract, the total spare parts allowance will not be increased or decreased unless included as part of the Change Under Contract.

(6) Funds for spare parts need not be expended by the Owner in the proportions shown; the table merely shows the method used to determine the total cost of spare parts eligible for CDS.

The Owner/Operator will be free to choose whichever spare parts are considered appropriate for the applicable machinery and electric plant.

Any person having an interest in this matter may file comments by close of business on July 15, 1977, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099–B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230.

Dated: June 7, 1977.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.77-16769 Filed 6-10-77;8:45 am]

National Oceanic and Atmospheric Administration

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL'S BILLFISH/PELAGIC SHARK ADVISORY PANEL

Public Meeting

Notice is hereby given of a meeting of the Billfish/Pelagic Shark Advisory Panel of the Gulf of Mexico Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265).

The Gulf of Mexico Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the west coast of Florida, Alabama, Louisiana, Mississippi and Texas. The Council's functions are, among other things, to prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings. The Advisory Panel assists the Council in establishing the goals and objectives of fishery management plans. They also provide pragmatic advice and counsel on the contents of fishery management plans during their review and define and evaluate criteria for judging plan effectiveness after initiation.

The meeting of the Billfish/Pelagic Shark Advisory Panel will be held Friday, July 8, 1977. The meeting will be held in the conference room of the Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Tampa, Florida. The meeting will convene at 8 a.m. on Friday and adjourn about 5 p.m. The meeting may be extended or shortened depending on progress on the agenda.

Proposed Agenda.—(1) Orientation; (2) Goals and Objectives of Management Plan; (3) Other Business.

This meeting is open to the public and there will be seating for a limited number of public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about July 1:

Mr. Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609.

At the discretion of the Panel, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Panel business. Interested members of the public who wish to submit written comments should do so by addressing the Executive Director at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Panel meeting.

Dated: June 8, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-16667 Filed 6-10-77;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

COMMODITY EXCHANGE, INC.

Application for Designation as a Contract Market for Trading in Zinc; Public Hearing

Commencing at 10 a.m. on Wednesday, July 13, 1977, at 2033 K Street NW., 5th Floor Hearing Room, Washington, D.C., the Commodity Futures Trading Commission ("Commission") will hold a public hearing to receive oral presentations and written submissions from interested persons concerning the application for designation of the Commodity Exchange, Inc. ("Comex") as a contract market for trading in zinc.

On May 28, 1976 the Comex submitted, pursuant to section 6 of the Commodity Exchange Act, as amended ("Act"), an application for designation as a contract market for trading in zinc. In reviewing that application, the Commission determined that it would be appropriate to seek written comments from interested persons on the terms and conditions of the proposed zinc futures contract. Accordingly, on February 23, 1977, the Commission requested public comment on that contract.[1] The proposed zinc contract is set forth below.

As a result of the Commission's request for public comment, it received numerous letters from interested persons, many of whom represent the views of zinc producers. The large majority of letters received express strong opposition to the contract. In order to be in a position to evaluate fully the basis for that opposition and to assure that futures trading in zinc would not be contrary to the public interest, the Commission has decided to explore the issues raised by the industry and the Comex in a public hearing.

The Commission invites all interested persons to present their views either in writing or orally. The Commission is particularly interested in, among other things:

(1) The use of the proposed zinc contract as a price basing mechanism;

[1] 42 FR 10708.

(2) The extent of hedger interest in the proposed contract;

(3) The need for a domestic futures market in zinc; and

(4) The specific terms and conditions of the contract.

Participants in the hearing may be accompanied by persons of his or her choosing, who may advise or assist the speaker in responding to questions or otherwise assuring that full information is developed for the use of the Commission. Oral presentations will be limited to 15 minutes. During and subsequent to any person's oral presentation, questions may be asked either by members of the Commission or the Commission staff. The Commission recognizes that members of the public may have questions, therefore, provision will be made for persons having questions to submit those questions in informal written form to a member of the Commission staff who may in his or her discretion ask such question. In addition, interested persons will be permitted for 10 days after the last day of the hearing, to submit written comments on all matters presented at the hearing or any other related topic, including written rebuttals to oral presentations.

Persons interested in participating in the Commission's hearing should contact Ms. Jane Stuckey, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C., 20581, 202-254-6126, by July 8, 1977.

Issued in Washington, D.C., on June 7, 1977.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.77-16635 Filed 6-10-77;8:45]

CONSUMER PRODUCT SAFETY COMMISSION

PRIVACY ACT OF 1974

New System of Records

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of new system of records.

SUMMARY: This notice establishes a new system of records under the Privacy Act of 1974 designated Commissioned Officers Personal Data File. The system is being established to support administration of the Consumer Product Safety Commission's program for commissioning state government officials under authority of the Consumer Product Safety Act. The system will function as the personnel and administrative records system for the commissioned officer program. A new system report for this system, as required by the Privacy Act (5 U.S.C. 552a(o)), was filed with the Office of Management and Budget, the Congress and the Privacy Protection Study Commission on May 6, 1977. Comments are required by the Privacy Act to be solicited only on the portion of the notice setting forth the proposed routine uses of the information in the system. The Commission will, however, to the extent practicable, consider comments on any portion of the notice.

COMMENTS MUST BE RECEIVED ON OR BEFORE: July 13, 1977.

ADDRESSES: Comments should be submitted, preferably in five copies, to the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Washington, D.C. 20207. Comments may be seen in the Office of the Secretary at the above address during working hours Monday through Friday.

PROPOSED EFFECTIVE DATE: Unless comments are received which justify a contrary determination, the system will become effective as published herein July 13, 1977, as permitted by Office of Management and Budget Circular A-108, as amended.

FOR FURTHER INFORMATION CONTACT:

David Melnick, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207 (202-634-7770).

Accordingly, pursuant to the Privacy Act of 1974, 5 U.S.C. 552a(e) (4) and (11), the Consumer Product Safety Commission hereby establishes a new system of records as follows:

CPSC-17

System name:

Commissioned Officers Personal Data File—CPSC.

System location:

A complete record on every commissioned officer is maintained in the office of the Associate Executive Director for Field Operations, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207. Records concerning the commissioned officer's activities and performance are maintained by the CPSC Area Office to which the individual is assigned.

Categories of individuals covered by the system:

State employees commissioned as officers of CPSC.

Categories of record's in the system:

The system contains documents related to the commissioning of the individual and personal data including name, social security number, date of birth, educational background, employment history, security clearance information, medical information, fingerprints, home address and phone number, duty station, service computation date and benefits information.

Authority for maintenance of the system:

Section 29(a)(2), Consumer Product Safety Act (15 U.S.C. 2078(a)(2)); E.O. 10450, sections 8(c), 9(a), 9(b); E.O. 10561.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(1) By agency officials for purposes of review in connection with appointments, reassignments, and determination of qualifications for reappointment of an individual.

(2) To provide statistical reports to Congress, agencies and the public on characteristics of the Commissioned officer program.

(3) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personal management functions.

(4) To provide information or disclose to a Federal or state agency, in response to its request, in connection with the hiring or retention of an employee, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(5) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a license, grant, or other benefit.

(6) Disclosure to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

Policies and procedures for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in file folders.

Retrievability:

Records are indexed by name.

Safeguards:

Records are located in lockable metal file cabinets or metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal:

The records are maintained and disposed of in accordance with Commission records management policies and procedures.

System manager(s):

State Programs Coordinator, Office of the Associate Executive Director for Field Operations, 5401 Westbard Avenue, Washington, D.C. 20207.

Notification procedure:

Contact the system manager or the director of the Area Office to which the individual is assigned.

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

Information in these records comes either from the individual to whom it pertains or from agency officials, CPSC supervisors, or state officials.

Dated: June 7, 1977.

RICHARD RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-16690 Filed 6-10-77;8:45 am]

DEPARTMENT OF DEFENSE

Defense Nuclear Agency

SCIENTIFIC ADVISORY GROUP ON EFFECTS (SAGE)

Closed Meeting

NAME OF COMMITTEE: Scientific Advisory Group on Effects (SAGE).

DATES: August 30—September 2, 1977.

PLACE: U.S. Naval Postgraduate School, Monterey, California 93940.

AGENDA: 30 August–1 September 1977 (0830–1700 hours), Presentations and Discussion on "Radiation Effects Simulators". 2 September 1977 (0830–1200 hours), Executive Session on "Radiation Effects Simulators".

The presentations and discussions in the above cited agenda will be centered on current and planned RDT&E programs sponsored by the Defense Nuclear Agency and dealing with nuclear weapons radiation effects simulators. The executive session will be held for the primary purpose of advising the Director, DNA as to the adequacy of ongoing and planned programs. All presentations, discussions and executive sessions will include classified defense information; therefore, under the provisions of sections 552(b) (1) and (3), Title 5, U.S.C., this meeting is closed to the public.

Any additional information concerning the meeting may be obtained from the undersigned, Attn: DDST, Hq, Defense Nuclear Agency, Washington, D.C. 20305.

OTTO D. LAURSEN,
LTC, USA,
Scientific Secretary, SAGE.

JUNE 1, 1977.

[FR Doc.77-16712 Filed 6-10-77;8:45 am]

Office of the Secretary

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, New York, N.Y. 10014, on June 28–29, 1977.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The microwave area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs throughout. In accordance with section 10(d) of Appendix I, Title 5, United States Code, it is hereby determined that this meeting of the Advisory Group on Electron Devices concerns matters listed in section 552b(c) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.77-16718 Filed 6-10-77;8:45 am]

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group C (Mainly Imaging and Display) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at General Electric, Electronics Park, Syracuse, New York, on June 30, 1977.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as Infrared and Night Vision Sensors. The review will include classified program details throughout.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in section 552b(c) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JUNE 8, 1977.

[FR Doc.77-16719 Filed 6-10-77;8:45 am]

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, New York, N.Y. 10014 on July 12, 1977.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with tactical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The low power device area includes such programs as integrated circuits, charge coupled devices and memories. The review will include details of classified program details throughout.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in section 552b(c) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives (OASD Comptroller).

JUNE 8, 1977.

[FR Doc.77-16720 Filed 6-10-77;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

FOSSIL ENERGY RESEARCH

Meeting

A public meeting will be held to discuss research in the field of fossil energy.

NAME: Fossil Energy Research Meeting.

DATE: June 28–29, 1977.

TIME: 8:30 a.m.

PLACE: Quality Inn, 415 New Jersey Avenue, N.W., Washington, D.C. (Federal Ballroom South).

The purpose of the meeting is to review the longer-range research programs of ERDA having impact on future fossil energy technologies.

The meeting will be conducted according to a predetermined agenda and will be open for public observation and comment.

The public is requested to submit any written statements, inquiries, or requests for an agenda at least one day before the meeting to Dr. G. C. Phillips, Energy Research and Development Administration, 20 Massachusetts Avenue, NW.,

Washington, D.C. 20545, Telephone 202-376-4104.

JOSEPH E. MACHUREK,
Executive Director for the Office of the Assistant Administrator for Solar, Geothermal and Advanced Energy Systems.

[FR Doc.77-16862 Filed 6-10-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 745-8]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Amendment to Reference Methods for Ozone

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7044, February 18, 1975), has approved an additional option to each of three O_3 Reference methods, numbers RFOA-1076-014, RFOA-1076-015, and RFOA-1076-016 (FR 46647, October 22, 1976). While the method designations remain the same, the identification of the methods is accordingly amended to read as follows:

(1) RFOA-1076-014, "MEC Model 1100-1 Ozone Meter," operated on a 0-0.5 ppm range, with or without any of the following options:

0011 Rack mounting ears.
0012 Instrument bail.
0016 Chassis slide kit.
0026 Alarm set feature.
0033 Local-remote sample, zero, span kit.
0040 Ethylene/carbon dioxide blend feature.

(2) RFOA-1076-015, "MEC Model 1100-2 Ozone Meter," operated on a 0-0.5 ppm range, with or without any of the following options:

0011 Rack mounting ears.
0012 Instrument bail.
0016 Chassis slide kit.
0026 Alarm set feature.
0033 Local-remote sample, zero, span kit.
0040 Ethlyene/carbon dioxide blend feature.

(3) RFOA-1076-016, "MEC Model 1100-3 Ozone Meter," operated on a 0-0.5 ppm range with or without any of the following options:

0011 Rack mounting ears.
0012 Instrument bail.
0016 Chassis slide kit.
0026 Alarm set feature.
0033 Local-remote sample, zero, span kit.
0040 Ethylene/carbon dioxide blend feature.

These methods are available from McMillan Electronics Corporation, a subsidiary of Columbia Scientific Industries, 11950 Jollyville Road, Austin, Texas 78766.

This change is made in accordance with 40 CFR 53.14 and is based on additional information and test data submitted by the applicant subsequent to the original designation (41 FR 46647, October 22, 1976). The new information will be kept on file at the address shown below and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

As reference methods, these methods are acceptable for use by States and other control agencies for purposes of § 51.17(a) of 40 CFR Part 51 ("Requirements for Preparation, Adoption, and Submittal of Implementation Plans") as amended on February 18, 1975 (40 FR 7042). For such use, the methods must be used in strict accordance with the operation or instruction manual provided with the method and subject to any limitations (e.g., operating range) specified in the applicable designation (see description of the methods above). Modifications of a designated method used for purposes of § 51.17(a) are permitted only with prior approval of EPA. Provisions for vendor modification are given in 40 CFR 53.14, and provisions for user modifications are given in 40 CFR 51.17a(f) (promulgated on March 17, 1976; 41 FR 11255).

Additional information concerning the use of these designated methods may be obtained from the original Notice of Designation (41 FR 46647, October 22, 1976) or by writing to: Director, Environmental Monitoring and Support Laboratory, Department E (MD-76), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. Technical questions concerning the method should be directed to the manufacturer.

Dated: June 6, 1977.

WILSON K. TALLEY,
Assistant Administrator for Research and Development.

[FR Doc.77-16631 Filed 6-10-77;8:45 am]

[FRL 745-5]

ENERGY RELATED AUTHORITY: REPORT ON PROGRESS AND IMPACT

Section 119(k)(2) Report

AGENCY: Environmental Protection Agency (EPA).

ACTION: Progress Report Summaries.

SUMMARY: Section 119(k)(2) of the clean Air Act, (the Act) as amended, directs the Administrator to publish in the FEDERAL REGISTER at not less than 180 day intervals beginning January 1975, certain reports and findings on the implementation of EPA's energy related authority under Section 119 of the Act. Specifically, the Administrator is directed to publish a concise summary of progress reports required to be filed by any person or source owner or operator to which the compliance date extension provisions of Subsection 119(c) apply. Such reports are to include information on the status of compliance with requirements imposed by the Administrator under Subsection 119(c). In addition, the Administrator is directed to publish up-to-date findings on the impact of Section 119 upon applicable State Implementation Plans and upon ambient air quality. This report is intended to satisfy the requirements of Section 119(k)(2) of the Act, for the period ending May 1, 1977. Notices covering earlier periods were published on January 27, 1975 (40 FR 4034), August 8, 1975 (40 FR 33489), February 23, 1976 (41 FR 7989), and September 9, 1976 (41 FR 38207).

DATES: Reporting period ending May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Howard F. Wright, Division of Stationary Source Enforcement (EN-341), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202-755-2554).

SUPPLEMENTARY INFORMATION: On January 27, 1975 (40 FR 4034), August 8, 1975 (40 FR 33489), February 23, 1976 (41 FR 7989), and September 9, 1976 (41 FR 38207), notices meeting the requirements of Section 119(k)(2) were published in the FEDERAL REGISTER. This report is the fifth such notice, for the period ending May 1, 1977.

Section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 (ESECA) requires the Federal Energy Administration (FEA) to prohibit certain power plants and major fuel burning installations from burning oil or natural gas as a primary energy source, thereby effectively mandating the use of coal by those plants which receive FEA orders. Whenever the FEA Administrator issues an order to a fuel-burning source under Section 2(a) of ESECA which will apply after June 30, 1975, the Administrator of EPA is required to notify FEA if the source can burn coal and comply immediately with all applicable air pollution requirements without a compliance date extension (CDE). If such notification is not given, the EPA Administrator must certify to FEA: (1) The date on which the source can comply with all primary standard conditions, and regional limitations if applicable (in the case of a source which is eligible for a CDE); or (2) the date on which the source can comply with all applicable air pollution requirements (in the case of a source which is ineligible for CDE). A source is eligible for a CDE if (a) it can comply with all applicable air pollution requirements on or before the January 1, 1979, statutory deadline for compliance; (b) the Administrator of EPA finds that such source will not be able to burn coal which is available to such source in compliance with all applicable air pollution requirements without a CDE; (c) the Administrator finds that the source will be able during the period of the CDE to comply with all the primary standard conditions and regional limitations applicable to such source; and (d) the source has submitted to the Administrator an approved plan for compliance.

The first notice of effectiveness (NOE) was issued by FEA to the Maynard Station, Unit 14, Iowa Public Service Company, Waterloo, Iowa. The NOE makes effective the prohibition order issued December 22, 1975, requiring the plant to burn coal in compliance with all applicable air pollution requirements, as of April 20, 1977.

As of May 1, 1977, the Administrator has granted CDE's to 20 units at 10

plants under Subsection 119(c). Progress reports are required by any person or source owner or operator granted a CDE under this subsection. Those plants that have received CDE's are: (1) Port Wentworth Station, Units 1, 2, and 3, Savannah Electric and Power Company, Port Wentworth, Georgia; (2) Sutton Station, Unit 3, Carolina Power and Light Company, Wilmington, North Carolina; (3) George Neal Station, Unit 1, Iowa Public Service Company, Salix, Iowa; (4) Sutherland Station, Units 1, 2, and 3, Iowa Electric Light and Power Company, Marshalltown, Iowa; (5) Lawrence Station, Units 3, 4, and 5, Kansas Power and Light Company, Lawrence, Kansas; (6) Tecumseh Station, Units 9 and 10, Kansas Power and Light Company, Tecumseh, Kansas; (7) James River Station, Units 3 and 4, Springfield City Utilities, Springfield, Missouri; (8) Hawthorne Station, Unit 3, Kansas City Power and Light Company, Kansas City, Missouri; and (9) Kaw River Station, Units 1 and 3, Kansas City Board of Public Utilities, Kansas City, Kansas.

A CDE for Schiller Station, Units 4 and 5, Public Service Company of NH, Portsmouth, New Hampshire, was promulgated on Sept. 1, 1976. However, no NOE was issued by FEA prior to the date which would enable compliance by Dec. 31, 1978, thereby making this facility ineligible for a CDE under Section 119 of the Clean Air Act. A proposal to withdraw the CDE was published in the FEDERAL REGISTER on Mar. 7, 1977.

An evaluation of the progress reports on the other nine power plants issued CDE's shows they are on schedule in meeting all requirements of the CDE. In one case, the Port Wentworth Station, the first increment was approximately 30 days late in being met. However, it has now been met and will not affect other compliance schedule increments for this plant.

All plants which received a CDE, except Schiller Station, are in non-attainment areas for at least one pollutant (see Table I); therefore each CDE compliance schedule must insure compliance with regional limitations of the State Implementation Plan (SIP). In addition, the majority of plants were coal burners prior to the issuance of either the NOI or CDE (only Port Wentworth Station used oil); thus the impact of Section 119 actions on either the SIP or ambient air quality has not yet been felt. Furthermore, no states have modified a SIP as a result of promulgated CDE's.

Even though FEA has not issued NOE's to these nine plants, coal usage has increased due to natural gas curtailment at the seven Region VII plants. The impact of the gas curtailment is reflected in Table II by the increased percentage of Btu input derived from coal at these seven plants. The Port Wentworth and Sutton Station plants in Region IV have not shown any increased coal usage since 1974. Port Wentworth is an oil burner and has not yet switched to coal, whereas Sutton Station has always burned coal and is expected to be certified in compliance during May 1977. Since Section 119 actions have not changed the course of events at the Region IV plants, no additional air quality impact was noted.

However, air monitoring data for total suspended particulates were obtained from the SAROAD system in Region VII for sites within a 20 kilometer radius of the converting plants. Except for the Kaw River and Hawthorne plants which are near other TSP sources, each of the power plants would be expected to be a principal contributor to any violations of the National Ambient Air Quality Standards, if any occur. The relevant monitoring site(s) in the vicinity of each plant is (are) shown in Table III. Results of the data analysis are shown in Table IV.

Three monitoring periods are compared: 1974, 1975 and 1976. These periods represent periods before, during, and after natural gas curtailment. Air quality data do not yet indicate any identifiable impact due to the increased coal usage at these plants. The monitoring sites in Kansas City, Kansas, and Kansas City, Missouri, are impacted by other TSP sources in addition to the Kaw River and Hawthorne plants; thus, changes in annual geometric mean values may be attributable to TSP emissions from other nearby sources. Given the fluctuations in meteorology to be expected, these data are inconclusive relative to the ambient impact of the power plants.

As of May 1, 1977, the Administrator of EPA has notified FEA that 12 units at nine plants can burn coal and comply immediately with all applicable air pollution requirements without a CDE. Those plants are: (1) Ames Station, Unit 7, Ames Electric Utility, Ames, Iowa; (2) Maynard Station, Unit 14, Iowa Public Service Company, Waterloo, Iowa; (3) Des Moines Station, Units 10 and 11, Iowa Power and Light Company, Des Moines, Iowa; (4) Weston Station, Unit 2, Wisconsin Public Service Corporation, Rothchild, Wisconsin, (5) McWilliams Station, Unit 3, Alabama Electric Cooperative, Inc., Gantt, Alabama; (6) Sheldon Station, Unit 1, Nebraska Public Power District, Columbus, Nebraska; (7) Quindaro No. 3 Station, Units 1 and 2, Kansas City Board of Public Utilities, Kansas City, Kansas; (8) Sutton Station, Units 1 and 2, Carolina Power and Light Company, Wilmington, North Carolina; and (9) Winnetka Station, Unit 8, Village of Winnetka, Winnetka, Illinois. The Maynard Station, as mentioned earlier, has received the first NOE issued by FEA.

Also, the Administrator of EPA has certified to FEA that the following 36 units at 15 plants cannot comply with all applicable air pollution requirements on or before the January 1, 1979 statutory deadline for compliance, and therefore are ineligible for compliance date extensions: (1) St. Clair Station, Unit 5, Detroit Edison Company, East China Township, Michigan; (2) Edge Moor Station, Units 1, 2, 3 and 4, Delmarva Power and Light Company, Wilmington, Delaware; (3) Crane Station, Units 1 and 2, Baltimore Gas and Electric Company, Baltimore, Maryland; (4) Wagner Station, Units 1 and 2, Baltimore Gas and Electric Company, Baltimore Maryland; (5) Riverside Station, Units 4 and 5, Baltimore Gas and Electric Company, Baltimore Maryland; (6) Winnetka Station, Units 5, 6, and 7, Village of Winnetka, Winnetka, Illinois; (7) Albany Station, Units 1, 2, 3 and 4, Niagara Mohawk Power Company, Bethlehem, New York; (8) Morgantown Station, Unit 1 and 2, Potomac Electric Power Company, Newburg, Maryland; (9) Chesterfield Station, Units 3, 4, 5 and 6, Virginia Electric Power Company, Chester, Virginia; (10) Portsmouth Station, Units 1, 2, 3 and 4, Virginia Electric Power Company, Chesapeake, Virginia; (11) McManus Station, Units 1 and 2, Georgia Power Company, Brunswick, Georgia; (12) Hawthorne Station, Units 4 and 5, Kansas City Power and Light Company, Kansas City, Missouri; (13) Kaw River Station, Unit 2, Kansas City Board of Utilities, Kansas City, Kansas; (14) Sheldon Station, Unit 2, Nebraska Public Power District, Columbus, Nebraska; and (15) Crystal River Station, Units 1 and 2, Florida Power Corporation, Red Level, Florida. The earliest prohibition orders for these 15 plants can become effective are the dates (after January 1, 1979) certified by EPA as the earliest dates the plants can burn coal and comply with all applicable air pollution requirements.

Dated: May 27, 1977.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

TABLE I

EPA Region	Plant	Units	Non-attainment Pollutants
I	Schiller	4,5	*
IV	Port Wentworth	1,2,3	TSP
IV	Sutton	3	TSP
VII	George Neal	1	TSP
VII	Sutherland	1,2,3	TSP
VII	Lawrence	3,4,5	TSP
VII	Tecumseh	9,10	TSP
VII	James River	3,4	TSP
VII	Hawthorne	3	TSP
VII	Kaw River	1,3	TSP

*The CDE is being withdrawn for the Schiller Station.

It is in an attainment AQCR.

TSP = Total Suspended Particulates

Table II

Coal Conversion Data

Plants	Percent of BTU Input Derived from Coal		
	1974	1975	1976
1. Sutherland Units 1, 2, 3 Marshalltown, Iowa	14	14	67
2. George Neal Unit 1 Salix, Iowa	80	80	92
3. Lawrence Units 3, 4, 5 Lawrence, Kansas	9	10	90
4. Tecumseh Units 9, 10 Tecumseh, Kansas	10	45	98
5. Kaw River Units 1, 3 Kansas City, Kansas	16	28	98
6. James River Units 3, 4 Springfield, Missouri	28	41	98
7. Hawthorne Unit 3 Kansas City, Missouri	71	71	98

Table III

Monitoring Data Available

Plant	Monitoring Site	Valid Quarters* of Data Available 1974	1975	1976
1. Sutherland Units 1, 2, 3	Marshalltown, Iowa	4	4	3
2. George Neal Unit 1	Sioux City, Iowa	4	4	3
3. Lawrence Units 3, 4, 5	Lawrence, Kansas	4	4	3
4. Tecumseh Units 9, 10	Topeka, Kansas	4	4	3
5. Kaw River Units, 1, 3	619 Ann, Kansas City Kansas	3	3	3
6. James River Units 3, 4	Springfield, Missouri	4	4	2
7. Hawthorne Unit 3	4835 No. Brighton Kansas City, Missouri	4	4	2
	213 So. Main Street Independence, Missouri	3	3	3

*Valid quarter is composed of valid data of at least 5 24-hour periods spanning at least 2 months.

Table IV

Summary of Air Quality Data Base (for TSP)

Monitoring Site	Nearest Subject Power Plant	Pollutant	1974 Max. 24-hr 1st.	1974 Max. 24-hr 2nd.	1974 Obs. >150	1974 Geo Mean	1975 Max. 24-hr. 1st.	1975 Max. 24-hr. 2nd.	1975 Obs. >150	1975 Geo. Mean	1976 Max 1st.	1976 Max 24-hr. 2nd.	1976 Obs. >150	1976 Geo. Mean
			(in $\mu G/M^3$)											
Sioux City, Iowa	George Neal	TSP	150	122	0	52	153	134	1	49	190	177	2	64
Marshalltown, Iowa	Sutherland	TSP	396	370	13	83	400	171	5	74	403	330	10	80
Lawrence, Kansas	Lawrence	TSP	177	137	1	60	122	119	0	68	149	147	0	68
Topeka, Kansas	Tecumseh	TSP	217	183	4	80	388	203	6	78	201	164	3	85
Kansas City, Kansas	Kaw River	TSP	244	219	4	80	173	170	2	71	160	142	1	83
619 Ann Avenue		TSP	201	111	1	41	109	102	0	56	119	114	0	65
1312 So. 55th Street														
Springfield, Missouri	James River	TSP	60	52	0	49	86	81	0	44	97	80	0	50
Kansas City, Missouri	Hawthorne													
4835 No. Brighton Avenue		TSP	189	168	2	57	129	129	0	69	201	152	2	76
Independence, Missouri														
213 So. Main Street	Hawthorne	TSP	258	171	4	76	179	151	2	81	133	125	0	78

TSP ambient air quality standards:

	Primary ($\mu G/M^3$)	Secondary
Annual Geometric mean	75	60
Maximum 24- hour	260	150

[FR Doc.77-16626 Filed 6-10-77;8:45 am]

[FRL 746-1; OPP-00054]

STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE

Open Meeting

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

ACTION: Notice of meeting.

SUMMARY: There will be a two-day meeting of the State-Federal FIFRA Implementation Advisory Committee (SFFIAC) from 8:30 a.m. to 4:30 on Tuesday, June 28, and from 8:30 a.m. to approximately 12:30 p.m. on Wednesday, June 29, 1977. The meeting will be held in Rm. 3906–3908, Waterside Mall, 401 M St. SW, Washington DC and is open to the public.

FOR FURTHER INFORMATION CONTACT:

Mr. Phil H. Gray, Jr., Executive Secretary, SFFIAC, Operations Division (WH–570), Office of Pesticide Programs, Rm. E–507, EPA, 401 M St. SW, Washington DC 20460, telephone 202–755–7014.

SUPPLEMENTARY INFORMATION: This is the seventh meeting of the full Committee. A complete agenda has not, as yet, been developed. However, the agenda will contain items relating to implementation of key sections of the amended FIFRA. A considerable portion of the available time will also be devoted to Regional reports and to reports by the chairmen of the Working Groups responsible to SFFIAC. In addition, the Chairman of the Working Group of Pesticides, responsible primarily to the Extension Committee on Organization and Policy, will present his report.

Dated: June 7, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-16628 Filed 6-10-77;8:45 am]

[FRL 742-6]

NOISE EMISSION STANDARDS FOR MEDIUM AND HEAVY TRUCKS

Availability of Analysis of Test Method Amendment

On March 1, 1977, the Environmental Protection Agency (EPA) published a notice of rulemaking (42 FR 11835; see also 42 FR 15315) which deleted 40 CFR § 205.54–1(c)(1)(iv) and 205.54–1(c)(2)(iv), effective May 31, 1977, and invited comments on EPA's action. After evaluating the comments received, the Agency determined that its action was appropriate and allowed the amendment to take effect as scheduled.

All interested parties may request a copy of the Agency's evaluation of the amendment and the related issues entitled "EPA Analysis of the Amendment to Delete 'Engine Brake' Deceleration Testing from the Medium and Heavy Truck Noise Regulation" from the Director, Standards and Regulations Division, Office of Noise Abatement and Control (AW–471), U.S. Environmental Protection Agency, Washington, D.C. 20460.

Dated: June 7, 1977.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.77-16633 Filed 6-9-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

DOMESTIC LAND MOBILE ADVISORY COMMITTEE 1979 WORLD ADMINISTRATIVE RADIO CONFERENCE (WARC)

Meeting

The next meeting of the WARC Advisory Committee for Domestic Land Mobile, headed by Wendell R. Harris, will be held on Tuesday, July 12, 1977 at 10:00 a.m. in Room 847, 1919 "M" St., N.W., Washington, D.C.

The meeting will be open to the public and any member of the public is invited to participate and present oral or written statements of relevance upon recognition by the Chairman.

The agenda for the meeting is as follows:

1. Committee Chairman's opening remarks
2. Review and prepare comments on 5th Notice of Inquiry, Docket 20271
3. Other Business
4. Adjournment

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-16697 Filed 6-10-77;8:45 am]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Meetings

In accordance with Public Law 92–463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

SPECIAL COMMITTEE No. 70

"Minimum Performance Standards (MPS)—Marine Loran-C Receiving Equipment," Notice of 4th Meeting—Wednesday, June 29, 1977—10 a.m. (All-day meeting). Conference Room (Second floor), U.S. Coast Guard Marine Inspection Office, Battery Park at South Ferry, New York, New York.

TECHNICAL SPECS WORKING GROUP

Full-day Meeting: June 28, 10 a.m., Same location as June 29 meeting.

AGENDA

1. Call to Order; Chairman's Report.
2. Confirmation of Secretary; Adoption of Agenda.
3. Acceptance of SC–70 Summary Records.
4. Reports on Work Assignments.
5. Progress Reports on Incompleted Work Assignments.
6. Discussion of problem areas.
7. Solicitation of additional Work Assignments.
8. Other Business.
9. Establishment of next meeting dates. (Proposed: June 29, July 20, August 10, August 31)

Captain Alfred E. Fiore, Chairman, SC–70, U.S. Merchant Marine Academy, Kings Point, New York 11024, Phone: (516) 482–8200.

To comply with the advance notice requirements of Public Law 92–463, a comparatively long interval of time occurs between publication of this notice and the actual meeting. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend the meeting should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for the meeting is available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat. (Phone (202) 632–6490)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final report is approved by the RTCM Executive Committee. All RTCM meetings are open to the public. Written statements are preferred but by previous arrangement, oral presentations will be permitted within time and space limitations.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-16698 Filed 6-10-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[DES 77-4]

SYNTHETIC NATURAL GAS

Availability of Draft Programmatic Environmental Impact Statement on the Allocation of Petroleum Feedstocks to Synthetic Natural Gas Plants

AGENCY: Federal Energy Administration.

ACTION: Notice of Availability.

SUMMARY: The Federal Energy Administration (FEA) has made available for public comment a draft programmatic environmental impact statement concerning the allocation of petroleum feedstocks to synthetic natural gas (SNG) plants. The draft environmental impact statement has been prepared in support of a reassessment of the FEA's SNG feedstock allocation program.

DATES: Comments by July 25, 1977, 4:30 p.m.; requests to speak by July 1, 1977, 4:30 p.m.; statements by July 8, 1977, 4:30 p.m.; hearing to be held on July 11, 1977, at 9:30 a.m., and will be continued if necessary at 9:30 a.m. on July 12, 1977.

ADDRESSES: Comments and requests to speak at the hearing to: Executive Communications, Room 3309, Federal Energy Administration, Box MT, Washington, D.C. 20461; statements to Regulations Management, Room 2214, Federal Energy Administration, 2000 M Street, NW., Washington, D.C. 20461.

Hearing to be held at: Room 2105, 2000 M St., N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Deanna Williams (FEA Rearing Room), 12th and Pennsylvania Avenue, N.W., Room 2107, Washington, D.C. 20461, (202) 566-9161.

Ed Vilade (Media Relations), 12th and Pennsylvania Avenue, N.W., Room 3104, Washington, D.C. 20461, (202) 566-9833.

Finn Neilsen (Regulatory Programs), 2000 M Street, N.W., Room 6318, Washington, D.C. 20461, (202) 254-9730.

Joel M. Yudson (Office of General Counsel), 12th & Pennsylvania Avenue, N.W., Room 5134, Washington, D.C. 20461, (202) 566-9565.

Robert Stern (Office of Environmental Impact), 12th and Pennsylvania Avenue, N.W., Room 7119, Washington, D.C. 20461, (202) 566-9760.

SUPPLEMENTARY INFORMATION:

A. BACKGROUND

1. *Draft Programmatic Environmental Impact Statement.* Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C), the Federal Energy Administration (FEA) has prepared and made available for public comment a draft programmatic environmental impact statement (DEIS) concerning the allocation of petroleum feedstocks to synthetic natural gas (SNG) plants. Allocation and use of naphtha, liquefied petroleum gases (LPG's) and natural gas liquids (NGL's) for the purpose of manufacturing SNG are currently controlled by FEA under authority of the Mandatory Petroleum Allocation Regulations (10 CFR Part 211) derived from the Emergency Petroleum Allocation Act of 1973, as amended. Preparation of a programmatic EIS was undertaken in support of a reassessment of FEA's SNG feedstock allocation policy.

The document describes the expected energy and environmental impacts resulting from: (1) a base case of no new SNG plant construction, (2) a continuation of the present case-by-case review of SNG feedstock applications, based on the criteria set forth in 10 CFR 211.29 and Special Rule No. 1 to Subpart A of Part 211, (3) various combinations of price and allocation controls or exemption from controls of naphtha, LPG's and NGL's used as SNG feedstocks, and (4) immediate removal of all controls over naphtha, LPG's and NGL's for SNG feedstock use. For each case the DEIS analyzes energy, economic, and environmental considerations for the period through 1980, with less detailed projections through 1985.

Major alternatives considered include: alternative methods of synthesizing gas, alternative sources of natural gas, alternatives intended to encourage the use of substitute fuels, and alternatives intended to increase conservation of natural gas.

Single copies of the draft programmatic environmental impact statement may be obtained from the FEA, Office of Communications and Public Affairs, Room 3138, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of the draft statement will also be available for public review in the FEA Freedom of Information Library, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

B. COMMENT PROCEDURE

1. *Written comments.* Interested persons are invited to submit written comments with respect to the DEIS to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, Box Number MT. Comments should be identified on the outside of the envelope and on the documents submitted to FEA with the designation "Comments on Draft SNG Programmatic EIS." Ten (10) copies should be submitted. All comments and related information should be received by FEA by July 25, 1977, in order to ensure consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only, in accordance with the procedures set forth in 10 CFR 205.9(f). Any material not accompanied by a statement of confidentiality will be considered to be non-confidential. FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

2. *Public Hearing.*—a. *Request procedures.* A public hearing on the DEIS will be held at 9:30 a.m., e.d.t., on July 11, 1977, in the Auditorium, Room 2105, 2000 M Street NW., Washington, D.C. to receive oral presentations from interested persons and if necessary will be continued at the same time at the same location on July 12, 1977.

Any person who has an interest in the DEIS or who is a representative of a group or class of persons which has an interest in this matter may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, and must be received before 4:30 p.m., e.d.t., July 1, 1977. Such a request may be hand-delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give concise summary of the proposed oral presentation and a phone number where he or she may be reached through July 6, 1977. Each person selected to be heard will be notified by FEA before 4:30 p.m. e.d.t., July 6, 1977, and must submit 100 copies of his or her proposed statement to Allocations Regulations Development Office, FEA, Room 2214, 2000 M Street NW., Washington, D.C. 20461 before 4:30 p.m., e.d.t, on July 8, 1977.

b. *Conduct of Hearings.* FEA reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if she or he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to Executive Communications, FEA, before 4:30 p.m., e.d.t., July 8, 1977. FEA will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The presiding officer, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by FEA and made available for inspection at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C., June 8, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-16761 Filed 6-9-77;8:17 am]

STATE ENERGY CONSERVATION PLANS

Negative Determination of Environmental Impact Re The Montana, Pennsylvania and Virginia Conservation Plans

Pursuant to 10 CFR 208.4, the Federal Energy Administration hereby gives notice that it has performed an analysis and review of the environmental impacts associated with the provision of Federal financial assistance for the implementation, by the States of Montana, Pennsylvania and Virginia, of their State Energy Conservation Plans. Federal funding is authorized by Part C of Title III of the Energy Policy and Conservation Act, 42 U.S.C. 6321, et seq.

Based upon assessment of environmental impacts that are expected to result from implementation of these plans, the FEA has determined that Federal financial assistance will not be a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C). Therefore, pursuant to 10 C.F.R. 208.4(c), the Federal Energy Administration has determined that an environmental impact statement is not required for any of these plans.

Single copies of the environmental assessments of the State Plans for Montana, Pennsylvania and Virginia are available upon request from the FEA Office of Communications and Public Affairs, Room 3138, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Copies of the environmental assessments will also be available for public review in the Federal Energy Administration Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Copies of the State Plans are available for public review in the Office of State Energy Conservation Programs, Room 6437, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Interested persons are invited to submit data, views or arguments with respect to the environmental assessments to Executive Communications, Box NA, 3317, Federal Energy Administration, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Environmental Assessment—(Name of State) Energy Conservation Plan." Fifteen copies should be submitted. All comments should be received by FEA by June 20, 1977, in order to receive full consideration.

Any information or data considered by the person submitting it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., June 8, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-16762 Filed 6-9-77;8:17 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1555]

BY-LINE TRAFFIC SERVICE, INC.

Order of Revocation

By letter dated June 9, 1977, Mr. L. R. Pettet, Treasurer, By-Line Traffic Service, Inc., 15033 Alondra Blvd., La Mirada, CA 90637 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1555 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before June 5, 1977.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

By-Line Traffic Service, Inc., has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01 (c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1555 issued to By-Line Traffic Service, Inc., be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1555 be and is hereby revoked effective June 5, 1977.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon By-Line Traffic Service, Inc.

LEROY F. FULLER,
Director, Bureau of
Certification & Licensing.

[FR Doc.77-16722 Filed 6-10-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. ER76-203, ER76-238, E-8187 and E-8700]

BOSTON EDISON CO.

Extension of Time

JUNE 3, 1977.

On June 2, 1977, Staff Counsel filed a motion for an extension of time to respond to Boston Edison Company's motion to terminate Docket Nos. ER76-203 and ER76-238, filed May 18, 1977, in the above indicated proceeding.

Upon consideration, notice is hereby given that the date for filing responses to the motion to terminate is extended to and including June 17, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-16675 Filed 6-10-77;8:45 am]

[Docket No. RP77-58]

MID LOUISIANA GAS CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Initiating Hearing, and Establishing Procedures

JUNE 6, 1977.

Pipeline rates: suspension. Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, and James G. Watt.

On April 29, 1977, Mid Louisiana Gas Company (Mid Louisiana) tendered for filing in the captioned docket proposed changes to its FPC Gas Tariff, Original Volume No. 1.[1] Mid Louisiana's proposed changes would increase its revenues for jurisdictional natural gas sales and services by $4,369,355 annually based on costs and sales volumes for the 12 months ended December 31, 1976 as adjusted for known and measurable changes through September 30, 1977. The proposed changes would, also add a new transportation rate schedule to Mid Louisiana's FPC Gas Tariff and would revise Mid Louisiana's method of computing its purchased gas cost adjustment. Mid Louisiana requests that its proposed tariff sheets be permitted to become effective on June 15, 1977. For the reasons stated below, the Commission shall accept the proposed tariff sheets for filing, suspend them for one month, and set the matter for hearing.

Public notice of Mid Louisiana's filing was issued on May 9, 1977, providing for protests or petitions to intervene to be filed on or before May 25, 1977.

Mid Louisiana states the principal reasons for its proposed rate increase are the cost of connecting and having transported to Mid Louisiana's system new sources of gas supply to replace declining volumes from existing sources, increases in employee payroll and benefit program costs, and the cost increases in other areas of the company's operations which have risen as a result of inflationary economic conditions. Mid Louisiana claims a rate of return of 11.17 percent including an 11.6 percent allowance on common equity.

Based on a review of Mid Louisiana's filing herein, the Commission finds that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Mid Louisiana's proposed rates for filing, suspend

[1] Twenty-Fifth Revised Sheet No. 3a, Third Revised Sheet No. 26b, Original Sheet No. 12c and Original Sheet No. 12d.

their use for one month or until July 15, 1977, when they shall be permitted to become effective, subject to refund, and shall set the matter for hearing.

The Commission finds: It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates proposed by Mid Louisiana, and that the same be accepted for filing and suspended as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the rates proposed by Mid Louisiana.

(B) Pending hearing and decision, Mid Louisiana's proposed rates are accepted for filing and suspended for one month, or until July 15, 1977, when they shall be permitted to become effective, subject to refund, upon motion filed by Mid Louisiana in accordance with the provisions of the Natural Gas Act.

(C) The Commission staff shall prepare and serve top sheets on all parties on or before September 16, 1977.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-16672 Filed 6-10-77;8:45 am]

[Docket No. RI77-87]

NORTH AMERICAN ROYALTIES, INC.

Petition for Declaratory Order

JUNE 6, 1977.

Take notice that on May 17, 1977, North American Royalties, Inc. (Petitioner), 1100 American National Bank Building, Chattanooga, Tennessee 37402, filed in Docket No. RI77-87 a petition for declaratory order pursuant to Section 1.7(c) of the Commission's Rules of Practice and Procedure.

Petitioner holds a small producer certificate pursuant to an order issued October 1, 1971 in Docket No. CS71-152. On October 5, 1971 petitioner and Public Service Electric & Gas Company (Public Service) entered into an agreement for joint exploration of the Parc Perdue Prospect in Louisiana. On February 17, 1972 Public Service was authorized by petitioner to make a complete assignment of all its rights, responsibilities and duties under this agreement to Energy Development Company (EDC). Such assignment to EDC was made pursuant to an agreement dated March 30, 1972. On October 5, 1973 petitioner and EDC entered into a letter agreement (October 1973 Agreement) setting forth certain provisions which would govern gas purchases from petitioner by EDC from fields or prospect areas covered by the agreement and assignment herein before referred to. By letter agreement of September 23, 1974 (September 1974 Agreement) between petitioner and EDC the October 1973 Agreement was supplemented to provide for price, Btu and tax adjustments, and price redeterminations in the following manner:

The price provisions [in the September 1974 Agreement] were determined on the basis of Federal Power Commission Opinion No. 699 issued June 21, 1974. * * * We also agree that if Opinion No. 699 is amended or should subsequent area rate-rulemaking be instituted which is applicable to the pricing provisions contained herein, such new pricing provisions shall be incorporated into this Agreement.

For the period from December 26, 1975 through July 26, 1976, petitioner collected from EDC for gas delivered from the Parc Perdue Prospect the applicable rate established in Opinion No. 699. Petitioner contends that it should also receive the incremental dollar amount calculated by subtracting the difference between production proceeds at the 130 percent rate for small producers and amounts previously received from EDC, or a stated deficiency amount of $118,948.86 which EDC has refused to pay.

Petitioner in this connection asserts that Opinion No. 742, issued August 28, 1975, amended Opinion No. 699, or alternatively, constitutes an area rate rulemaking. Specifically, petitioner contends that for the reasons set out on pp. 3-5 of Opinion No. 742, the Commission determined that the rate of return established in Opinion No. 699-H for large producers was inadequate for small producers. Accordingly, petitioner states that Opinion 743 effectively amended Opinion No. 699-H. Alternatively, petitioner asserts that the Commission in Opinion No. 742 set new area rates generally applicable to a particular class of producers.

Any persons desiring to be heard or to make any protest with reference to said petition should on or before June 27, 1977, file with the Federal Power 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 protestants parties to the proceeding. Any party 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.77-16671 Filed 6-10-77;8:45 am]

[Docket No. RP73-49, PGA77-3]

SOUTH GEORGIA NATURAL GAS CO.

Revision to Tariff

JUNE 6, 1977.

Take notice that, on May 26, 1977, South Georgia Natural Gas Company (South Georgia) tendered for filing Fourth Revised Sheet No. 4 to First Revised Volume No. 1 of its FPC Gas Tariff. The proposed changes would increase South Georgia's rates as a result of the following items:

(1) A Current Adjustment, as provided for under its PGA clause, for the purpose of tracking a rate increase filing made by Southern Natural Gas Company (Southern) on May 17, 1977. South Georgia states that the instant filing will increase South Georgia's jurisdictional rates by $2,408,644.

(2) A Surcharge Adjustment, as provided for under Section 14.3 of the General Terms and Conditions of South Georgia's FPC Gas Tariff, reflecting the net of Demand Charge Credits received from Southern from November 28, 1975 to March 31, 1977, and unrecovered purchased gas costs from July 1, 1976 through March 31, 1977. The total balance in its Unrecovered Purchased Gas Cost Account of $(196,545) will be refunded over the estimated sales for the six-month period commencing July 1, 1977 by a surcharge adjustment rate of (2.35¢) per MMBtu.

South Georgia is making this filing as provided for in the Stipulation and Agreement, Docket No. RP76-22, Section 14.1 of the General Terms and Conditions of South Georgia's FPC Gas Tariff. Therefore, South Georgia requests this proposed increase to be made effective July 1, 1977, or such other date as the rate increase proposed by Southern is permitted to go into effect.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-16668 Filed 6-10-77;8:45 am]

[Docket No. CP76-399]

SOUTHWEST GAS CORP.; APPLICANT NORTHWEST PIPELINE CORP., RESPONDENT

Order Prescribing Hearing, Denying Motion to Reject Application, Granting Interventions, and Joining A Necessary Party

JUNE 6, 1977.

NGA Section 7(a); Rejection of Application.

On June 21, 1976, Southwest Gas Corporation (Southwest) filed in Docket No. CP76-399 an application pursuant to Section 7(a) of the Natural Gas Act for an order of the Commission directing Northwest Pipeline Corporation (Northwest) to provide an additional point of delivery to Southwest of natural gas which Northwest is presently authorized to sell to Southwest. Northwest opposes the application of Southwest.

Southwest presently operates two separate pipeline and distribution divisions in Nevada. The Northern Nevada Division is supplied with natural gas purchased from Northwest at the Nevada-Idaho border, and the Southern Nevada Division is supplied with natural gas purchased from El Paso Natural Gas Company (El Paso) at the Nevada-Arizona border. The two divisions are not physically interconnected.

Southwest recounts that due to recent increases in the cost of Canadian gas, passed through Northwest to Southwest, two of Southwest's largest Northern Nevada Division customers have reduced their gas purchases resulting in a reduction in Southwest's Northern Nevada Division requirements of approximately 27,000 Mcf of gas per day. At the same time, Southwest is having increased difficulty meeting its Southern Nevada Division requirements as El Paso's curtailments cut deeper.

As a result, Southwest projects a surplus of gas on its Northern Nevada Division during the off-peak period (May through November) for the years 1977 through 1979 and a year-round gas supply deficiency on its Southern Nevada Division for that same three-year period. Southwest seeks to transfer gas to the Southern Nevada Division from its entitlements under contracts with Northwest, which entitlements are surplus to the requirements or in excess of the capacity of the Northern Nevada Division. Southwest's request of Northwest to effect such transfer, by means of an exchange with El Paso, was denied by Northwest, and so Southwest has filed the instant application.

By the instant application Southwest requests an order requiring Northwest to deliver to El Paso for the account of Southwest volumes of gas not to exceed 50,000 Mcf per day, with Northwest's delivery and El Paso's transportation of such gas on a best efforts basis. Southwest estimates the volumes of gas to be delivered by Northwest to El Paso pursuant to the instant application to be:

Volumes stated in million cubic feet at 60° (1,000 Btu cubic ft⁻³)

Year	May	June	July	August	September	October	November	Total
1977	127	91	158	154	147	180	193	1,050
1978	178	132	206	198	195	235	157	1,301
1979	226	181	252	247	246	295	113	1,560

Southwest proposes that Northwest would make delivery of such gas for Southwest's account at an existing interconnection between the facilities of Northwest and El Paso at the outlet of the Ignacio gasoline plant in La Plata County, Colorado (Ignacio). El Paso would then transport the gas and redeliver it at the Nevada-Arizona border (less 5 percent for fuel and losses) for Southwest's use in its Southern Nevada Division.

A similar exchange at Ignacio effecting a transfer of gas between Southwest's two Nevada divisions is presently authorized. Pursuant to authorization granted by the Commission on December 3, 1975, in Docket Nos. CP75-309 and CP76-37 (54 FPC—), Northwest is delivering gas to El Paso at Ignacio for Southwest's account, and El Paso is transporting the gas to Southwest's Southern Nevada Division. More specifically, the Commission authorized Northwest to deliver at Ignacio gas purchased by Southwest under Northwest's FPC Gas Rate Schedule TS-1 and authorized El Paso to transport for Southwest's account up to 50,000 Mcf of gas per day on a best efforts basis. The effect of the instant application, if granted, is that Northwest's authority to deliver volumes of gas at Ignacio to El Paso for Southwest's account would be expanded to include delivery of volumes available to Southwest pursuant to Northwest's Rate Schedules ODL-1, SGS-1 and LS-1. Since the total volume of gas to be delivered by Northwest and transported by El Paso on behalf of Southwest would not exceed 50,000 Mcf of gas per day (the maximum El Paso is currently authorized to transport in Docket No. CP76-37), Southwest claims that no further authorization need be granted El Paso to implement Southwest's proposal.

After due notice of the application of Southwest by publication in the FEDERAL REGISTER on July 26, 1976 (41 FR 30730), timely petitions to intervene have been filed by California-Pacific Utilities Company, Cascade Natural Gas Corporation, Colorado Interstate Gas Company, Intermountain Gas Company, Peoples Natural Gas Division of Northern Natural Gas Company, Northwest Natural Gas Company, San Diego Gas and Electric Company, Southern California Gas Company, Washington Natural Gas Company, Washington Water Power Company, and jointly by Public Service Company of Colorado, Western Slope Gas Company and Cheyenne Light, Fuel and Power Company. Sierra Pacific Power Company filed an untimely petition to intervene and Public Service Commission of Nevada filed an untimely notice of intervention. Both Washington Natural Gas Company and Cascade Natural Gas Corporation express opposition to the granting of Southwest's application. California-Pacific Utilities Company requests a hearing on the disposition of Southwest's application. El Paso did not file a petition to intervene. Nevertheless, since El Paso is the proposed transporter of the subject gas and the sole supplier of gas to Southwest's Southern Nevada Division, El Paso is an integral party to Southwest's proposal and, accordingly, is hereinafter make a party to this proceeding.

On July 26, 1976, Northwest filed a motion to reject and answer in opposition to Southwest's application. Southwest responded to Northwest on August 27, 1976, by a filing styled as an "objection." Northwest advances two arguments in support of its motion to reject and an alternative argument, in the event Southwest's application is not rejected, urging denial on a summary judgment basis. Southwest takes exception to all three.

First, it is claimed by Northwest that Southwest has failed to exhaust its remedy of obtaining extraordinary relief from El Paso's curtailment plan. Northwest urges that since the volumes of gas sought in the instant application are to be utilized in Southwest's Southern Nevada Division, a system served exclusively by El Paso, that Southwest should look to El Paso rather than Northwest to help allay that system's supply shortage. In support of this argument Northwest cites the proceeding in Docket No. CP73-164, City of Huntingburg.[1] Southwest responds by saying that, quite apart from extraordinary relief volumes, the volumes of gas sought by the instant application are within Southwest's contractual entitlement. Southwest also claims that City of Huntingburg is distinguishable.

Based upon the facts presented thus far in the pleadings, the availability of extraordinary relief from El Paso may be a factor to consider in determining application, but the allegation that extraordinary relief has not been sought does not justify the application's thresh-

[1] See Initial Decision issued November 25, 1974; Order Denying Application issued August 6, 1975; and Order Denying Rehearing issued September 30, 1975 (54 FPC—). See also *City of Huntingburg, Indiana* v. *FPC*, U.S.C.A., D.C. Circuit No 75-2152, April 26, 1977.

old rejection.[3] Moreover, City of Huntingburg does not support such rejection; for in that case Huntingburg's application was not rejected, and a hearing was held in which many factors were explored in addition to the availability of extraordinary relief.

Second, Northwest claims that Southwest does not meet the statutory prerequisites for Section 7(a) standing. Northwest argues that since Southwest's Southern Nevada Division is neither a "community adjacent to" the facilities of Northwest nor a "territory served by" Northwest, that "Southwest (Southern Nevada Division) does not fall within the class of persons intended to have the right to file against Northwest under Section 7(a)."[4] In response, Southwest maintains that as a distributor it meets the only statutory standing prerequisite under Section 7(a). Further, Southwest argues that the language in Section 7(a) relating to the proximity of communities served pertains to the extension of facilities and that no extension of facilities is sought by the instant application. The Commission agrees with Southwest to the extent that the language of Section 7(a) referred to by Northwest does not bar the consideration of the instant application since no extension of facilities is sought by Southwest and none is averred by Northwest to be necessary.

Finally, Northwest submits that the Commission should dispose of Southwest's application "on the basis of the pleadings filed inasmuch as there is no dispute of fact but only a question of law or administrative policy." Taking the argument a step further, Northwest urges that the relevant law and administrative policy mandates denial of Southwest's application since approval would allegedly impair Northwest's ability to render adequate service to its customers.[4] Southwest claims, to the contrary, that the granting of its application "could not result in the dilution of service to existing Northwest customers." Further, Southwest questions the accuracy of certain information submitted by Northwest and raises the specter of a gas glut on Northwest's system.

Borrowing from *Citizens for Allegan County, Inc.* v. *FPC*,[5] the question that confronts the Commission when disposing of an application on the pleadings is whether the pleadings develop the salient facts of the dispute to a sufficient depth and detail that the Commission is able to perceive, define, and resolve the various strands of public interest. We think the instant pleadings do not meet such a test. Proper resolution of the instant case calls for, inter alia, an examination of the alternative effects on the systems of Northwest, Southwest and El Paso, including the customers served and the end-use of the subject gas, if the application is granted or denied. Those comparative data are not provided in the pleadings. Further, certain other, perhaps overlapping, factual issues have been raised by the instant pleadings:

(1) the possibility of extraordinary relief as an alternative or a supplement to the requested service.

(2) whether and to what extent the grant of the application will affect Northwest's service to existing customers, and

(3) the current state of Northwest's gas supply.

While the foregoing are not intended to exhaust the scope of factual inquiry, they do demonstrate that summary disposition is not proper in this case.

The Commission finds: (1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the application of Southwest in Docket No. CP76-399 be set for formal hearing in accordance with the procedures hereinafter detailed.

(2) The participation of Sierra Pacific Power Company and The Public Service Commission of Nevada will not delay the disposition of the instant proceeding and may be in the public interest; therefore, good cause exists for permitting the filing of their late petition to intervene and notice of intervention, respectively.

(3) The participation in this proceeding of the above-named timely petitioners to intervene may be in the public interest.

(4) El Paso is a necessary party to this proceeding to demonstrate the effect of the instant application on its system.

The Commission orders: (A) El Paso is joined as a party to this proceeding.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 7 and 15 thereof, the Commission's Rules of Practice and Procedure (18 CFR Part 1), and the Regulations under the Natural Gas Act (18 CFR Chapter I, Subchapter E), a prehearing conference shall be held on July 12, 1977, commencing at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, to discuss procedures and the clarification of issues concerning the application of Southwest in Docket No. CP76-399.

(C) An Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR § 3.5 (d)), shall preside at the prehearing conference and subsequent hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(D) The above-named petitioners are permitted to intervene in the instant consolidated proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in the proceeding.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-16673 Filed 6-10-77;8:45 am]

[Docket No. RI77-43; RI77-61]

T.E.L. OIL & GAS, ET AL

Petition for Special Relief

JUNE 6, 1977.

Take notice that on April 15, 1977, T.E.L. Oil & Gas Corporation (Petitioner), P.O. Box 292, Guymon Oklahoma filed in Docket Nos. RI77-43 and RI77-61 petitions for special relief pursuant to Section 2.76 of the Commission's Rules of Practice and Procedure. Petitioner in Docket No. RI77-43, together with other working interest owners aggregating in excess of 49 percent, seek an increase of approximately 44 cents per Mcf in the rate presently collected for sales of natural gas from the Hamby Gas Well Unit Texas County Oklahoma. Petitioner, with certain other working interest owners, propose to invest an additional $36,000 for purchase and installation of a pump jack, sucker rods, tubing and other necessary expenditures to prevent a loss of an estimated 1,585,450 Mcf of natural gas. Accordingly, if petitioner is granted the relief requested, the total rate received will be increased from 33.9 cents per Mcf to 78.188 cents per Mcf at 14.65 psia. T.E.L. has obtained a small producer certificate in Docket No. CS72-123. Such non-signatory sales have been made pursuant to Skelly Oil Company FPC Gas Rate Schedule No. 50. T.E.L. intends to sell such additional natural gas directly to Cities Service Gas Company.

Petitioner in Docket No. RI77-61, together with other working interest owners aggregating to 100 percent, seek an

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[3] *Municipal Light Boards of Reading and Wakefield Massachusetts* v. *FPC*, 450 F.2d 1341; 1345-46 (D.C. Cir., 1971).

[4] Quoting from Section 7(a) of the Natural Gas Act, Northwest places particular emphasis on a certain phrase therein: Whenever the Commission, after notice and opportunity for hearing, finds such action necessary or desirable in the public interest, it may by order direct a natural-gas company to extend or improve its transportation facilities, to establish physical connection with the facilities of, and sell natural gas to, any person or municipality engaged or legally authorized to engage in the local distribution of natural or artificial gas to the public, and for such purpose to extend its transportation facilities to communities immediately adjacent to such facilities or to territory served by such natural-gas company, if the Commission finds that no undue burden will be placed upon such natural-gas company thereby * * *.

[4] Northwest cites, inter alia, *Granite City Steel Co.* v. *FPC*, 320 F. 2d 711, 713 (D.C. Cir. 1963).

[5] 414 F.2d 1125, 1129 (D.C. Cir. 1969).

increase of approximately 44 cents per Mcf in the rate presently collected for sale of natural gas from the Guymon Townsite Gas Unit, Texas County, Oklahoma. Petitioner, with all other working interest owners, proposes to invest an additional $99,212 for purchase and installation of a pump jack, sucker rods, tubing as well as replacement and repair of certain related gathering lines and other necessary expenditures to prevent a loss of an estimated 2,355,830 Mcf of natural gas. Accordingly, if petitioner is granted the relief requested, the total rate received will be increased from 34 cents per Mcf to 78.188 cents per Mcf at 14.65 psia. T.E.L. makes such sales pursuant to a small producer certificate in Docket No. CS72-123 under a contract dated December 5, 1946.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 14, 1977, file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervent 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.77-16670 Filed 6-10-77;8:45 am]

[Docket No. CP70-185]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Extension of Time

JUNE 3, 1977.

On June 1, 1977, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), filed a request for an extension of time to complete and place in service the facilities authorized by Order issued December 6, 1976, in the above indicated docket.

Upon consideration, notice is hereby given that an extension of time is granted to and including September 6, 1977, within which Tennessee shall construct and place in actual operation the facilities authorized in the above proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-16676 Filed 6-10-77;8:45 am]

[Docket No. RP72-98; (PGA77-6) DCA77-2)]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

JUNE 6, 1977.

Take notice that Texas Eastern Transmission Corporation on May 17, 1977 tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets:

Thirty-second Revised Sheet No. 14
Thirty-second Revised Sheet No. 14A
Thirty-second Revised Sheet No. 14B
Thirty-second Revised Sheet No. 14C
Thirty-second Revised Sheet No. 14D

These sheets are being issued pursuant to the Demand Charge Adjustment Commodity Surcharge provision and Purchased Gas Cost Adjustment provision contained in Sections 12.4 and 23, respectively, of the General Terms and Conditions of Texas Eastern's FPC Gas Tariff, Fourth Revised Volume No. 1. The change in rates proposed reflects a Cost of Gas Adjustment, a Surcharge Adjustment, and a Demand Charge Adjustment Commodity Surcharge.

The proposed effective date of these tariff sheets is July 1, 1977.

Copies of the filing were served on the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-16669 Filed 6-10-77;8:45 am]

[Docket Nos. CP74-138, CP74-139, CP74-140]

TRUNKLINE LNG CO. AND TRUNKLINE GAS CO.

Order Granting Petitions to Intervene

JUNE 6, 1977.

On May 31, 1977, Columbia Gas Transmission Corporation (Columbia Gas) filed a "Re-Petition to Intervene" in this proceeding. Attached thereto was a copy of its original petition to intervene filed December 19, 1973, in this proceeding but never acted upon by the Commission.[1] For good cause shown, the Commission shall grant Columbia's request for intervention.

Also, on May 31, 1977, Columbia LNG Corporation (Columbia LNG) filed a late petition to intervene, in conjunction with an application for rehearing of Opinion No. 796. On June 1, 1977, Michigan Consolidated Gas Company filed a late petition to intervene in conjunction with an application for rehearing of Opinion No. 796. For good cause shown, the Commission shall also grant the petitions to intervene filed by these petitioners.

The Commission finds:

Participation by the above-named petitioners in this proceeding may be in the public interest.

The Commission orders:

(A) The above-named petitioners are permitted to intervene in this proceeding as hereinbefore discussed, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene; *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders issued by the Commission in this proceeding; and *Provided, further,* That the granting of such petitions shall not be grounds for delay in this proceeding, and that such intervenors shall take the record as they find it.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-16674 Filed 6-10-77;8:45 am]

[1] Columbia also filed an application for rehearing of Opinion No. 796 on May 31, 1977.

[Docket No. CP76-500]

CITIES SERVICE GAS CO.

Order Providing for Hearing, Granting Interventions and Prescribing Procedures

JUNE 6, 1977.

On August 26, 1976, Cities Service Gas Company (Cities) filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity requesting authorization for the following:

(1) the purchase of 472.7 miles of existing 18-inch and 20-inch crude oil pipe line from Arapahoe Pipe Line Company (Arapahoe) extending from Merino, Colorado to Humboldt, Kansas;

(2) conversion of 360.67 miles of the existing crude oil pipe line to natural gas transmission;

(3) construction of 138.3 miles of 20-inch gas transmission pipeline using new pipe;

(4) construction of 112 miles of 20-inch gas transmission pipeline using reclaimed pipe;

(5) construction of 11 compressor stations totaling 26,400 horsepower over a three-year period;

(6) construction of appurtenant related facilities; and

(7) the operation of all such facilities for the transportation to its existing system of a newly dedicated and developed gas supply.

The estimated cost of this 611-mile line having a maximum design capacity of 185,000 Mcf per day is $95,318,769, which includes $18,500,000 for the purchase of the Arapahoe line.

Cities alleges that the proposed facilities will provide Cities with direct access to new gas reserves being developed and expected to be developed in the Greater Green River Basin in southern Wyoming at a minimum investment and impact on the environment. Cities asserts that it has unsuccessfully investigated supplementing its diminishing natural gas reserves with synthetic gas and has now determined that it must direct its efforts toward securing a significant natural gas reserve outside of its traditional supply areas. Cities further maintains that the new and developing Rocky Mountain area gas fields offer the best and most economical source of new gas reserves for its customers.

From its Wyoming gas supply program, Cities anticipates that it will be able to connect 1,516.5 Bcf of new gas reserves to its pipeline system by 1982, which will represent 14.7 percent of its anticipated peak day gas purchases and 14.5 percent of its anticipated annual purchases. The projected average cost of transmission will be 39.51 cents per Mcf whereas the total average cost of gas delivered through the proposed pipeline will be $1.48 per Mcf. Despite this additional supply, Cities projects that its annual curtailment level will continue to increase.

Cities also alleges that the proposed purchase, conversion, construction and operation of the pipeline will not constitute a "major Federal action significantly affecting the quality of the human environment" within the meaning of the National Environmental Policy Act of 1969 (42 USCA Section 4332). The proposed system would include solely 136.6 miles of newly constructed 20-inch diameter pipeline, which would be located on or adjacent to an existing right-of-way being used by Colorado Interstate Gas Company (CIG). The following 112-mile long pipeline of 20-inch diameter pipeline will be constructed with reclaimed oil pipe line. Including land for appurtenant facilities, 250.3 miles of new right-of-way would be required for the new construction portion of the pipeline. With the exception of the 70-mile long section through the Pawnee National Grasslands, all of the proposed 611-mile long pipeline would be constructed or adjacent to existing rights-of-way. Based on these facts and others, we find that the approval of this proposed project, if granted, would not constitute a major Federal action significantly affecting the quality of the human environment.

The application was noticed on September 17, 1976. The following parties have petitioned to intervene in this proceeding:

Amaco Production Co.
Arapahoe Pipe Line Co.
Associated Natural Gas Co.
Belco Petroleum Corp.
City Gas Co.
City Group Gas Defense Association
Colorado Interstate Gas Co.
The Gas Service Co.
Iowa Electric Light & Power Co.
Iowa Southern Utilities Co.
State of Kansas Corporation Commission
Madison Gas & Electric Co.
Michigan Gas Utilities Co.
Michigan Power Co.
Michigan Wisconsin Pipe Line Co.
Midwest Gas Users Association
Missouri Public Service Co.
Mountain Fuel Supply Co.
Natural Gas Pipe Line Company of America
Northcentral Public Service Company, Division of Donovan Companies, Inc.
Northern Indiana Fuel & Light Company, Inc.
Northwest Pipe Line Corp.
Ohio Valley Gas Corp.
Public Service Commission of Missouri
City of Springfield, Missouri
Union Gas System, Inc.
Wisconsin Fuel & Light Co.
Wisconsin Gas Co.
Wisconsin Natural Gas Co.
Wisconsin Power & Light Co.
Wisconsin Southern Gas Company, Inc.

Two of the petitioners, CIG and City of Springfield, Missouri, have requested a formal hearing on this proposal. We believe that a formal hearing should be convened to ensure a complete record in this proceeding. We will, therefore, establish a date for the filing of testimony by Cities and supporting intervenors.

Subsequent to the filing of direct testimony and opportunity for Staff review thereof, a prehearing conference shall be convened to establish procedures to expedite the orderly conduct of the formal hearing and further define the issues. At this juncture, it is apparent that the record in this proceeding should develop evidence on the following subjects:

(1) Cities shall provide a schedule estimating recoverable reserves from reservoirs presently dedicated to the pipeline. Accompanied therewith should be an explanation of substantial declines in deliverability from reservoir fields;

(2) Cities shall provide evidence establishing the validity and sufficiency of the estimated reserves to be added;

(3) Cities shall provide a schedule outlining its efforts and investment associated therewith to develop supplemental supplies during the preceding five years. Also included should be a listing of projected gas supplies from Alaska, LNG, SNG, and coal gasification;

(4) Cities shall provide a schedule of its current storage capability, both on system and off system, in conjunction with its projections for future development during the next 10 years;

(5) Cities shall provide an exhibit listing the emergency purchases it made during the period from October, 1976 to April, 1977 to maintain deliverability in Priorities 1 and 2;

(6) Cities shall present any and all studies made by Arapahoe or itself concerning the financeability of the proposed transfer. All relevant data considered by the parties in assessing the proffered fair market value of the crude oil pipe line should be submitted;

(7) Cities shall submit data relating to and cost of possible alternatives it considered;

(8) Cities shall submit the full cost of service import of the proposal on future tariffs;

(9) Cities shall submit a schedule projecting the market distribution of these additional reserves for a 10-year period, and

(10) Cities shall submit an exhibit with accompanying explanation of the proposed accounting treatment for the new acquisition.

The Commission finds: (1) It is necessary and appropriate that the proceeding in Docket No. CP76-500 be set for formal hearing.

(2) Under Section 1.18 of the Commission's Rules of Practice and Procedure, a prehearing conference shall be convened to establish procedures to expedite the orderly conduct of the formal hearing.

(3) The petitions to intervene filed in the aforementioned proceeding may be in the public interest.

The Commission orders: (A) Cities Service Gas Company, and all supporting intervenors, shall file direct testimony and exhibits comprising their cases-in-chief on all issues set forth in this Order on or before July 5, 1977.

(B) A prehearing conference is to be convened on August 18th, 1977, at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 to discuss procedural issues. The Presiding Judge has authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss) as provided for in the Rules of Practice and Procedure.

(C) The above-mentioned petitioners are permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however*, That participation of such petitioners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene, and *Provided, further*, that the admission of such petitioners shall not be construed as recognition by the Commission that they might be aggrieved because of any Order of the Commission entered in this proceeding.

(D) The Secretary shall cause prompt publication of this Order to be made in the FEDERAL REGISTER

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-16680 Filed 6-10-77;8:45 am]

[Docket No. CP64-89]

CITIES SERVICE GAS CO. AND NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Petition To Amend Order

JUNE 7, 1977.

Take notice that on May 26, 1977, Cities Service Gas Company (Cities Service), P.O. Box 25128, Oklahoma City, Oklahoma 73125 and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP64-89 a petition to amend the Commission's order of January 2, 1964, as amended, issued in the instant docket (31 FPC 3), pursuant to Section 7(c) of the Natural Gas Act so as to authorize the use of the McCormick Exchange point for delivery of gas by Cities Service to Natural located in Woodward County, Oklahoma, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners indicate that on January 2, 1964, the Commission issued its order in this docket approving their joint application and authorizing them to construct and operate certain facilities and to exchange until May 1, 1964, up to 40,000 Mcf of natural gas per day under the terms of a gas exchange agreement between them dated September 30, 1963. Petitioners state that this order has subsequently been amended by the Commission as follows:

1. Order issued August 14, 1964, extended until May 1, 1965, the period during which natural gas may be exchanged and changed to Carter County, Oklahoma, the point of delivery of natural gas to Cities Service by Natural.

2. Order issued April 13, 1965, (a) extended to May 1, 1967, the period during which natural gas may be exchanged; (b) provided for an additional delivery point (Pampa Exchange Point) for deliveries of natural gas by Cities Service to Natural; (c) provided for the replacement and abandonment of certain compressor facilities by Cities Service; and (d) provided for the retention of the Pampa Exchange Point as an emergency interconnection after the May 1, 1967, exchange expiration date.

3. Order issued April 25, 1967, extended to May 1, 1970, the period during which natural gas may be exchanged.

4. Order issued July 11, 1967, authorized (a) the increase of maximum volumes to be exchanged from 40,000 Mcf per day to 60,000 Mcf per day; and (b) the establishment of the Signal Exchange Point in Carter County, Oklahoma.

5. Order issued April 7, 1970, extended to May 1, 1975, the period during which natural gas may be exchanged.

6. Order issued October 21, 1974, extended to May 1, 1980, the period during which natural gas may be exchanged and authorized the retention and operation of the Hufnagel No. 1 Exchange Point in Canadian County, Oklahoma, as a permanent exchange point.

7. Order issued March 25, 1976, authorized the establishment of the Anthony No. 1 Exchange Point in Grady County, Oklahoma.

The proposed additional point of delivery would allow Natural to receive into its system through existing facilities gas purchased by Cities Service, and Natural would redeliver equivalent volumes, less Cities Service's share of compressor fuel, to Cities Service at various previously authorized exchange points, it is said.

Petitioners state that no new facilities are necessary to effectuate these receipt and delivery arrangements. Petitioner further states that the additional exchange point would provide additional flexibility for the exchange arrangement.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 29, 1977, file with the Federal Power 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.77-16683 Filed 6-10-77;8:45 am]

[Docket No. ER77-396]

CONNECTICUT LIGHT AND POWER CO.

Notice of Transmission Agreement

JUNE 6, 1977.

Take notice that on May 24, 1977, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to Transmission Agreement dated December 1, 1976 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) and (2) Middleborough Gas and Electric Department (MGED).

CL&P states that the Transmission Agreement provides for a transmission service to MGED during the period from December 1, 1976 to October 31, 1977.

According to CL&P the transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the NU system determined in accordance with Section 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts which MGED is entitled to receive.

CL&P requests waiver of the Commission's notice requirements to allow an effective date of December 1, 1976 for the Transmission Agreement.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut, WMECO, West Springfield, Massachusetts and MGED, Middleborough, Massachusetts.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 15, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-16677 Filed 6-10-77;8:45 am]

[Docket No. CP71-290]

CONSOLIDATED SYSTEM LNG CO.

Notice of Petition to Amend

JUNE 7, 1977.

Take notice that on May 27, 1977, Consolidated System LNG Company (Petitioner), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP71-290 a petition to amend the Commission's Opinion Nos. 622 issued June 28, 1972 (47 FPC 1624), as modified on rehearing, October 5, 1972 (48 FPC 723), and its order issued March 21, 1975, issued in the instant docket (53 FPC ____) pursuant to section 7 of the Natural Gas Act, so as to authorize Petitioner to eliminate the construction and operation of approximately 80 miles of pipeline to eliminate the Doylesburg, Pennsylvania, Compressor Station, and to construct and operate two new delivery points, and make certain other minor changes in its certificated pipeline route, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner indicates that it was previously authorized (1) to construct and operate approximately 190 miles of 30-inch pipeline extending from Loudoun County, Virginia, to a point of connection with the existing facilities of Petitioner's affiliate, Consolidated Gas Supply Corporation (Supply Corporation), located in the vicinity of the latter company's Leidy Storage Field in Clinton County, Pennsylvania, and (2) to construct and operate a 6800 horsepower compressor station to be located at Doylesburg, Pennsylvania. It is stated that in a related proceding in Docket No. CP71-153, the Commission authorized Petitioner to import 350,000 Mcf per day of liquefied natural gas (LNG) from Algeria, and that

the Commission, in Opinion Nos. 622 and 622A, also granted the authorization, jointly sought by Petitioner and Columbia LNG Corporation at Docket No. CP71-289, for the construction and operation of the Cove Point, Maryland, terminal and pipeline facilities required to receive, terminal, store and regasify the LNG which they proposed to import from Algeria, and for the pipeline and related facilities needed to transport the regasified LNG from Cove Point, Maryland, to Loudoun County, Virginia. The facilities in the above-captioned proceeding are part of the first major base load project to import large volumes of LNG into the United States, it is said. It is stated that the Commission, in Opinion No. 622, certificated Petitioner's proposal at Docket No. CP71-290 to construct and operate the pipeline and related facilities necessary for the further transportation of the regasified to LNG from Loudoun County, Virginia, to the Leidy Storage Field in Pennsylvania, and on March 21, 1975, the Commission approved the actual route of the line between Loudoun and Leidy which extends northward from Columbia Gas Transmission Corporation's Loudoun County Compressor Station in Virginia and terminates near Supply Corporation's Leidy Storage Field in Pennsylvania—a distance of approximately 190 miles.

Petitioner proposes to eliminate the construction and operation of approximately 80 miles of the northernmost portion of the authorized Loudoun-Leidy line and the authorized Doylesburg Compressor Station. Petitioner states that the modification would (1) reduce the cost of LNG delivered to consumers, (2) save $27,735,700 in capital expenditures, and (3) avoid the environmental impact associated with the eliminated facilities. Petitioner states that in order to accomplish these demonstrably beneficial results, a minor alternation in the approved route is necessary.

Petitioner would construct the already authorized pipeline facilities along the certificated route from the point of interconnection with the Cove Point pipeline facilities at Loudoun County, Virginia, to a point 1.9 miles southwest of Texas Eastern Transmission Corporation's (Texas Eastern) existing pipeline facilities in Juniate County, Pennsylvania, near the Perulack Compressor Station, it is said. Petitioner requests authorization to depart from the approved 2.6 miles after the pipeline crosses into Juniate County. Consequently, the route would follow Grey Ridge 4.09 miles to Texas Eastern's Perulack Station. Petitioner further proposes to tie into Texas Eastern's system near its Perulack Compressor Station and to construct and operate a second new delivery point to tie into Texas Eastern's system at the Chambersburg intersection.

The estimated total construction cost for the 110.22 miles of 30-inch pipeline, including the cost of measuring stations, is $62,087,600, as compared to the total estimated cost of constructing the previously certificated line from Loudoun to Leidy of $89,823,300, it is said.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 29, 1977, file with the Federal Power 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.77-16684 Filed 6-10-77;8:45 am]

[Docket No. CP66-237]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Amendment to Application

JUNE 6, 1977.

Take notice that on May 26, 1977, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP66-237, pursuant to section 7 of the Natural Gas Act, an amendment to its application in this docket deleting the request for authority to accept and transport natural gas for Northern Illinois Gas Company (NI-Gas), for authority to construct and operate certain replacement facilities, and for permission and approval to abandon the facilities to be replaced, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is indicated that originally in this proceeding Natural requested authorization to construct and operate certain facilities at four new delivery points for NI-Gas, an existing customer to which Natural delivers and sells gas pursuant to its Rate Schedule DMQ at various locations in northern Illinois. Natural states that with respect to the first delivery point, Pontiac Delivery Point, it sought authorization to construct and operate facilities to enable it to sell and deliver natural gas to NI-Gas for use by the latter in the preliminary testing of its proposed storage project near Pontiac, Illinois, and to enable NI-Gas to redeliver to Natural such quantities of natural gas as might be withdrawn by NI-Gas in the testing of its storage project. Natural states further that with respect to the second, third, and fourth delivery points, Saunemin, Cabery, and Kings Delivery Points, Natural sought authorization to construct and operate facilities in Livingston, Kankakee, and Ogle Counties, Illinois, to enable Natural to sell and deliver natural gas to NI-Gas for resale and local distribution in the communities of Saunemin, Emington, Cullom, Kempton, Cabery, Buckingham, Campus, Reddick, and Kings, Illinois.

It is stated that the Commission granted Natural a temporary certificate authorizing the construction of the facilities with respect to each of the four points of delivery, and the operation of such facilities for the delivery and sale of natural gas to NI-Gas; however, authorization for the proposed redelivery of natural gas by NI-Gas to Natural at the Pontiac Delivery Point was withheld pending resolution of certain jurisdictional issues. Natural indicates that the jurisdictional issues raised by staff have become moot as a result of a change in factual circumstances. It is asserted that NI-Gas has constructed its own facilities to tie its Pontiac Storage Field to its own system and that as a result of such construction the transportation of such gas by Natural and the redelivery thereof by Natural to NI-Gas are no longer present.

The amendment indicates that NI-Gas recently has informed Natural that it is developing storage fields near Lake Bloomington and the Towns of Hudson and Lexington in McLean County, Illinois, and that NI-Gas now desires to utilize the Pontiac Delivery Point for the receipt of gas for injection into such new storage fields. It is asserted that the requested deliveries would make it unnecessary for NI-Gas to construct extensive pipeline facilities from other existing delivery points from Natural and that NI-Gas requests that Natural increase the capacity of the Pontiac Delivery point from 100,000 Mcf per day to 600,000 Mcf per day.

Therefore, Natural now proposes to abandon its existing tap connections and measuring facility at the Pontiac Delivery Point by removing all above-ground piping and any below-ground facilities that interfere with the construction of the new facilities and abandoning in place all other below-ground facilities. Natural proposes to replace such facilities at the Pontiac Delivery Point with 24-inch tap connections to its Nos. 1, 2, and 3 mainlines, 413 feet of 36-inch connecting lateral and a new measuring facility consisting of four 16-inch metering runs as well as other appurtenant facilities. Under an agreement with NI-Gas, it is proposed that NI-Gas would undertake the construction of all the replacement facilities except for the tap connections which Natural would construct at an estimated cost of $116,000 to be reimbursed by NI-Gas. It is indicated that the estimated cost of the replacement facilities is $673,000, which cost would be borne by NI-Gas.

It is indicated that Natural does not propose to increase the volume of gas it sells to NI-Gas under its existing tariff and that NI-Gas' entitlements at the various delivery points under the existing tariff would not change except for the proposed change at the Pontiac Delivery Point.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 24, 1977, file with the Federal Power

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. Persons having heretofore filed in this docket need not do so again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-16682 Filed 6-10-77;8:45 am]

[Project No. 2789]

RAFT RIVER RURAL ELECTRIC COOPERATIVE, INC.

Notice of Application for Preliminary Permit

JUNE 6, 1977.

Public notice is hereby given that an application for a preliminary permit was filed on March 3, 1977, under the Federal Power Act, 16 U.S.C. 791a et seq., by Raft River Rural Electric Cooperative, Inc. (Correspondence to: Mr. Golden Gardiner, Manager, Raft River Rural Electric Cooperative, Inc., P.O. Box 617, Malta, Idaho 83342; Ray W. Rigby, Esq., Rigby, Thatcher & Andrus, P.A., P.O. Box 250, Rexburg, Idaho 83440; and Jack A. Barnett, Consultant, 1003 Bountiful Hills Drive, Bountiful, Utah 84010), for the proposed Eagle Rock Project, FPC Project No. 2789, to be located on the Snake River in Power County, Idaho, south of the City of American Falls.

According to the application, the proposed project would have a total installed capacity of 50 MW and would consist of a dam located at one of three possible sites about six miles downstream from American Falls Dam, a reservoir at elevation 4,246 feet, and a powerhouse, integral with the dam, containing four (or five) generating units.

Power generated by the project would be used by Raft River Rural Electric Cooperative to meet present and future loads within its system. Any surplus energy would be sold to the Bonneville Power Administration.

The application is on file with the Commission and is available for public inspection.

A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, market for the power, and all other necessary information for inclusion in an application for license.

Any person desiring to be heard or to make any protest with reference to said application should file with the Federal Power 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 such petitions or protests should be filed on or before August 15, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make 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.77-16679 Filed 6-10-77;8:45 am]

[Docket No. RP73-114, etc.]

TENNESSEE GAS PIPELINE CO.

Proposed Rate Change Under Tariff Rate Adjustment Provisions

JUNE 6, 1977

Take notice that on May 16, 1977, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) (Docket Nos. RP73-114, RP74-24, and RP74-73 (PGA77-3) (DCA77-2) (R&D77-2)), tendered for filing Substitute Seventeenth Revised Sheet Nos. 12A and 12B to Ninth Revised Volume No. 1 of its FPC Gas Tariff to be effective on July 1, 1977.

Tennessee states that the purpose of the revised tariff sheets is to adjust Tennessee's rates pursuant to Articles XXIII, XXIV, and XXV of the General Terms and Conditions of its FPC Gas Tariff, consisting of a PGA rate adjustment, a rate adjustment to reflect curtailment demand charge credits and an R&D rate adjustment.

Tennessee states that copies of the filing have been mailed to all its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-16681 Filed 6-10-77;8:45 am]

[Docket No. RP75-19; Opinion No. 792-A]

TEXAS GAS TRANSMISSION CORP.

Opinon and Order Denying Rehearing

JUNE 7, 1977.

Applications for rehearing of Opinion No. 792, ____ FPC ____, issued April 11, 1977, in this proceeding, were filed on May 9, 1977, by Louisville Gas and Electric Company (Louisville) and on May 11, 1977, by Texas Gas Transmission Corporation (Texas Gas) and jointly by Columbia Gas Transmission Corporation and Consolidated Gas Supply Corporation (Columbia and Consolidated). For the reasons set forth below, the Commission shall deny the applications for rehearing.

All of the applicants argue that the *United* method should not be used for cost classification and cost allocation purposes because there are not substantial peak day curtailments on the Texas Gas system as there were in the *United* case. The argument is perhaps stated most forcefully by Louisville who argues that the *Consolidated* case[1] which affirmed the Commission's *United* opinion, precludes "as a matter of law" any departure from *Seaboard* in the absence of substantial peak day curtailments. Applicants thus argue that there is not substantial evidence to adopt the *United* method in lieu of the *Seaboard* method of cost classification and cost allocation. Louisville argues that the Commission is improperly using rate design considerations to decide a cost allocation issue.

As all parties agree, the effect of the cost allocation method on the allocation of total system cost of service between the jurisdictional and non-jurisdictional classes of customers is insignificant because non-jurisdictional sales represent 0.84 percent of Texas Gas' annual sales volumes. Thus the real issue is the distribution of jurisdictional costs among jurisdictional customers; specifically the distribution of fixed transmission costs among Zones 1, 2, 3, and 4.[2] As such, the considerations for adopting *United* or *Seaboard* cost classification and cost allocation in this case are similar to those involved in determining an appropriate rate design because both determinations involve distribution of costs among jurisdictional customers. (Opinion No. 792, pp. 13-14.)

Contrary to applicants' assertions, the adoption of the *United* method of cost classification and cost allocation in Opinion 792 is based upon substantial evidence which supports its use on the Texas Gas system. Use of the *United* method is based upon evidence showing inter alia, the existence of substantial curtailments and corresponding unutilized pipeline capacity on an annual basis (Opinion No.

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[1] *Consolidated Gas Supply Corporation, et al. v. Federal Power Commission*, 520 F. 2d 1178 (D.C. Cir. 1975).

[2] The distance factor, which is the primary consideration in designing zones to allocate mileage-related transmission costs, has been given adequate consideration by the design of the zones based upon the Mcf-mile method (Opinion No. 792, p. 17).

792, pp. 12–15). The Commission's decision to place less emphasis on the peak function and more on the annual function (as opposed to equal emphasis on each function under *Seaboard*) for distributing transmission costs among the jurisdictional customers among Texas Gas' rate zones is thus justified based upon the record in this proceeding. In view of the above, and the discussion in Opinion No. 792, the Commission finds that it is not required "as a matter of law" to adhere to *Seaboard* in the circumstances of this case on the basis of the Court's opinion in *Consolidated*.

Columbia and Consolidated argue that the *United* method is inappropriate because it raises costs to certain low load factor customers in Zone 4 and lowers them (especially the commodity rate levels) for customers in Zones 1, 2, and 3. The general effect of the use of the *United* method of cost classification, cost allocation as well as rate design in this case is to reduce the differences between the rates charged by Texas Gas to its high load factor and its low load factor customer so as to better reflect customer cost responsibility on the Texas Gas system in a curtailment situation. The citing of possible minor anomalies in its use does not render the *United* method inappropriate for use on the Texas Gas system. With respect to the concern of Columbia and Consolidated that the allegedly low commodity rates in Zones 1, 2, and 3 may encourage efforts by customers to increase their purchase load factors and to encourage increased industrial sales, the Commission finds that the commodity rates resulting from the use of the *United* method of cost clarification, cost allocation as well as rate design are fully justified by the record in this proceeding and in general will tend to produce results opposite from those cited by Columbia and Consolidated.

In future cases, however, the Commission will continue its review of the operation of Texas Gas' system and determine whether a further shift in cost distribution methodology is in the public interest (Opinion No. 792, p. 18).

All applicants restate the argument that *United* discriminates against customers who have installed storage facilities. This argument was thoroughly discussed and rejected in Opinion No. 792 (pp. 15–16, 22) and thus needs no further discussion herein.

Columbia and Consolidated restate this argument that the differences between the United system in the *United* case and the Texas Gas system in the instant proceeding justify different treatment for Texas Gas. They cite *Michigan Wisconsin Pipe Line Company*, 520 F. 2d 84 at 89 (CADC 1975), for the proposition that applying a result in one case to the facts of another case requires a showing of similarity between the two cases. In Opinion 792, the Commission thoroughly analyzed the record evidence supporting use of the *United* method on the Texas Gas system. In addition, the Commission discussed each of the allegedly controlling distinctions between the *United* case and the instant case which were proffered by the parties, including those raised by Texas Gas' witness Benson (Opinion No. 792, pp. 16–18). The Commission found these distinctions to be without significance and that the evidence of record in this proceeding justified use of the *United* formula for Texas Gas.

The Commission finds: No facts or issues have been raised by applicants which warrant any modification of Opinion No. 792.

The Commission orders: (A) The applications for rehearing of Opinion No. 792 filed on May 9, 1977, by Louisville and on and May 11, 1977, by Texas Gas and jointly by Columbia and Consolidated are hereby denied.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-16685 Filed 6-10-77;8:45 am]

[Docket No. ER77-399]

THE WASHINGTON WATER POWER CO.

Notice of Transmission Service Contract

JUNE 6, 1977.

Take notice that on May 23, 1977, the Washington Water Power Company (Washington) tendered for filing copies of a contract between Washington and Pacific Power & Light Company (Pacific) under which Washington will provide transmission service to Pacific until November 1, 1978, or until Pacific's 500-kv Midpoint (Idaho)-Malin (Oregon) transmission line is completed, whichever is earlier. Washington indicates that initial service under the contract began on December 3, 1976.

Washington indicates that Washington, together with Idaho Power Company, are owners of the Lolo-Oxbow 230-kv transmission line interconnecting their respective systems at a point near Imnaha, Oregon. Washington further indicates that the systems of Pacific and Washington are interconnected by another jointly-owned 230-kv transmission line between Lolo and Walla Walla.

Washington indicates that it would be required under the terms of this contract to make available to Pacific 200 megawatts of transmission capacity whereby Pacific, having made similar arrangements with Idaho Power Company, will transfer up to 200 megawatts of power and energy from its Wyoming system to its loads in Washington and Oregon. According to Washington, Pacific will pay Washington $80 per megawatt of demand per month for this service and will, in addition, reimburse Washington for incremental transmission losses.

Washington requests that the requirements of prior notice be waived and that the effective date be made retroactive to December 3, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 16, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-16678 Filed 6-10-77;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on June 7, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before July 1, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

FEDERAL TRADE COMMISSION

The FTC requests clearance of a new single-time consumer mail survey. The survey will be used by FTC to develop information to assist the Commission in evaluating the impact of its Trade Regulation Rule No. 424 requiring retail food stores to have price advertised items readily available at or below the advertised prices. Survey questionnaires will be sent to consumers to ascertain the impact of advertised product availability on their purchasing patterns and the extent to which potential benefits of the Rule have accrued to them. FTC estimates potential respondents to be approximately 3,000 members of a partic!-

pating mail panel of 40,000 and that reporting burden average 40 minutes per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77-16716 Filed 6-10-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

CLINICAL PROGRAM—PROJECTS RESEARCH REVIEW COMMITTEE

Meeting Change

In FR Doc. 77-13358 in the issue of Wednesday, May 11, 1977, the Clinical Program-Projects Research Review Committee scheduled to meet June 27-29, 1977, will meet June 27 only. All other information about this meeting remains as published on May 11.

Dated: June 7, 1977.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.77-16638 Filed 6-10-77;8:45 am]

Office of Education

APPLICATIONS FOR SCHOOL CONSTRUCTION ASSISTANCE

Cutoff Date for Receipt of Applications

Pursuant to the authority contained in Section 3 of Pub. L. 81-815 (school construction in areas affected by Federal activities; 72 Stat. 548, 20 U.S.C. 633) notice is hereby given that the U.S. Commissioner of Education has established a cutoff date for the receipt of applications for increase periods ending June 30, 1977 or June 30, 1978, for assistance under Sections 5, 8, 9, and 14 of Pub. L. 81-815. Approval of these applications will be subject to the availability of funds. Such applications must be received by the Commissioner of Education from the State educational agencies on or before August 15, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed to the Commissioner of Education, U.S. Office of Education, 400 Maryland Avenue, SW., Room 2107A, Washington, D.C. 20202. An application sent by mail will be considered to be received on time if:

(1) The application was sent by registered or certified mail not later than August 10, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the cutoff date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail room. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the Office of Education, 400 Maryland Avenue SW., Room 2107A, Washington, D.C. 20202. Hand delivered applications will be accepted daily between the hours of 8:30 a.m. and 4 p.m. Applications will not be accepted after 4 p.m. on the cutoff date.

C. *Program information and forms.* Information and application forms may be obtained from the appropriate State educational agency which serves the applicant local educational agency.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a) published in the FEDERAL REGISTER on November 6, 1973, at 38 FR 30654 and Part 114 of 45 CFR published in the FEDERAL REGISTER on April 8, 1975, at 40 FR 16019 (20 U.S.C. 633).

(Catalog of Federal Domestic Assistance No. 13.477, School Assistance in Federally Affected Areas—Construction.)

Dated: June 3, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc.77-16659 Filed 6-10-77;8:45 am]

ASSISTANCE TO STATES FOR STATE EQUALIZATION PLANS

Closing Date for Receipt of Proposals to Develop or Implement State Plans

Notice is hereby given that, pursuant to the authority contained in Section 842 of the Education Amendments of 1974, as amended (20 U.S.C. 246), that a closing date has been set for the receipt by the U.S. Office of Education of proposals to develop or implement State plans for a program of financial assistance to local educational agencies to assist such agencies in the provision of free public education.

This closing date does not apply to the submission of State plans or applications for reimbursement for the development or implementation of such plans.

A. *Submission of proposals.* (1) A proposal to develop or implement a State plan must be received by the U.S. Office of Education on or before August 15, 1977, in order to be considered for approval. States shall submit proposals under cover as a presentation written in conformance with applicable regulations in § 156.5(b) Part 156, Title 45 of the Code of Federal Regulations. Additionally, a proposal to develop a State plan must be accompanied by a schedule of activities which will provide for the submission of the State plan developed pursuant to the proposal to the U.S. Office of Education before October 1, 1978.

(2) Proposals submitted by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, Washington, D.C. 20202, Attention: 13.572. A proposal sent by mail will be considered to be received on time by the Application Control Center if:

(a) The proposal was sent by registered or certified mail not later than August 10, 1977 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(b) The proposal is received on or before the closing date by either the Department of Health, Education and Welfare, or the U.S. Office of Education mail room in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

(3) A proposal to be hand delivered must be taken to the Office of Education Application Control Center, Rm. 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered proposals will be accepted daily and between the hours of 8:00 a.m. and 4 p.m., Washington, D.C. time, except Saturdays, Sundays, or Federal holidays. Proposals will not be accepted after 4 p.m. on August 15, 1977.

B. *Program information and forms.* Information and application forms may be obtained from the Bureau of Elementary and Secondary Education, U.S. Office of Education, Room 4111, 400 Maryland Avenue, SW., Washington, D.C. 20202.

C. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions (45 CFR Parts 100 and 100a) and regulations governing Assistance to States for State Equalization Plans (45 CFR Part 156), published in the FEDERAL REGISTER on August 1, 1975, at 40 FR 32329.

(20 U.S.C. 246)
(Catalog of Federal Domestic Assistance Number 13.572; Assistance to States for State Equalization Plans)

Dated: June 3, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc.77-16658 Filed 6-10-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

YANKTON SIOUX TRIBE YANKTON RESERVATION, SOUTH DAKOTA

Transfer of Federally Owned Lands

JUNE 3, 1977.

This notice is published in exercise of authority by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

On January 10, 1977, pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, as amended by Pub. L. 93-599 dated January 2, 1975 (88 Stat. 1954), the be-

low described property was transferred by the Denver Regional Administrator of the General Services Administration to the Area Director, Aberdeen Area Office, Bureau of Indian Affairs, without reimbursement, to be held in trust for the benefit and use of the Yankton Sioux Tribe, Yankton Reservation, South Dakota:

T. 96 N., R. 65 W., Fifth Principal Meridian, South Dakota.

Section 36, a tract of land described as follows: The west 1,500 feet of the south 533 feet of the S½SE¼ of said section 36, excepting therefrom 4.14 acres commencing at a point 750 feet east of the southwest corner of the SE¼ section 36; thence north 530 feet to a point; thence east 340 feet to a point; thence south 530 feet to a point; thence west to the point of beginning.

Said tract of land containing 14.21 acres, more or less.

T. 96 N., R. 64 W., Fifth Principal Meridan, South Dakota.

Section 31, a tract of land described as follows: Commencing at the southwest corner of the SE1/4SW1/4 of said section 31; thence northerly along the west line of said SE1/4SW1/4 for a distance of 100 feet to the northerly road right-of-way line; thence easterly parallel with the south line of said SE1/4SW1/4 for a distance of 72 feet, the point of beginning of the tract to be described; thence northerly parallel with the said west line of said SE1/4SW1/4 for a distance of 418 feet; thence easterly parallel with the said south line of said SE1/4SW1/4 for a distance of 60 feet; thence northerly parallel with the said west line for a distance of 382 feet; thence easterly parallel with the said south line for a distance of 300 feet; thence southerly parallel to the said west line for a distance of 800 feet to the said northerly road right-of-way line; thence westerly along said right-of-way line parallel with the said south line of said SE1/4SW1/4 to the said point of beginning.

Said tract of land containing 6.08 acres, more or less.

These lands are to be treated as and receive the same benefits and protection as other trust lands held for the benefit and use of The Yankton Sioux Tribe. Appropriate notation will be made in the land records of the Bureau of Indian Affairs.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.77-16657 Filed 6-10-77;8:45 am]

DEPARTMENT OF JUSTICE

UNITED STATES v. CITY OF PROVIDENCE

Proposed Consent Decree in Action To Enjoin Discharge of Water Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on May 31, 1977, a proposed consent decree in "United States v. The City of Providence", was lodged with the District Court for the District of Rhode Island. The proposed decree would require the City of Providence to bring its two wastewater treatment sludge incinerators into compliance with the Rhode Island air pollution abatement implementation plan by October 1, 1979.

The Department of Justice will receive on or before July 13, 1977, written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *The City of Providence*, D.J. Ref. 90-5-1-1-758.

The proposed consent decree may be examined at the office of the United States Attorney, [Providence], at the Region I Office of the Environmental Protection Agency, Enforcement Division, John F. Kennedy Federal Building, Boston, Massachusetts 02203, and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2625, Department of Justice Building, Ninth Street and Pennsylvania Avenue, Northwest, Washington, D.C. 20530. A copy of the proposed consent judgment may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

JAMES W. MOORMAN,
Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc.77-16714 Filed 6-10-77;8:45 am]

NATIONAL COMMISSION ON THE OBSERVANCE OF INTERNATIONAL WOMEN'S YEAR

AMERICAN SAMOA ET AL.

Notice of Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. 1), announcement is made of the State Women's Meetings in American Samoa, Delaware, Louisiana, Maine, Nevada, New Jersey, North Carolina, Oklahoma, and South Dakota.

The purposes of the meetings are to:

(1) recognize the contributions of women to the development of our country;

(2) assess the progress that has been made to date by both the private and public sectors in promoting equality between men and women in all aspects of life in the United States;

(3) assess the role of women in economic, social, cultural, and political development;

(4) assess the participation of women in efforts aimed at the development of friendly relations and cooperation among nations and to the strengthening of world peace;

(5) identify the barriers that prevent women from participating fully and equally in all aspects of national life, and develop recommendations for means by which such barriers can be removed;

(6) make nominations for and elect representatives to the National Women's Conference in accordance with regulations promulgated by the National Commission on the Observance of International Women's Year and consistent with the requirement that the National Women's Conference shall be composed of:

(a) representatives of local, State, regional, and national institutions, agencies, organizations, unions, associations, publications, and other groups which work to advance the rights of women; and

(b) members of the general public, with special emphasis on the representation of low-income women, members of diverse racial, ethnic, and religious groups, and women of all ages.

Recommendations will be developed in workshops and other discussion groups and voted on by the State Meeting. Topics to be discussed during the periods scheduled below include a variety of issues concerning women including health, education, employment, and the legal and economic status of women.

These Meetings are open to the public. All persons 16 years old or over who are residents of the State or enrollees at education institutions in the State may register to participate in any activities. Participation in some activities may be limited by the available space. Registration is premised upon a satisfactory showing of residency or educational institution enrollment and the payment of a nominal fee.

AMERICAN SAMOA WOMEN'S MEETING

Place: Rainmaker Hotel and American Samoa Community College at Mapusaga. Time: 8 a.m., June 17 to 2:30 p.m., June 18. Number of Delegates to National Women's Conference: 12. Time of Nominations for Delegates: 2:30 to 3:30 p.m., June 17. Time of Election of Delegates: 8:15 to 11:30 p.m., June 18. Time of Workshops: June 17, 9 to 11 a.m. Time of Voting on Recommendations: 11:30 a.m. to 12:30 p.m., June 18. For further information contact Sa'eu Scanlon, P. O. Box 367, Pago Pago, American Samoa 96799 or call 688-9820.

DELAWARE WOMEN'S MEETING

Place: Delaware State College, Dover, Delaware. Time: 9:00 a.m., June 17 until after 4:30 p.m., June 18. Number of Delegates to National Women's Conference: 12. Time of Nominations for Delegates: 4:35 p.m. to 5:30 p.m., June 17. Time of Election of Delegates: 10 a.m. to 2 p.m., June 18. Times of Workshops: June 17, 10:15 to 11:45 a.m.; 1:15 to 2:45 p.m.; 3:00 to 4:30 p.m.; 8:00 to 9:30 p.m. June 18, 9:00 to 10:30 a.m.; 10:45 a.m. to 12:15 p.m. Time of Voting on Recommendations: June 18, 2:15 to 4:30 p.m. For further information, contact Helen Thomas, Chair, IWY Coordinating Committee, c/o Delaware Technical and Community College, 333 Shipley Street, Wilmington, Delaware 19801 or call (302) 571-2095.

LOUISIANA WOMEN'S MEETING

Place: The Chateau Capitol Hotel, 201 Lafayette Street, Baton, Rouge, Louisiana 70802. Time: 9:00 a.m., June 17 to 4:30 p.m., June 18. Number of Delegates to National Women's Conference: 26. Time of Nominations for Delegates: 9:15 a.m., June 17. Time of Election of Delegates: 12:30 to 10:00 p.m., June 17. Time of Workshops: June 17, 11:00 a.m. to 12:30 p.m., 2:00 p.m. to 3:30 p.m., Time of Voting on Recommendations: June 18, 10:30 a.m. to 3:00 p.m. For further information contact Shirley Marvin or Clarence Marie Collier, Co-chairs, IWY Coordinating

Committee, One American Place, Suite 1911, Baton Rouge, Louisiana 70825 or call (504) 389-0140.

MAINE WOMEN'S MEETING

Place: Husson College, Bangor. Time: 4 p.m., June 17 to 7 p.m., June 18. Number of Delegates to National Women's Conference: 14. Time of Nominations for Delegates: 9 to 10 a.m., June 18. Time of Election of Delegates: 12:15 to 3:00 p.m., June 18. Times of Workshops: June 18, 11:00 a.m. to 12:45 p.m., 1:45 p.m. to 3:00 p.m. For further information contact Pay Ryan, Chair, IWY Coordinating Committee, Room 505, State House, Augusta, Maine 04333 or call (207) 289-3418.

NEVADA WOMEN'S MEETING

Place: East Hall Meeting Complex, Las Vegas Convention Center. Time: 8 p.m., June 17 to 1 p.m., June 19. Number of Delegates to National Women's Conference: 12. Time of Nominations for Delegates: 8:15 a.m., June 18. Time of Election of Delegates: June 18, 6 to 8 p.m.; June 19, 7:30 to 9:00 a.m. Times of Workshops: June 18, 10:15 a.m. to 12:00 noon; 2:00 p.m. to 4:00 p.m. June 19, 9:15 a.m. to 10:30 a.m. Time of Voting on Recommendations: 10:45 a.m., June 19. For further information, contact Jean Ford, Chair, IWY Coordinating Committee, 3511 Pueblo Way, Las Vegas, Nevada 89109 or call (702) 735-0375.

NEW JERSEY WOMEN'S MEETING

Place: Princeton University, Princeton, New Jersey. Time: 3 p.m., June 17 to 4 p.m., June 19. Number of Delegates to National Women's Conference: 40. Time of Nominations for Delegates: June 18, 10:00 to 10:45 a.m. Time of Election of Delegates: June 18, 3:00 to 8:30 p.m. Times of Workshops: June 18, 11:00 a.m. to 12:15 p.m.; 12:45 p.m. to 2:00 p.m. June 19, 12:00 noon to 1:30 p.m. Time of Voting on Recommendations: June 18, 3:00 to 6:30 p.m. For further information, contact Clara Allen, Chair, IWY Coordinating Committee, Box 1521, Union, New Jersey 07083 or call (201) 687-4205.

NORTH CAROLINA WOMEN'S MEETING

Place: Benton Convention Center, Main Hall, Winston-Salem, N.C. Time: 7:00 p.m., June 17 to 5:00 p.m., June 19. Number of Delegates to National Women's Conference: 32. Time of Nominations for Delegates: June 18, 8:45 to 10:00 a.m. Time of Election of Delegates: June 18, 4 to 9 p.m.; June 19, 9 to 11 a.m. Times of Workshops: June 18, 11:00 a.m. to 12:45 p.m.; 2:30 p.m. to 4:30 p.m. Time of Voting on Recommendations: June 10, 8:30 a.m. to 12:30 p.m.; 2:30 p.m. to 4:30 p.m. For further information, contact Elizabeth Koontz, Chair, IWY Coordinating Committee, 526 North Wilmington Street, Raleigh, North Carolina 27604 or call (919) 733-5721.

OKLAHOMA WOMEN'S MEETING

Place: Student Union, Oklahoma State University, Stillwater, OK. Time: 6 p.m., June 16 to 4 p.m., June 18. Number of Delegates to National Women's Conference: 22. Time of Nominations for Delegates: 8:5 p.m., June 17. Time of Election of Delegates: 10 a.m. to 1 p.m., June 18. Times of Workshops: June 16, 7:15 p.m. to 10:30 p.m. June 17, 9:00 am. to 10:30 a.m., 10:45 a.m. to 12:15 pm., 1:45 p.m. to 5:00 p.m.; 9:00 p.m. to 10:30 p.m. Time of Voting on Recommendations: June 18, 9:30 a.m. For further information, contact Ann Ashmore, Chair, IWY. Coordinating Committee, P.O. Box 307, Oklahoma City, OK 73101 or call (405)272-0814.

SOUTH DAKOTA WOMEN'S MEETING

Place: Dakota Wesleyan University, Mitchell, South Dakota. Time: 2 p.m., June 17 to 10 p.m., June 18. Number of Delegates to National Women's Conference: 14. Time of Nominations for Delegates: 9:15 to 10:00 a.m., June 18. Time of Election of Delegates: 5:15 to 6:00 p.m., June 18. Times of Workshops: June 18, 10:30 a.m. to 12:00 noon; 1:30 p.m. to 3:00 p.m. Time of Voting on Recommendations: June 18, 3:15 p.m. For further information, contact Lorraine Collins, Co-chair, IWY Coordinating Committee, 1828 7th Avenue, Belle Fourche, South Dakota 57717 or call (605)892-4402.

General notice of these meetings has been publicized in the media and the time available for organizing the details of the program schedule have made it necessary on an emergency basis to postpone publication of this notice until this time.

Dated: June 8, 1977.

WILLIAM WALLACE,
Deputy General Counsel, National Commission on the Observance of International Women's Year.

[FR Doc.77-16767 Filed 6-10-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 10.1, Revision 3, "Compilation of Reporting Requirements for Persons Subject to NRC Regulations," proivdes a compilation of NRC reporting requirements applicable to various types of NRC licensees and other persons subject to NRC regulations. The guide does not impose or implement the reporting requirements but provides a current, convenient list of the requirements that appear in various parts of the Commission's regulations. The purpose of this revision is to reflect any changes that have been made to the reporting requirements since the previous revision. Presently, all NRC reporting requirements are being evaluated to determine if they are currently necessary. As a result of this evaluation, it is expected that changes will be made to the Commission's regulations to delete or revise several of the existing requirements. These changes will be reflected in future revisions to this guide.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 7th day of June 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.77-16636 Filed 6-10-77;8:45 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Facility Operating License No. DPR-36 issued to Maine Yankee Atomic Power Company (the licensee) which revised Technical Specifity), located in Lincoln County, Maine. Yankee Atomic Power Station (the facility), located in Lincoln County, Maine. The amendment is effective as of the date of issuance.

The amendment revises Technical Specifications to reflect plant operating limits for the fuel loading to be used during Cycle 3. This amendment also terminates the Commission's Order for Modification of License dated June 17, 1976, as supplemented August 26, 1976.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR

§ 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 18, 1976, as supplemented January 12, February 11, March 3, May 2, and May 17, 1977, (2) Amendment No. 29 to License No. DPR-36, (3) the Commission's concurrently issued Safety Evaluation in support of the amendment, (4) the Commission's concurrently issued Safety Evaluation of the application of the GEMINI-II computer code to the facility, and (5) the Commission's concurrently issued Safety Evaluation of the application of the GAPEX computer code to the facility. 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 Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2), (3), (4), and (5) 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 27th day of May 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-16549 Filed 6-10-77;8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO., ET AL

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 31 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

This amendment revised the provisions in the Technical Specifications relating to the responsibility for audit of independent reviews of environmental matters. As a result of this amendment, responsibility for performing such audits is now assigned to the Manager-Generation Quality Assurance. Prior to this change, the organization responsible for performing these audits was not explicitly defined. In addition to this change, minor corrections were made to the titles of certain individuals and to a reference to a section of the Technical Specifications.

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 environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, negative declaration or 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 14, 1977, (2) the Commission's letter to Metropolitan Edison Company dated May 26, 1977, and (3) Amendment No. 31 to License No. DPR-50. 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 Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania.

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 May 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-16550 Filed 6-10-77;8:45 am]

[Docket No. STN 50-484]

NORTHERN STATES POWER CO. (MINNESOTA), NORTHERN STATES POWER CO. (WISCONSIN), ET AL.

(TYRONE ENERGY PARK, UNIT 1)

Amended Notice and Order for Continuation of Hearing

The evidentiary hearing in this proceed was scheduled for 9:30 a.m., June 21, 1977 at Room 101, Hibbard Humanities Hall, University of Wisconsin Campus, Park and Garfield Avenue, Eau Claire, Wisconsin, 54701.

The place of the hearing has been changed to:

Fine Arts Center, Room 101, University of Wisconsin Eau Claire, First Avenue and Water Street, Eau Claire, Wisconsin 54701.

The dates and time for the hearing remain unchanged.

It is so ordered.

Dated at Bethesda, Maryland this 7th day of June, 1977.

For the Atomic Safety and Licensing Board.

IVAN W. SMITH,
Chairman.

[FR Doc.77-16551 Filed 6-10-77;8:45 am]

[Docket Nos. 50-282 and 50-306]

NORTHERN STATES POWER CO. (PRAIRIE ISLAND NUCLEAR GENERATING PLANT, UNITS 1 & 2) (SPENT FUEL POOL MODIFICATION)

Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this proceeding:

Alan S. Rosenthal, Chairman
Dr. John H. Buck
Dr. W. Reed Johnson

Dated: June 6, 1977.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.77-16552 Filed 6-10-77;8:45 am]

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. 40 issued to Omaha Public Power District which revised Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications which will allow the steam generator blowdown activity recorder to be out of service provided the steam generator blowdown activity is manually recorded every 30 minutes.

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 statement or negative declaration and environ-

mental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 11, 1976, (2) Amendment No. 23 to License No. DPR-40, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Blair Public Library, 1665 Lincoln Street, Blair, Nebraska. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 6th day of June 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-16554 Filed 6-10-77;8:45 am]

[Docket Nos. 50-448, 50-449]

POTOMAC ELECTRIC POWER CO. DOUGLAS POINT NUCLEAR GENERATING STATION, UNITS 1 AND 2)

Order Relative to Evidentiary Hearing on Site Suitability

Take notice, an evidentiary hearing on site suitability issues will commence in the Benjamin Stoddert Middle School Cafetorium in St. Charles City, Waldorf, Maryland at 1:00 p.m. (local time) on July 5, 1977. It is anticipated that the afternoon session will end at 5:00 p.m. The hearing will resume at 7:00 p.m. and will continue until approximately 10:00 p.m.

The public is invited to attend. Limited appearance statements from those individuals who have not given such statements will be called for at 1:00 p.m. and throughout the evening session. An oral statement will be limited to five (5) minutes but written statements without limitation on length may be submitted.

The hearing will resume at 9:30 a.m. on July 6, 1977 and will continue until all issues have been heard.

It is so ordered.

Dated at Bethesda, Maryland, this 6th day of June, 1977.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc.77-16555 Filed 6-10-77;8:45 am]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 26 to Provisional Operating License No. DPR-13, issued to Southern California Edison Company and San Diego Gas and Electric Company (the licensee), which revised the Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit No. 1 (SO-1) located in San Diego County, California. The amendment is effective as of its date of issuance.

The amendment revises the provisions in Technical Specification 2.2.1 to require the taking of residual chlorine water samples at the outlet of each condenser half being chlorinated earlier than previously required. These samples are now required to be taken at approximately two minute intervals until the maximum concentration to total residual chlorine has been obtained.

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 Commision's rules ond regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 18, 1977, (2) Amendment No. 26 to License No. DPR-13, and (3) the Commission's letter to the licensee dated May 31, 1977. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California. 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 31st day of May 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-16556 Filed 6-10-77;8:45 am]

[Docket No. 50-346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO., DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. NPF-3, issued to the Toledo Edison Company and the Cleveland Electric Illuminating Company, which revised Technical Specifications for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

The amendment permits decay heat removal train pump switching operations for the purpose of testing in facility operational Modes 3, 4 and 5.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Amendment No. 1 to License No. NPF-3, (2) the Commission's related Safety Evaluation supporting Amendment No. 1 to License No. NPF-3. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Ida Rupp Public Library, 310 Madison Street, Port Clinton, Ohio 43452. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland, this 27th day of May 1977.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc.77-16557 Filed 6-10-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE BLACK FOX STATION, UNITS 1 AND 2

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on the Black Fox Station will hold a meeting on June 30, 1977 at the Holiday Inn East, 1010 N. Garnett Street, Tulsa, OK 74116. The purpose of this meeting is to review the application of the Public Service Company of Oklahoma for a permit to construct Units 1 and 2.

The agenda for the subject meeting shall be as follows:

THURSDAY, JUNE 30, 1977

10 a.m.–10:30 a.m. (Open). Members of the Subcommittee, with any of their consultants who may be present, will meet in Executive Session to exchange opinions and discuss preliminary views and recommendations relating to the above review.

10:30 a.m. until the conclusion of business. (Open). The Subcommittee will hear presentations by representatives of the NRC Staff and the Public Service Company of Oklahoma, and their consultants, and will hold discussions with them pertinent to this review.

At the conclusion of these sessions, the Subcommittee may caucus to determine whether the matters identified in the Executive Session have been adequately covered.

It may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Pub. L. 92–463, that is is necessary to conduct the above closed sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply: (a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than June 23, 1977 to Mr. Richard Major, ACRS, NRC, Washington, DC 20555, will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., NW., Washington, DC 20555, and at the Tulsa City-County Library, 400 Civic Center, Tulsa, OK 74102.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on June 29, 1977 to the Office of the Executive Director of the Committee (telephone 202–634–1374, Attn: Mr. Richard Major) between 8:15 a.m. and 5 p.m., EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those open sessions of the meeting when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. Richard Major, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented will be available for inspection on or after July 11, 1977 at the NRC Pubic Document Room, 1717 H St., NW., Washington, D.C. 20555, and at the Tulsa City-County Library, 400 Civic Center, Tulsa, OK 74102.

A copy of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., NW., Washington, DC 20555 after September 30, 1977.

Copies may be obtained upon payment of appropriate charges.

Dated: June 8, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-16836 Filed 6-10-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON ELECTRICAL SYSTEMS, CONTROL AND INSTRUMENTATION

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on Electrical Systems, Control and Instrumentation, will hold a meeting on June 30, 1977 in Room 1046, 1717 H Street, NW., Washington, D.C. 20555. The purpose of this meeting is to continue the review of the Combustion Engineering Core Protection Calculation System (CPCS).

The agenda for subject meeting shall be as follows:

THURSDAY, JUNE 30, 1977

8:30 a.m.–8:45 a.m. (Open). Members of the Subcommittee, with any of their consultants who may be present, will meet in Executive Session to exchange opinions and discuss preliminary views and recommendations relating to the above evaluation.

8:45 a.m. until the conclusion of business. (Open). The Subcommittee will hear presentations by representatives of the NRC Staff and Combustion Engineering, and their consultants, and will hold discussions with them pertinent to this review.

The Subcommittee may also discuss with representatives of Combustion En-

gineering, the Arkansas Power and Light Company, the NRC Staff, and their consultants, the application of the CPCS to the Arkansas Nuclear One, Unit 2, Nuclear Power Plant (ANO–2).

At the conclusion of these sessions, the Subcommittee may caucus to determine whether the matters identified in the Executive Session have been adequately covered.

It may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that it is necessary to conduct the above closed sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Standards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports became a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply: (a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than June 23, 1977 to Mr. Gary Quittschreiber, ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555, and at the Arkansas Polytechnic College, Russellville, AR 72801 (regarding ANO–2).

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relevant to its purview at an appropirate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on June 29, 1977 to the Office of the Executive Director of the Committee (telephone 202–634–1374, Attn: Mr. Gary Quittschreiber) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those open sessions of the meeting when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. Gary Quittschreiber, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented will be available for inspection on or after July 11, 1977 at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555, and at the Arkansas Polytechnic College, Russellville, AR 72801 (regarding ANO–2).

A copy of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555 after September 30, 1977.

Copies may be obtained upon payment of appropriate charges.

Dated: June 8, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-16837 Filed 6-10-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Reqests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 8, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number (s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service:

Evaluation of Interregional Relations in Blood Banking Services, single time, blood service establishments, Richard Eisinger, 395–6140.

Characterization of the Blood Data Collection Burden, single time, blood service establishments, Richard Eisinger, 395–6140.

Blood Service Units and Blood Suppliers, single time, blood service establishment, Richard Eisinger, 395–6140.

REVISIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service, Subscription renewal notice (report evaluation questions), single time, subscribers to reports, Gaylord Worden, 395–4730.

EXTENSIONS

Food and Nutrition Service, Application for Participation, National School Lunch, School Breakfast and Special Milk Programs, FN66, on occasion, school food authorities, Human Resources Division, 395–3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-1683 Filed 6-10-77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 6, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

FEDERAL RESERVE SYSTEM

Special One-Time Survey of Institutions Offering NOW Accounts, FR-2035, single time, depository institutions in New England, Gaylord Worden, 395-4730.

FEDERAL MEDIATION AND CONCILIATION SERVICE

Notice to Federal Mediation and Conciliation Service, F-53, on occasion, Government agencies and labor organizations, Warren Topelius, 395-5872.

DEPARTMENT OF DEFENSE

Department of the Air Force, Reserve Benefit trade-off survey, single time, individuals, National Security Division, Maria Gonzalez, 395-4734.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, drug abuse and mental health Administration:

Follow-up of the 1974 National Survey of Junior and Senior High School Students, Single time, junior-senior high school students, Richard Eisinger, and Kathy Wallman, 395-6140.

Office of Education, Capital Contribution Application for Federal Loan for Institutional Capital Contribution, OE-1024, Annually, IHE's, Marsha Traynham, 395-4529.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service:

Annual Statement of Income and Expenditures, FNS-13, Annually, State educational agencies, Human Resources Division, 395-3532.

Annual Report of Participation by Charitable Institutions, semi-annually, State agencies responsible for USDA food distribution, Human Resources Division, 395-3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Human Development, Office of Human Development Grant Application Revised on Occasion, grant applicant, Budget Review Division, Lowry, R.L., 395-4775.

DEPARTMENT OF LABOR

Employment and Training Administration, CETA Forms Preparation Handbook—Titles I, II, III and VI, MA 2-202,203 219,220, MA-5-134-136 145, 145A, Other (see SF-83), State and local agencies, Caywood, D.P., 395-3443.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service, 1976 Survey of Hospital Staff, single time, Richard Eisinger, 395-6140.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Administration (Office of Assistant Secretary):

Bridge Survey, HUD 498, on occasion, Federal and State Government inspectors, Housing, Veterans and Labor Division, 395-3532.

Market Absorption Record (New Multifamily Units), FHA-184, on occasion, all multifamily rental projects, Housing, Veterans and Labor Division, 395-3532.

Health Authority Approval, Individual Water Supply and Sewage Disposal System, FHA-2573, on occasion, Local health authority, Housing, Veterans and Labor Division, 395-3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-16864 Filed 6-10-77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 7, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

ENVIRONMENTAL PROTECTION AGENCY

Rural Water Survey Questionnaire, single time, rural households in areas under 2500 population, Eliett, C. A., 395-5867.

PENSION BENEFIT GUARANTY CORPORATION

Technical Assistance Needs Questionnaire, single time, pension practitioners, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration, Medical Device Listing, FD-2892, semiannually, Medical Device Industry, Tracey Cole, 395-5870.

NEW FORMS

DEPARTMENT OF LABOR

Employment and Training Administration, Impact Assessment Questionnaire, ETA-6, single time, members of Indian communities, Housing, Veterans and Labor Division, C. Louis Kincannon, 395-3532.

REVISIONS

VETERANS ADMINISTRATION

Inquiry Concerning Applicant for Employment, FL 5-127, on occasion, supervisors and employers of applicants for employment, Tracey Cole, 395-5870.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Authorization for Adjustments Due to Client or Administrative Error, FNS 293, on occasion, State or local food stamp agencies, Human Resources Division, 395-3532.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Application for Survivors Benefits (Payable Under Title II of The Social Security Act), SSA-24, on occasion, individuals claiming survivor benefits, Caywood, D. P., 395-3443.

Food and Drug Administration, An Evaluation of User Awareness and Reactions to the FDA Required Changes in Labeling for in Vitro, diagnostic products, single time, a national sample of clinical labs, Richard Eisinger, 395-6140.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Report of Child Nutrition Operations, FNS-10, monthly, State educational agencies, Human Resources Division, 395-3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-16865 Filed 6-10-77;8:45 am]

POSTAL SERVICE

PRIVACY ACT OF 1974

Routine Use of Systems of Records

AGENCY: United States Postal Service.

ACTION: Adoption of routine use.

SUMMARY: The purpose of this document is to publish final notice of an additional routine use for several Postal Service systems of records permitting certain information to be disclosed to the Civil Service Commission with regard to

the investigation of discrimination complaints.

DATES: Effective Date: June 7, 1977.

ADDRESSES: Records Officer, U.S. Postal Service, Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:

Mr. John E. Finlay, (202) 245–4142.

SUPPLEMENTARY INFORMATION: On May 4, 1977, the Postal Service published for comment in the FEDERAL REGISTER (41 FR 22614) a proposed routine use for each of the Postal Service systems of records listed below by USPS identification number:

010.030	120.040
010.080	120.050
030.010	120.070
030.020	120.080
050.005	120.090
050.010	120.100
050.020	120.110
050.040	120.120
080.010	120.130
080.030	120.150
100.010	120.170
110.010	120.180
120.030	120.190
120.035	120.210
120.036	170.010
120.038	

No adverse comment was received regarding this proposed use.

A complete statement of the existence and character of each of these systems appeared in the FEDERAL REGISTER on October 14, 1976 (41 FR 45132). The additional routine use applies to the extent that it is relevant to the particular records maintained in these systems, and permits the release to the United States Civil Service Commission of certain information related to the investigation of discrimination complaints against the Postal Service. The new routine use is necessary to assure that Postal Service application of the Privacy Act of 1974, Pub. L. No. 93–579, is accommodated with the obligations of the Postal Service under the Equal Employment Opportunity Act of 1972, Pub. L. No. 92–261. The use follows:

Add the following text as the last use to the routine use section of each system notice for the above listed systems:

USE—Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Civil Service Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 5 CFR 713, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.77–16699 Filed 6–10–77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 03/03–5128]

LICO MESBIC INVESTMENT CO

Issuance of a License to Operate as a Small Business Investment Company

On March 9, 1977, a notice was published in the FEDERAL REGISTER (42 F.R. 13179) stating that LICO MESBIC Investment Co., located at 350 Ragland Road, Beckley, W. Virginia 25801 had filed an application with the Small Business Administration pursuant to 13 C.F.R. 107.102 (1977) for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended.

The period for comment expired on March 24, 1977 and no comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 03/03–5128 to LICO MESBIC Investment Co. on May 31, 1977.

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

Dated: June 6, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator, for Investment.

[FR Doc.77–16639 Filed 6–10–77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

EXEMPTION APPLICATIONS

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applications for Renewal of Exemption or Application to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein. Normally, the modes of transportation would be identified and the nature of application would be described, as in past publications. However, this notice is abbreviated to expedite docketing and public notice. These applications have been separated from the new applications for exemptions because they represent the large majority of applications awaiting disposition.

DATES: Comments by July 1, 1977.

ADDRESSED TO: Section of Dockets, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT:

Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street, S.W., Washington, D.C.

Application No.	Applicant	Renewal of special permit or exemption
6116–X	AAI Corp., Baltimore, Md....	6116
6821–X	Conset Manufacturing Corp., Atlanta, Ga.	6821
6889–X	McDonnell Douglas Corp., Tulsa, Okla.	6889
6917–X	Atlas Powder Co., Dallas, Tex.	6917
6932–X	Fauvet-Girel, Paris, France...	6932
6999–X	Warren Petroleum Co., Tulsa, Okla.	6999
7005–X	Westwind Overseas Limited, New York, N.Y.	7005
7063–X	Hooker Chemicals & Plastics Corp., Niagara Falls, N.Y.	7063
7072–X	Container Corporation of America, Wilmington, Del.	7072
7240–X	Applied Plastics Company, Inc., El Segundo, Calif.	7240
7410–X	Dow Corning Corp., Midland, Mich.	7410
7423–X	Dow Chemical Co., Freeport, Tex.	7423
7423–X	Dow Chemical Co., Freeport, Tex.	7423
7424–X	Hercules Inc., Wilmington, Del.	7424
7426–X	Martin Marietta Chemicals, Charlotte, N.C.	7426
7434–X	Natico, Inc., Chicago, Ill.....	7434
7458–X	Ekohwerks Co., Eastlake, Ohio.	7458
7549–X	Stauffer Chemical Co., Westport, Conn.	7549
3744–P	McKesson Chemical Co., San Francisco, Calif.	3744
4453–P	Strawn Explosives, Inc., Dallas, Tex.	4453
5107–P	Thio-Pet Chemicals Ltd., Edmonton, Alberta.	5107
5849–P	Department of the Army, Washington, D.C.	5849
6113–P	Cities Transportation, Inc., N. Hampton, N.H.	6113
6197–P	Cities Transportation, Inc., N Hampton, N.H.	6197
6228–P	Airco Welding Products, Springfield, N.J.	6228
6554–P	Hill Brothers Chemical Co., City of Industry, Calif.	6554
6720–P	Superintendence Company Inc., New York, N.Y.	6720
6909–P	Edwin Cooper, Inc., St. Louis, Mo.	6909
6949–P	Stauffer Chemical Co., Westport, Conn.	6949
7023–P	Ill Pure Chemicals Inc., Nazareth, Pa.	7023
7249–P	Hardman Inc., Belleville, N.J.	7249
7444–P	L. P. Transportation Inc., Chester, New York	7444
7470–P	Phelps Dodge Corp., New York, N.Y.	7470

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on June 2, 1977.

J. R. GROTHE,

Chief, Exemptions Branch, Office of Hazardous Materials Operations.

[FR Doc.77-16238 Filed 6-10-77;8:45 am]

EXEMPTION APPLICATIONS

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applications for Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein.

DATES: Comments by July 18, 1977.

ADDRESSED TO: Section of Dockets, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT:

Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street, S.W., Washington, D.C.

Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1. Motor vehicle, 2. Rail freight, 3. Cargo vessel, 4. Cargo-only aircraft, 5. Passenger-carrying aircraft.

New exemptions

Application No.	Applicant	Regulation(s) affected	Nature of application
7747-N	Hercules Inc., Wilmington, Del.	49 CFR 173.28(m)	To authorize shipment of dicumyl peroxide, dry in used DOT 17-H drums not reinspected or retested, (mode 1).
7748-N	Nuclear Components Inc., Great Browning, Mass.	49 CFR 173.302	To authorize shipment of non-DOT Specification cylinders charged with a certain non-liquefied c pressed gas, (mode 1).
7750-N	Diamond Shamrock Chemical Co., Morristown, N.J.	49 CFR 173.249	To authorize shipment of water treatment compounds, classed as corrosive materials, in a DOT Specification 57 portable tank with DOT 28L polyethylene liner, (modes 1, 2).
7751-N	Chemical Systems, Inc., Chicago, Ill.	49 CFR 173.245b(a)(5)	To authorize shipment of certain corrosive solids in non-DOT Specification 61 gallon polylined fiber drums at weight level permitted by existing regulations, (mode 1).
7753-N	Stauffer Chemcial Co., Westport, Conn.	49 CFR 173.190 (b)(2)	To authorize shipment of yellow phosphorus in 55 gallon capacity DOT 17-C metal drums, (modes 1, 2, 3).
7754-N	Hercules Inc., Wilmington, Del.	49 CFR 173.66, 177.835 (g)(2)(i).	To authorize shipment of blasting caps not overpacked in a DOT specification container in an IME container, (mode 1).
7755-N	Supelco Inc., Bellefonte, Pa.	49 CFR pts. 173, Subpts. D, E, F, G, H, J, K, L, M, N.	To authorize shipment of limited quantities of certain hazardous materials exept Class A explosives, radioactive materials, and etiologic agents, exempt from the regulations, (modes 1, 2, 3, 4, 5).
7756-N	Supelco Inc., Bellefonte, Pa.	49 CFR pt. 173, Subpts. D & K.	To authorize shipment of limited quantities of flammable liquids and ORM-A materials exempt from the regulations, (modes 1, 2, 3, 4, 5).
7758-N	Arizona Agrochemical Co., Phoenix, Ariz.	49 CFR 173.365	To authorize shipment of Polson B solids in DOT 44-D multiwall paper bags, (mode 1).
7759-N	Shell Oil Co., Houston, Tex.	49 CFR 173.119(m)	To authorize shipment of a certain flammable liquid with corrosive properties in non-DOT specification portable tanks, (modes 1, 3).
7760-N	Velsicol Chemical Corp., Chicago, Ill.	49 CFR 173.304	To authorize shipment of hydrogen bromide in non-DOT specification cylinders, (modes 1, 3).
7764-N	Hydrite Chemical Co., Milwaukee, Wis.	49 CFR 173.245, 173.263, 173.268.	To authorize shipment of certain corrosive liquids in DOT 56 metal portable tanks, (mode 1).
7765-N	Carleton Controls Corp., East Aurora, N.Y.	49 CFR 173.302(a), 178.65-11(b)(1), 175.3.	To authorize shipment of nitrogen in DOT 39 cylinders except for a minimum burst pressure of 1.78 times the test pressure, (modes 1, 2, 4).
7766-N	American Safety Equipment, Glendale, Calif.	49 CFR 173.302	To authorize shipment of compressed air in a non-DOT cylinder, (modes 1, 2).
7767-N	Hydraulic Research Textron Apco Products, Pacoima, Calif.	49 CFR 173.304, 175.3, 178.47.	To authorize shipment of certain nonflammable gases in a modified DOT 4DS cylinder, (modes 1, 2, 3, 4, 5).
7768-N	Monsanto Co., St. Louis, Mo.	49 CFR 173.217	To authorize shipment of certain oxidizer (solid) in non-DOT specification, removable head polyethylene drums, (modes 1, 2, 3).
7769-N	Brunswick Corp., Lincoln, Nebr.	49 CFR 173.302(a)(1) 175.3.	To authorize shipment of compressed air, nitrogen or other inert gases in non-DOT cylinders (FRP), (modes 1, 2, 3, 4, 5).

This notice of receipt of applications for new exemptions is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on June 2, 1977.

J. R. GROTHE,
Chief, Exemptions Branch,
Office of Hazardous Materials Operations.

[FR Doc.77-16239 Filed 6-10-77;8:45 am]

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

ENTITLEMENT PERIOD NINE

Final Date of Allocations and Data Definitions

Pursuant to section 51.23(a) of the revenue sharing interim regulations (31 CFR, Part 51, section 51.23(a)), published in the FEDERAL REGISTER on May 16, 1977 (42 FR 24733), promulgated under the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92-512, 31 U.S.C. Supp. V, chapter 24) as amended by the State and Local Fiscal Assistance Amendments of 1976 (90 Stat. 2341, Pub. L. 94-488), and pursuant to the notice of procedure for improvement of entitlement data for Entitlement Period Nine published in the FEDERAL REGISTER on April 20, 1977 (42 FR 20525), notice is hereby given that the final date for the determination of allocations and entitlements, including adjustments thereto, applicable to Entitlement Period Nine (October 1, 1977—September 30, 1978) will be June 30, 1977.

The exception to this allocation procedure will be for those State or local governments which make a demand for adjustment (or where a demand is made by the Secretary of the Treasury upon such government) on or before September 30, 1979 pursuant to section 102(b) of the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221 as amended by section 6(e)(2) of the State and Local Fiscal Assistance Amendments of 1976 (90 Stat. 2347)). If a demand for adjustment for Entitlement Period Nine is made by a recipient government, on or before September 30, 1979, the demand shall be made in writing and contain evidence and documentation to fully justify the proposed corrections of data. The adjustment, if any, will affect only the recipient government for which a demand for adjustment has been made.

The amount of revenue sharing funds each recipient government will receive for Entitlement Period Nine will be provided to all recipient governments by August 1977.

Pursuant to section 51.23(a) of the revenue sharing regulations (31 CFR, Part 51, § 51.23), the data definitions upon which the allocations and entitlements for recipient governments for Entitlement Period Nine are based will become final on June 15, 1977. These data definitions were published in the FEDERAL REGISTER on April 20, 1977 (42 FR 20525) when recipient governments were first notified of and given the opportunity to participate in the data improvement program for Entitlement Period Nine.

Since § 51.23(a) of the regulations defines any change in the computation of local tax effort to credit certain county sales taxes to units of local government, pursuant to section 109(e)(2)(B) of the Act (31 U.S.C. 1228(e)(2)(B)), "the Memphis Rule", to be a change in a data definition, such change will not be given effect for Entitlement Period Nine after

June 15, 1977. Thus, the requirement for electing the application of the Memphis Rule, set out in the data definition of adjusted taxes for Entitlement Period Nine (42 FR 20529), that the Governor of a State must certify that the requirements of the Memphis Rule have been met before the beginning of the entitlement period in which the Memphis Rule is to take effect, means that such certification must have been received on or before June 15, 1977.

Dated: June 7, 1977.

BERNARDINE DENNING,
Director, Office of Revenue Sharing.

[FR Doc.77-16649 Filed 6-8-77;10:11 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-26]

CERTAIN SOLDER REMOVAL WICKS

Change of Place of Hearing

Notice is hereby given that the hearing in this matter set to begin at 10 a.m., e.d.t., June 10, 1977, will be held in the Hearing Room (rather than Room 119), U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436.

The original notice and order concerning the procedure for this hearing was published in the FEDERAL REGISTER of May 24, 1977 (42 FR 26478), and the notice changing the place of the hearing to Room 119 was published in the FEDERAL REGISTER of June 7, 1977 (42 FR 29052).

By order of the Commission.

Issued: June 8, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-16728 Filed 6-10-77;8:45 am]

LIVE CATTLE AND CERTAIN EDIBLE MEAT PRODUCTS OF CATTLE

[TA-201-25, 332-85]

Conditions of Competition in U.S. Markets Between Domestic and Foreign Live Cattle and Cattle Meat Fit for Human Consumption

Section 332 investigation instituted. On May 31, 1977, the United States International Trade Commission instituted, on its own motion, an investigation under section 332(g) of the Tariff Act of 1930, as amended (19 U.S.C. 1332(g)), to study the conditions of competition in U.S. markets between domestic and foreign live cattle and cattle meat fit for human consumption. Such live cattle and cattle meat are of the types provided for in items 100.40 through 100.55, inclusive; 106.10, 106.80, and 106.85; 107.20 and 107.25; 107.40 through 107.60, inclusive; and 107.75 of the Tariff Schedules of the United States.

In its investigation, the Commission will be concerned with, among other things, the effects of imports of such articles on domestic producers and processors of live cattle and products thereof fit for human consumption. The Commission invites the submission of information on the product characteristics of foreign and domestic articles; the characteristics of the domestic industry or industries producing and/or processing such articles; U.S. consumption; production, imports, and exports; inventories held in the United States; pricing practices, price trends, and price relationships between the imported and domestic products; trends of the major cost elements and profitability of operations of producers and processors; and the actions taken under or in connection with the so-called Meat Import Act of 1964 (Public Law 88-482, approved August 22, 1964 (19 U.S.C. 1202)).

Public hearings. Public hearings in connection with these investigations will be held in Rapid City, S. Dak., beginning on Tuesday, June 14, 1977, at 10:00 a.m., m.d.t., at the Rushmore Plaza Civic Center, 444 Mt. Rushmore Road North, Rapid City, S. Dak.; in Dallas, Tex., beginning on Tuesday, June 28, 1977, at 10:00 a.m., c.d.t., in Room 7A23, 1100 Commerce Street, Dallas, Tex.; in New York, N.Y., beginning on Tuesday, July 12, 1977, at 10:00 a.m., e.d.t., in the auditorium of the United States Mission to the United Nations, 799 U.S. Plaza, 45th Street and First Avenue, New York, N.Y. (please use 45th Street entrance); and in Kansas City, Mo., beginning on Tuesday, July 19, 1977, at 10:00 a.m., c.d.t., in Room 302, 911 Walnut Street, Kansas City, Mo. An additional public hearing in connection with the section 332 investigation will be held beginning on Tuesday, September 20, 1977, at 10:00 a.m., e.d.t., in the Hearing Room, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436.

The Rapid City, Dallas, New York, and Kansas City hearings will be held in conjunction with the Commission's investigation No. TA-201-25, being conducted under section 201(b) of the Trade Act of 1974 (19 U.S.C. 2251(b)), concerning live cattle and certain meat products of cattle fit for human consumption, notice of which was published in the FEDERAL REGISTERS of April 13, 1977, and May 19, 1977 (42 FR 19389 and 42 FR 25774, respectively). To the maximum extent possible, witnesses who are addressing testimony to investigation No. TA-201-25 and the criteria relative to relief under section 201(b) of the Trade Act of 1974 are requested to first present their testimony with respect to that investigation and then give their testimony with respect to investigation No. 332-85.

Requests for appearances should be filed with the Secretary of the U.S. International Trade Commission, in writing, at his office in Washington, D.C., not later than noon of the fifth calendar day preceding the hearing at which the appearance is requested. Requests should (a) identify each witness by name and interest and (b) indicate whether the testimony relates to investigation No. TA-201-25 or No. 332-85 or both. Written statements will be accepted in lieu of or in addition to oral testimony. Such statements should be submitted at the earliest practicable time, but in no event later than the closing of the final hearing for each investigation.

By order of the Commission.

KENNETH R. MASON,
Secretary.

Issued: June 8, 1977.

[FR Doc.77-16729 Filed 6-10-77;8:45 am]

[337-TA-23]

CERTAIN COLOR TELEVISION RECEIVING SETS

Proposed Consent Order

Notice is hereby given that: (1) The Commission will consider the issuance of the following order in this investigation, which, in substantially identical versions, has been consented to by the complainants, GTE Sylvania, Inc. and Philco Consumer Electronics Corp., the Commission investigative attorney, and the following respondents: Tokyo Shibaura Electric Co., Ltd.; Toshiba America, Inc.; Hitachi, Ltd.; Hitchai Kaden Hanbai Kabushiki Kaisha; Hitachi Sales Corp. of America; Sharp Corporation; Sharp Electronics Corporation; Sanyo Electric Co., Ltd.; Sanyo Electric, Inc.; and Sanyo Electric Trading Co., Ltd., subject to the Commission's approval.

(2) Any person may comment upon the terms of the following proposed order, by submitting written statements to the Office of the Secretary, U.S. International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436, on or before June 14, 1977.

(3) The text of the proposed order is as follows:

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-23]

In the matter of certain color television receiving sets.

Consent order. Complainants GTE Sylvania Incorporated and Philco Consumer Electronics Corporation, having filed a Complaint and Consolidated Amended Complaint; and

The United States International Trade Commission ("Commission") having initiated an investigation pursuant to Notices of Investigation; and

The respondents having appeared and denied the material allegations of the Complaint and Consolidated Amended Complaint; and

The Commission having determined it has jurisdiction of the subject matter of this proceeding and the Commission having determined that the Consolidated Amended Complaint states a cause of action under Section 337 of the Tariff Act of 1930, 19 U.S.C. Section 1337 and all acts amendatory thereof and supplementary thereto; and

Before the making of any findings of fact or conclusions of law, and before the hearing or adjudication of any issue of fact or law herein, and the respondents having denied any violation of Seciton 337 of the Tariff Act of 1930, as amended, 19 U.S.C. Section 1337 ("Section 337"), or as alleged

in the Complaint and Consolidated Amended Complaint, and all of the parties hereto having consented to the entry of this Consent Order;

It is hereby ordered that:

I (Tariff Act of 1930)

The Commission has, and respondents concede that the Commission has, jurisdiction of the subject matter of this investigation and over the respondents signatory hereto for the purposes of issuing and enforcing this Consent Order, and the Protective Order dated September 17, 1976.

II (Settlement Purposes Only)

This Consent Order is for settlement purposes only and does not constitute a determination by the Commission or an admission by respondents that the law has been violated as alleged in the Complaint and Consolidated Amended Complaint or Notices of Investigation or otherwise.

III (Definitions)

As used in this Consent Order: (A) "Complainants" shall mean GTE Sylvania Incorporated and Philco Consumer Electronics Corporation, and each of them.

(B) "Respondents" shall mean:

(1) Tokyo Shibaura Electric Company, Ltd., and

(2) Toshiba America, Inc.

(C) "Person" shall mean an individual, or any non-governmental partnership, firm, association, corporation or other legal or business entity other than the above respondents or their majority owned and/or controlled subsidiaries, their successors or assigns.

(D) "United States" shall mean the fifty States, the District of Columbia and Puerto Rico.

(E) "Color Television Receiving Set" shall mean any color television receiving set manufactured in any country other than the United States for shipment or export to the United States for resale in the United States or for import into the United Staes for resale in the United States. Color television receiving sets shall include:

(1) A finished color television receiving set which at the time of importation is fully assembled, whether or not tested or packaged, for distribution to the purchaser as a color television receiving set;

(2) A color television receiving set which at the time of importation is not fully assembled, whether or not in the cabinet, but substantially complete as a finished color television receiving set, as defined in Subsection (1) above, at least to the point where the color picture tube is in place as part of the set; and

(3) A kit which at the time of importation contains all of the components necessary to make it a color television receiving set as defined in Subsections (1) and (2) above.

IV (Applicability)

The provisions of this Consent Order shall apply to each respondent and to each of its officers, directors, employees, controlled (whether by stock ownership or otherwise) and/or majority owned business entities, successors and assigns, and to each of them, and to all other persons who receive actual notice of this Consent Order by service in accordance with Section XI hereof.

V (Individual Conduct Prohibited)

A respondent shall not: (1) Sell any color television receiving set or sets in the United States or for shipment or export to the United States, for resale in the United States at any price in a predatory manner as defined by United States law; or

(2) Give to any person a discount, allowance, credit, rebate, gratuity, financing and credit benefit, or any other monetary inducement to purchase, or other deduction or term which results directly or indirectly in a reduction of the price of a color television receiving set sold in the United States or for shipment or export to the United States, for resale in the United States, for which appropriate descriptive financial records are not maintained by respondent; or

(3) Unlawfully hinder, restrict, limit or prevent directly or through another, any company incorporated in the United States or any subsidiary thereof from buying or selling color television receiving sets from or to any other person in the United States or in Japan in a manner which has an effect on United States commerce and which is in connection with the importation of color television receiving sets into the United States or the sale of such imported sets in the United States or for shipment or export to the United States for resale in the United States.

A respondent in connection with the importation of color television receiving sets into the United States or for shipment or export to the United States for resale in the United States shall not unlawfully with any other person or persons, initiate, enter into, adhere to, maintain or further, directly or indirectly, any contract, agreement, combination, conspiracy, understanding, plan or program, for the purpose or with the effect of:

(1) Raising, lowering, fixing, determining, establishing, controlling, maintaining or stabilizing the price, price level, price ceiling, price floor, net price, discount, rebate, allowance, mark-up, profit margin, warranty, or any term or condition of sale at which any other person sells any color television receiving set in the United States or for shipment or export to the United States for resale in the United States; or

(2) Allocating, dividing, rotating, apportioning, assigning, limiting or imposing or attempting to impose any limitations or restrictions respecting (a) the person or persons to whom, or (b) the markets or territories in which, or (c) the volume at which any person may sell color television receiving sets in the United States or for shipment or export to the United States for resale in the United States; or

(3) Hindering, restricting, limiting, or preventing any person from buying or selling color television receiving sets from or to any other person in the United States in a manner which has an effect on United States commerce.

VII (Reporting)

With respect to each of the five consecutive fiscal years the first of which begins in 1977, each respondent shall separately review, determine and report in English under oath to the Commission, on an annual basis, the following: (1) total unit volume of all color television receiving sets sold in the United States or for shipment or export to the United States for resale in the United States, (2) total unit volume in each screen size for such color television receiving sets, (3) aggregated revenues for all such color television receiving sets, (4) aggregated revenues in each screen size for such color television receiving sets, (5) total aggregated costs as defined in Appendix A for such color television receiving sets, (6) total aggregated costs as defined in Appendix A in each screen size for such color television receiving sets, and (7) whether any such color television receiving set has been sold for less than the total variable costs of such set.

The reports provided for herein shall contain a statement of the manner in which such review and determination was conducted and the factors that were considered ducted and the factors that were considered, including the methods or method of cost allocation. All amounts set forth in such reports shall be expressed in United States dollars, with disclosure of any exchange rate(s) used to calculate such dollar amounts, including the date(s) on which such rate(s) were controlling.

In addition, respondent shall provide a statement of its independent United States auditor that the independent United States auditor has reviewed respondent's records in conjunction with its annual audit and that the independent United States auditor has reviewed the report required hereby and on the basis of such annual audit does not find any inconsistency between the data in the report and any information which it learned during its annual audit.

Such report, containing the information provided for in items (1) through (7) of the first paragraph of this Section VII, with the oath of the respondent and the statement of the independent United States auditor, shall be delivered to the Commission not later than one hundred and fifty (150) days after the close of each fiscal year, provided, however, that a preliminary report containing the information required under items (1), (2), (3) and (4) of the first paragraph of this Section VII shall be delivered to the Commission not later than ninety (90) days after the close of each fiscal year. Further, a special report containing the information provided for in items (1) through (7) of the first paragraph of this Section VII and covering the period from the effective date of this Consent Order to September 30, 1977, shall be filed with the Commission by December 31, 1977. However, the special report need not include a statement of the independent United States auditor.

All such reports delivered pursuant to the provisions of this Section shall be maintained for a period of five (5) years after the date of such delivery but no later than seven (7) years.

All such reports shall be deemed to be proprietary and business confidential and no information contained in or obtained from any such report shall be divulged by any representative of the Commission to any person other than a duly authorized representative of the Commission, except as required in the course of a legal proceeding or as otherwise required by law upon reasonable written notice to the respondents.

In determining whether a respondent is in compliance with the provisions of Sections V and VI hereof, the Commission may consider evidence that the information provided in the reporting requirements of this Section VII is incomplete or inaccurate.

VIII (Inspection and Compliance)

(A) In determining whether there has been compliance with the prohibitions of this Consent Order, the Commission may consider evidence of any material differences between the revenues and costs reported pursuant to the reporting requirements of Section VII hereof. Further, in determining whether there has been compliance with the provisions of this Consent Order, the Commission may consider evidence of all special economic and competitive circumstances presented by any respondent.

(B) For the purposes of securing compliance with this Consent Order, each respondent shall retain any and all records made and received in the usual and ordinary conduct of its color television receiving set business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain, and

in summary form for a period of seven (7) years from the close of the fiscal year to which they pertain from which the accuracy of the statements and reports described in Section VII above, may be determined, provided, however, that no such record need be retained for more than two years from the close of the last fiscal year for which a report is required.

(C) For the purpose of determining or securing compliance with this Consent Order, and for no other purposes, and subject to any privilege recognized by federal courts of the United States, during the period from filing the first report required herein up to and including two years from the close of the last fiscal year for which a report is required, duly authorized representatives of the Commission shall, upon reasonable written notice by the Commission or its staff, to any respondent made, be permitted access to and the right to inspect and copy in said respondent's principal office during the office hours of said respondent, and in the presence of counsel or other representative if said respondent chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary form, in the possession of or under the control of said respondent relating to any of the matters contained in this Consent Order and further shall have access to and the right to inspect and copy the records of respondents' independent United States auditors used in reporting upon respondents' reports required in Section VII hereof.

(D) Each respondent shall make available for consultation with the duly authorized representative of the Commission, in the presence of counsel, the individual or individuals who were responsible for the preparation of the report described in Section VII hereof and/or who have knowledge of the substance of the matters contained herein.

(E) No information obtained by the means provided in Section VII shall be divulged by any representative of the Commission to any person other than a duly authorized representative of the Commission, except as required in the course of legal proceedings to which the Commission is a party for the purpose of securing compliance with this Consent Order or as otherwise required by law, upon reasonable written notice to respondents or their United States counsel.

IX (Governmental Action)

This Consent Order shall not prohibit compliance with any order or direction of any government, governmental body or agency having jurisdiction over a respondent, provided, however, that such compliance shall not constitute a defense to a violation of this Consent Order except insofar as such a defense is recognized under United States law.

Nothing contained in this Consent Order shall be construed to constitute a waiver of any defense recognized under the laws of the United States, which a respondent may have as a result of compliance with any order or directive of any government, governmental body or agency having jurisdiction over such respondent.

Compliance by any respondent with any order or directive of the Japanese Government issued in implementation of and in accordance with the provisions of the agreement between the Government of the United States of America and the Government of Japan relating to color television receivers as set forth in notes between said governments dated May 20, 1977, shall not be a violation of this Consent Order.

X (Enforcement)

Each provision of this Consent Order shall be construed independently of any other provision, and compliance with any one provision shall not excuse a violation of any other provision.

Should the Commission have reason to believe that a violation has occurred, a hearing shall be held upon notice. The issues at the hearing shall be: (a) whether a violation has occurred in fact, and (b) if so, a determination of the appropriate remedy. In determining whether there has been a violation, the Commission may consider evidence of any special competitive or economic circumstances presented by any respondent in defense of the alleged violation.

Nothing contained herein shall limit any right of review provided by law.

XI (Service of Consent Order)

Each respondent is ordered and directed to: (A) Serve, within thirty (30) days after the effective date of this Consent Order, a conformed copy of this Consent Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the marketing, distribution or sale of such respondent's color television receiving sets in the United States or for shipment or export to the United States for resale in the United States;

(B) Serve, within thirty (30) days after the succession of any of the persons referred to in Section XI(A) above, a conformed copy of this Consent Order upon each successor;

(C) Maintain such records as will show the name, title and address of each such officer, director, managing agent, agent and employee upon whom the Consent Order has been served, as described in Section XI (A) and (B) above, together with the date on which service was made; and

(D) The obligations set forth in Section XI (B) and (C) above shall remain in effect for a period of seven (7) years after the effective date of this Consent Order.

XII (Effective Date)

This Consent Order is to become effective as of the date of its issuance by the Commission. Its provisions shall not apply to color television receiving sets imported and sold by respondents prior to such issuance, except that such sets which are imported and sold in the period from the beginning of the fiscal year beginning in 1977 but prior to the issuance of this Consent Order shall be included for the purpose of compliance with items (3) and (5) of the first paragraph of Section VII above.

Its provisions also shall not apply to color television receiving sets sold by a respondent to a United States customer for importation into the United States prior to such issuance, except such sets which are delivered and paid for in the period from the beginning of the fiscal year beginning in 1977 but prior to such issuance shall be included for the purpose of compliance with items (3) and (5) of the first paragraph of Section VII, above.

XIII (Modification)

This Consent Order constitutes a settlement and resolution of Investigation No. 337-TA-23 and the Complaint and the Consolidated Amended Complaint, and does not constitute a determination of any of the factual or legal issues raised in the proceeding or an admission that any respondent has engaged in the conduct prohibited hereby, or an admission that said conduct violates Section 337. Any of the parties to this Consent Order may apply to the Commission at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Consent Order, for the amendment or modification of any of the provisions thereof, or for the enforcement or compliance therewith.

Dated:

By Order of the Commission.

Secretary.

The above order is consented to:

XIII (Modification)

This Consent Order constitutes a settlement and resolution of Investigation No. 337-TA-23 and the Complaint and the Consolidated Amended Complaint, and does not constitute a determination of any of the factual or legal issues raised in the proceeding or an admission that any respondent has engaged in the conduct prohibited hereby, or an admission that said conduct violates Section 337. Any of the parties to this Consent Order may apply to the Commission at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Consent Order, for the amendment or modification of any of the provisions thereof, or for the enforcement or compliance therewith.

Dated:

By Order of the Commission.

Secretary.

The above order is consented to:

For complainants: Edward J. Goldstein, Curtis, Mallet-Prevost, Colt & Mosle,

For respondents: Judge Rose Guthrie

APPENDIX A

This Appendix A is for reporting purposes only and neither this Appendix A, nor anything set forth in this Consent Order, constitutes a concession or admission by any respondent regarding a standard of cost pursuant to which a finding of predatory pricing may be made.

Total costs attributable to color television receiving sets for reporting purposes shall include (1) all costs directly related to the manufacture, marketing and sale of such color television receiving sets, and (2) an appropriate allocation of all costs incurred by respondents related in part to the manufacture, marketing and sale of color television receiving sets and related in part to a product or business other than color television receiving sets, and (3) an appropriate allocation of all other costs incurred by respondents that are not related specifically to any product or business. All costs and all allocated costs shall be determined on the basis of generally accepted United States accounting principles applied on a consistent basis.[1] It is expressly provided, however, that nothing contained herein shall require any respondent to change its existing accounting systems and methods. Consistent with the foregoing, costs shall include, but will not be limited to, the following:

[1] The "Special Report" provided for under Section VII of this Consent Order shall be in accordance with generally accepted United States accounting principles. However, it will not constitute non-compliance with this Consent Order if annual reports prepared subsequent to the Special Report are not prepared on a basis consistent with the Special Report.

1. Materials (including integrated circuits, transistors, diodes, printed circuit board, resistors (fixed and potentiometers), capacitors (ceramic, electrolytic, wound film), coils and transformers, cathode ray tube, deflection yoke, cabinet, tuner, metal components, plastic components, speaker, and miscellaneous components).

2. Direct labor (including skilled, semi-skilled and unskilled production, technician, testing personnel and an allocation of fringe benefits such as bonuses and incentives, vacations, holidays, health care, pension, paid sick leave and other time off, group insurance, employee welfare, disability/wage continuation, etc.).

3. Factory indirect labor (including semi-skilled, skilled labor, technicians, craftsmen, foremen, and an appropriate allocation of fringe benefits such as referred to in Paragraph 2 above).

4. Distribution costs outside the United States (including warehousing, handling, transportation and insurance).

5. Export expenses (including cartage/drayage, shipping charge, and brokerage charge).

6. Shipping costs (including ocean freight, insurance, duties and customs clearance charges).

7. Distribution costs in the United States (including warehousing, handling, freight-in and insurance).

8. Marketing and sales costs in the United States and outside the United States (including freight-out, commissions/bonuses/sales salaries, incentives, cooperative advertising expense, customer financing, warranty, rebates, sales administration, reserve for bad debts arising from the sale of color television receivers occurring on or after the effective date of this Consent Order, sales returns and allowances and all deductions from revenues not accounted on invoices).

9. Factory overhead (including supplies/expenses, tooling and utility costs, occupancy costs, testing/qc/burn-in, general overhead, plant management, accounting, personnel, quality control supervision, industrial engineering, production engineering, maintenance, purchasing/procurement, inventory control, depreciation, taxes other than income taxes, interest, product design, product engineering, and royalties).

10. General administrative costs (including divisional and corporate-wide expenses such as home office administrative costs, interest, taxes other than income taxes, research and development, product design and product engineering, accounting and auditing and legal expenses incurred in the ordinary course of business, public relations and administrative salaries).

By order of the Commission.

Issued: June 10, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-16960 Filed 6-10-77;11:45 am]

[Investigation No. 337-TA-23]

CERTAIN COLOR TELEVISION RECEIVERS

Order Continuing Hearing

The hearing in the above styled proceeding which was noticed for June 7, 1977 (42 FR 24342, May 13, 1977), and by Order issued by the Presiding Officer on June 3, 1977 was continued until June 14, 1977, is hereby continued until 10:00 a.m. on June 23, 1977.

The Secretary shall serve a copy of this Order upon all parties of record, and shall publish it in the FEDERAL REGISTER.

Issued June 10, 1977.

MYRON R. RENICK, Judge,
Presiding Officer.

[FR Doc.77-16959 Filed 6-10-77;11:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 411]

ASSIGNMENT OF HEARINGS

JUNE 8, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 52709 Sub 341, Ringsby Truck Lines, Inc., now assigned July 7, 1977, at Seattle, Wash., will be held in Room 1844, Federal Office Bldg., 1915 2nd Avenue.

MC 142554, Custom Carriers, Inc., now assigned July 8, 1977, at Seattle, Wash., will be held in Room 1844, Federal Office Bldg., 1915 2nd Avenue.

MC 142698, B.A. Strickland, now assigned July 11, 1977, at Seattle, Wash., will be held in Room 1844, Federal Office Bldg., 1915 2nd Avenue.

MC 138274 Sub 42, Shippers Best Express, Inc., now assigned July 14, 1977, at Seattle, Wash., will be held in Room 1844, Federal Office Bldg., 1915 2nd Avenue.

MC 134068 Sub 31, Kodiak Refrigerated Lines, Inc., now assigned July 18, 1977, at Seattle, Wash., will be held in Room 1844, Federal Office Bldg., 1915 2nd Avenue.

MC 140487 Sub 1, Yellowstone Trucking, Inc., now assigned July 13, 1977, at Seattle, Wash., will be held in Room 1844, Federal Office Bldg., 1915 2nd Avenue.

MC 114632 Sub 86, Apple Lines, Inc., and MC 135936 Sub 18, C & K Transport, Inc., now assigned July 6, 1977, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 N. 14th Street.

MC 142239 Sub 3, Washington Transportation Co., and MC 139850 Sub 6, Four Star Transportation, Inc., MC 124774 Sub 98, Midwest Refrigerated Express, Inc. & MC 124774 Sub 97, Midwest Refrigerated Express, Inc., now assigned July 7, 1977, at Omaha, Nebr., will be held in oom 616, Union Pacific Plaza, 110 N. 14th Street.

MC 133689 Sub 93, Overland Express, Inc., MC 114569 Sub 156, Shaffer Trucking, Inc., and MC 142431 Sub 2, Waymar Transport Corp., now assigned July 11, 1977, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 N. 14th Street.

MC 136849 Sub 1, E & H Distributing Co., Contract Carrier Application, now assigned July 6, 1977, at Carson City, Nev., will be held in Room 302, Federal Bldg., 705 N. Plaza.

MC-C-7823, New England New York Transport, Inc.—Investigation and Revocation of Certificates, now assigned July 12, 1977, at Boston, Mass., will be held in the 5th Floor, 150 Causeway.

MC 142040 Sub 1, Amber Delivery Service, Inc., now assigned July 13, 1977, at Boston, Mass., will be held on the 5th Floor 150 Causeway.

MC 140097 Sub 1, C. V. Transportation, Inc., now assigned July 18, 1977, at Boston, Mass., will be held on the 5th Floor Causeway.

MC 142263, Meteghan Trucking Ltd., now assigned July 20, 1977, at Boston, Mass., will be held on the 5th Floor, 150 Causeway.

MC 138627 Sub 15, Smithway Motor Express, Inc., now assigned July 12, 1977, at Chicago, Ill., will be held in Room 349, 230 S. Dearborn Street.

MC 125777 Sub 178, Jack Gray Transport, Inc., now assigned July 14, 1977, at Chicago, Ill., will be held in Room 349, S. Dearborn Street.

MC 142304 Sub 1, O'Hare Truck Service, Inc., now assigned July 18, 1977, at Chicago, Ill., will be held in Room 349, S. Dearborn Street.

MC 43867 (Sub-No. 30), A. Leander McAlister Trucking Co., application dismissed.

MC-C-8617, *Arrow Carrier Corp. et al* v. *United Parcel Service, Inc.* et al., now being assigned for September 27, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-9649, J. L. Stone, Inc., T. E. Mercer Trucking Co., and Mercer Water & Sewer Transportation Co.—Investigation of Operations, now being assigned September 27, 1977 (2 days), at Dallas, Tex., in a hearing room to be later designated.

MC 60157 (Sub-No. 24), C. A. White Trucking Company, MC 119774 (Sub-No. 92), Eagle Trucking Company and MC 120257 (Sub-No. 32), K. L. Breeden & Sons, Inc., now being assigned for September 29, 1977 (2 days), at Dallas, Tex., in a hearing room to be later designated.

MC 141033 (Sub-No. 19), Continental Contract Carrier Corp., now being assigned October 3, 1977 (1 day), at Dallas, Tex., in a hearing room to be later designated.

MC 4405 (Sub-No. 547), Dealers Transit, Inc., now being assigned October 4, 1977 (1 day), at Dallas, Tex., in a hearing room to be later designated.

MC-F-13002, Great Western Trucking Co., Inc.—Purchase (Portion)—Bray Lines, Inc., now being assigned October 5, 1977 (3 days), at Dallas, Tex. in a hearing room to be later designated.

No. 139973 Sub 9, J. H. Ware Trucking, Inc., now assigned July 13, 1977, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 N. 14th Street.

MC 139379 Sub 2, Les Mathre Trucking, Inc., now assigned July 13, 1977, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 N. 14th Street.

MC 139379 Sub 1, Les Mathre Trucking, Inc., MC 134983 Sub 4, Mid Continent Trucking Co., MC 134755 Sub 86, Charter Express, Inc., MC 134755 Sub 85, Charter Express, Inc., MC 134105 Sub 17, Celeryvale Transport, Inc., MC 124896 Sub 19, Williamson Truck Lines, Inc., MC 114569 Sub 161, Shaffer Trucking Inc., now assigned July 13, 1977, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 N. 14th Street.

MC 95084 Sub 114, Hove Truck Line, now assigned July 21, 1977, at Chicago, Ill., will be held in Room 3619, 230 South Dearborn Street.

MC 127042 Sub 178, Hagen, Inc., now assigned July 19, 1977, at Chicago, Ill., will be held in Room 3619, 230 S. Dearborn Street.

MC MC-FC 75322, National Mehl Tours, Inc., Springfield, Ill., Transferee & Travel Systems, International, Ltd., dba Vanderbilt Better Tours, Oak Brook, Ill., Transferor, now assigned July 12, 1977, at Chicago, Ill., will be held in Room 3619, 230 S. Dearborn Street.

MC 115311 (Sub-196), J & M Transportation Co., Inc., now assigned July 12, 1977 at Atlanta, Georgia, will be held in the American Motor Hotel, 160 Spring Street, N.W.

MC 103926 (Sub-49), W. T. Mayfield Sons Trucking Co., now assigned July 18, 1977 at Savannah, Georgia, will be held in Conference Room No. 108 Federal Building, 125 Bull Street.

MC 139005 Sub 3, James D. Hoelzman, dba Scrap Haulers, now assigned July 14, 1977, at Chicago, Ill., will be held in Room 3619, 230 S. Dearborn Street.

MC 720 Sub 21, Bird Trucking Co., Inc., now assigned July 18, 1977, at Chicago, Ill., will be held in Room 369, 230 S. Dearborn Street.

MC-C-9457, Clark Tank Lines Co., Inc., V. Wycoff Co., Inc., now assigned July 7, 1977, at Salt Lake City, Utah will be held in Room 314, Annex Bldg., 135 S. State Street.

MC-C-9458, W. S. Hatch Co., V. Wycoff Co., Inc., now assigned July 7, 1977, at Salt Lake City, Utah, will be held in Room 314, Annex Bldg., 135 S. State Street.

MC 127042 Sub 177, Hagen, Inc., now assigned July 14, 1977, at Chicago, Ill., will be held in Room 3855, 230 S. Dearborn St.

MC 114273 Sub 261, Crst, Inc., now assigned July 18, 1977, at Chicago, Ill., will be held in Room 3855, 230 S. Dearborn St.

MC 140134 Sub 7, Caldarulo Trading Co., now assigned July 19, 1977 at Chicago, Ill., will be held in Room 3855, S. Dearborn Street.

MC 138420 Sub 14, Chizek Elevator & Transport, Inc., now assigned July 21, 1977, at Chicago, Ill., will be held in Room 3855, 230 S. Dearborn Street.

MC 48909 Sub 5, Seymour Transfer Lines, Inc., now assigned July 19, 1977, at Madison, Wis., will be held in the Information Conference Room 125, U.S. Forest Product Lab, North Walnut Street.

MC 95876 Sub 194, Anderson Trucking Service, Inc., now assigned July 25, 1977, at Chicago, Ill., will be held in Room 1903, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC 4405, Sub 535, Dealers Transit, Inc., now assigned July 26, 1977, at Chicago, Ill., will be held in Room 1903, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 113267 Sub 342, Central & Southern Truck Lines, Inc., now assigned July 28, 1977, at Chicago, Ill., will be held in Room 1903 Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC 110410 Sub 19, Benton Bros. Film Express, Inc., now assigned July 19, 1977, at Atlanta, Ga., will be held in room 305, 1252 W. Peachtree Street.

Ab 18 Sub 17, and FD 28109, Chesapeake & Ohio Railway Co., Abandonment Portion GreenBrier Branch Between North Caldwell & Durbin, in GreenBrier & Pocahontas Counties, West Va., now assigned July 25, 1977, at Marlinton, W. Va., will be held in the Main Court Room, County Court House.

MC 13533 Sub 14, South Bend Freight Lines, Inc., now assigned July 19, 1977, at Chicago, Ill., will be held in Room 1319 Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC 100666 Sub 333, Melton Truck Lines, Inc., now assigned July 20, 1977, at Chicago, Ill., will be held in Room 1319 Everett McKinley Dirksen Bldg., 219 South Dearborn.

MC 123407 Sub 334, Sawyer Transport, Inc., and MC 136828 Sub 11, Cook Transport, Inc. now assigned July 21, 1977, at Chicago, Ill., will be held in Room 1319 Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC 139193 Sub 47, Roberts & Oake, Inc., and MC 139193 Sub 49, Roberts & Oake, Inc., now assigned July 22, 1977, at Chicago, Ill., will be held in Room 1319 Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC 142555, Emerson Delivery, Inc., now assigned July 27, 1977, at Chicago, Ill., will be held in Room 1319 Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC 117940 Sub 190, Nationwide Carriers, Inc., now assigned July 25, 1977, at Chicago, Ill., will be held in Room 1319 Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 140033 Sub 19, Cox Refrigerated Express, Inc., now assigned July 26, 1977, at Chicago, Ill., will be held in Room 1319 Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC-F-12826 and MC 125433 Sub 69, F-B Truck Line Co—Purchase (Portion)-Archer Freight Lines, Inc., and MC-F-12827 and MC 57697 Sub 2, Lester Smith Trucking Inc. —Purchase (Portion) Archer Freight Lines, Inc., Now assigned July 11, 1977, at Salt Lake City, Utah, will be held in Room 341, Annex Bldg., 135 S. State Street.

MC 720 Sub 16, Bird Trucking Co., Inc., now assigned July 12, 1977 at Chicago, Ill., will be held in Room 3855, 230 S. Dearborn Street.

MC 80430 Sub 158, Gateway Transportation Co., Inc. now being assigned August 23, 1977 (4 days) for continued hearing at New Orleans, Louisiana and will be held in the East Court Room, Room 223, U.S. Court of Appeals, 600 Camp Street.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-16737 Filed 6-10-77;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 8, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before June 28, 1977.

FSA No. 43372—*Joint Water-Rail Container Rates—Baltic Shipping Company.* Filed by Baltic Shipping Company, (No. 104), for itself and interested rail carriers. Rates on general commodities, from railroad terminals at U.S. Pacific Coast ports, to ports in the Middle East. Grounds for relief—Water competition. Tariff—Baltic Shipping, RO/RO Intermodal Freight Tariff No. 6, I.C.C. No. 6, F.M.C. No. 38. Rates are published to become effective on July 6, 1977.

FSA No. 43373—*Beet or Cane Sugar to Waco, Texas.* Filed by Southwestern Freight Bureau, Agent, (No. B-676), for interested rail carriers. Rates on sugar, beet or cane, in carloads, as described in the application, from specified points in Minnesota and North Dakota, to Waco, Texas. Grounds for relief—Rate relationship and market competition. Tariff—Supplement 553 to Southwestern Freight Bureau, Agent, tariff 1-F, I.C.C. No. 4875. Rates are published to become effective on July 13, 1977.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-16736 Filed 6-10-77;8:45 am]

[Notice No. 177]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before July 13, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77091, filed April 19, 1977. Transferee: LENERTZ INC., 411 Northwestern National Bank Bldg., St. Paul, Minn. 55101. Transferor: Dakota Express, Inc., 550 E. 5th St. So., South St. Paul, Minn. 55075. Applicant's representative: Andrew R. Clark, attorney at law, 1000 First National Bank Building, Minneapolis, Minn. 54402. Authority sought for purchase by transferee of that portion of the operating rights of trans-

feror, set forth in Certificates Nos. MC 83217 (Sub-No. 21), MC 83217 (Sub-No. 26), MC 83217 (Sub-No. 30), MC 83217 (Sub-No. 41), MC 83217 (Sub-No. 51), MC 83217 (Sub-No. 55), and a portion of MC 83217 (Sub-No. 36), issued July 7, 1967, May 3, 1968, January 22, 1968, August 24, 1976, May 16, 1972, July 5, 1972, and April 28, 1970, respectively, as follows: Meats, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 except hides, skins and pieces thereof, from specified plantsites in Adams County, Neb., and at Waterloo, Estherville, and Ottumwa, Iowa; Madison and Sioux Falls, S. Dak.; Fort Dodge and Algona, Iowa; Hosper, Iowa; Fremont and Scottsbluff, Neb. and Austin, Minn., to points in Iowa, Minnesota, North Dakota, South Dakota, Illinois, Delaware, Connecticut, Kansas, Maine, Maryland, Massachusetts, Missouri, Nebraska, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia; dairy products, from Waterloo, Iowa, to points in North Dakota; and foodstuffs, except frozen and dairy products, from Duluth, Minn., to points in Iowa, Alliance, Nebr., points in a described area in Nebraska, and points in South Dakota. Transferee presently holds temporary authority under Section 210a(a) of the Act. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77099, filed June 2, 1977. Transferee: ALL FREIGHT DISTRIBUTION CO., INC., 340 W. North Ave., Baltimore, Md. 21217. Transferor: Thomas Franklin Hidey, Jr., doing business as Hidey's Transfer & Express, 740 N. Pulaski St., Baltimore, Md. 21217. Applicant's representatives: Maxwell A. Howell, attorney for transferee, 1100 Investment Building, 1511 K St., NW., Washington, D.C. 20005. James Mudgett, attorney for transferor, 6325 Windsor Mill Road, Baltimore, Md. 21207. Authority sought for purchase by transferee of the operating rights of transferor, set forth in Certificate No. MC 62978, issued July 15, 1955, as follows: General commodities, except those of unusual value, livestock, liquor, high explosives, household goods, commodities in bulk, commodities requiring refrigeration or special equipment, and those injurious or contaminating to other lading, between Baltimore, Md. and Washington, D.C., over U.S. Highway 1, serving the intermediate points of Hyattsville and Mt. Rainier, Md., and the off-route points of Chevy Chase and Silver Spring, Md.; roofing materials and uncrated furniture, between Baltimore, Md., on the one hand, and, on the other, points in Fairfax, Prince William, Stafford, and Spotsylvania Counties, Va., and that part of Pennsylvania south of a line extending from Warfordsburg, Pa., through McConnellsburg, Harrisburg, and Lancaster, Pa., to Oxford, Pa.; and advertising displays, between Baltimore, Md., on the one hand, and, on the other, Philadelphia, Pa. Transferee presently hold no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b) of the Act.

No. MC–FC–77139, filed May 20, 1977. Transferee: JOHN F. DONEGAN, JR., a corporation, doing business as JAMES E. LARKIN INCORPORATED, 803 Watertown Street, W. Newton, Massachusetts 02165. Transferor: James E. Larkin, 110 Walnut Street, Brookline, Massachusetts 02146. Applicant's representative: John F. Donegan, Jr., President, 803 Watertown Street, W. Newton, Massachusetts 02165. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 24369, issued September 3, 1940, as follows: Household goods between Boston, Mass. and points and places in Massachusetts within 12 miles of Boston, on the one hand, and, on the other, points in Massachusetts, New Hampshire, Rhode Island, Connecticut, and New York traversing Vermont for operating convenience only. Application has not been filed for temporary authority under Section 210a(b), and transferee presently holds no authority from this Commission.

No. MC–FC–77140, filed May 20, 1977. Transferee: EDWARD J. OSTERMAN, doing business as LOST TRAIL STAGES, Salmon, Idaho 83467. Transferor: Mike Mitchell, doing business as Lost Trail Stages, Box 452, Salmon, Idaho 83467. Applicant's representative: Edward J. Osterman, Box 1712, Salmon, Idaho 83467. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. 113730 (Sub-No. 1), issued November 17, 1971, as follows: Passengers and their baggage with express, mail, and newspapers in the same vehicle over a specified regular route between Salmon, Idaho and Darby, Montana serving all intermediate points. Transferee presently holds no authority from this Commission; application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77149, filed May 25, 1977. Transferee: P & G TRANSPORT, INC., 14066 Garfield Ave., Paramount, Cal. 90723. Transferor: Snyder Transfer Co., Inc., 16228 Skagway St., Whittier, Cal. 90603. Applicant's representative: Fred H. Mackensen, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Cal. 90212. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC 95838 and Sub-1, issued October 24, 1949 and July 2, 1952 respectively, and Certificate of Registration No. MC 95838 Sub-3 issued April 23, 1964, as follows: *Household goods* as defined in practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, and *new furniture*, over irregular routes, between Los Angeles Harbor and Long Beach, Calif., on the one hand, and, on the other, Beverly Hills, Glendale, and Los Angeles, Calif. *Electric storage batteries*, and *battery cables*, over irregular routes, from Los Angeles, Calif., to the ports of entry of Wilmington, Oakland and San Francisco, Calif. with restrictions. Also general commodities between points in the described California territory. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77150, filed May 27, 1977. Transferee: ASSEMBLY & DISTRIBUTION TERMINALS OF MASS., INC., 90 Western Avenue, Allston, Massachusetts 02134. Transferor: Trans Services, Inc., 20 Brewster Road, West Springfield, Mass. 01080. Applicant's representative: James E. Mahoney, 84 State Street, Boston, Mass. 02109. David M. Marshall, 135 State Street, Springfield, Mass. 01080. Frank J. Weiner, 15 Court Square, Boston Mass. 02108. Authority sought for the purchase by the Transferee of the operating rights set forth in Certificate of Registration No. MC 120166 (Sub-No. 1) issued October 26, 1972, to the transferor as follows: Property in containers and bundles, bales and boxes and manufactured products; within 150 miles of Town Hall, Huntington, Mass. Application has been filed for temporary authority under Section 210a(b) of the Act. Transferee presently holds no authority from this Commission.

No. MC–FC–77151, filed May 26, 1977. Transferee: THOMAS MOLDENHAUER, R.R. No. 1, Wilson, Wisc. 54027. Transferor: Irvin Wentlandt, R.R. No. 2, Spring Valley, Wisc. Applicant's representative: F. H. Kroeger, 1745 University Ave., St. Paul, Mn. 55104. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 63236, issued March 11, 1957, as follows: *Livestock* and *agricultural commodities*, from points in the Towns of Rock Elm, and Spring Lake, Pierce County, Wis., in the Town of Cady, St. Croix County, Wis., and in the Towns of Lucas, and Weston, Dunn County, Wis., to St. Paul, South St. Paul, Minneapolis, and Stillwater, Minn. with no transportation for compensation on return except as otherwise authorized. *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, From St. Paul, South St. Paul, Minneapolis, and Stillwater, Minn., to points in the above-specified Wisconsin Town, not including the incorporated village of Elmwood, Wis., with no transportation for compensation on return except as otherwise authorized. *Livestock* between points in the Towns of Rock Elm, Spring Lake, and Gilman, Pierce County, Wis., in the Town of Cady, St. Croix County, Wis., and in the Towns of Lucas, and Weston, Dunn County, Wis., on the one hand, and, on the other, South St. Paul, Minn. Transferee presently holds no authority from this Commission. Application has not

been filed for temporary authority under Section 210a(b).

No. MC-FC-77156, filed June 3, 1977. Transferee: Fairfield Trucking, Inc., Route 5, Box 480, Pine Bluff, Jefferson County, Ark. 71601. Transferor: C. N. Fikes, doing business as Fikes Trucking Company, 514 South Maple St., Pine Bluff, Jefferson County, Ark. 71601. Applicant's representative: Louis Tarlowski, attorney at law, 914 Pyramid Life Bldg., Little Rock, Ark. 72201. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC 100597, issued January 31, 1952, as follows: Finished and rough lumber, roofing, lath, and brick, in truckloads, from Arkadelphia, Benton, Carthage, Hot Springs, Lonsdale, Malvern, Manning, Pine Bluff, Sheridan, and Woodson, Ark., to points in Missouri on and south of U.S. Highway 66, and those in Oklahoma on and east of U.S. Highway 81. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-16738 Filed 6-10-77;8:45 am]

[AB 14 (Sub-No. 2)]

NORTHWESTERN PACIFIC RAILROAD CO.

Abandonment Between Detour and San Rafael in Marin County, California

MAY 31, 1977.

The Interstate Commerce Commission hereby gives notice that comments received in response to the environmental threshold assessment survey (TAS) in the above-entitled proceeding have not caused the Commission's Section of Energy and Environment to modify its previous conclusion that this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq.

Said comments have been responded to in an addendum to the TAS which is available upon request to the Office of Proceeding, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7011.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-16734 Filed 6-10-77;8:45 am]

[AB 12 (Sub-No. 39)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Concord and Dougherty, in Contra Costa and Alameda Counties, California

MAY 31, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Southern Pacific Transportation Company of its line between Concord and Daugherty, a distance of 19.5 miles, in Contra Costa and Alameda Counties, Calif., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that traffic from the line would be diverted to motor carriers resulting in degradation of air quality and increases in energy consumption. Congestion problems on major arterials could be exacerbated during peak commuter hours. However, in light of the close proximity of alternative rail service and declining traffic volumes, the overall impact would not be significant. Although abandonment would affect industrial development of the Bishop Ranch property by reducing the diversity of industries which would locate there, full development should not be precluded. Alternative transportation is available in the area and the industries which have traditionally located in the region are not heavy rail users. Consequently, the action is not expected to have a serious adverse impact on community development.

A determination has been made that the right-of-way would be suitable for public use. Several governmental agencies have expressed interest in acquiring the right-of-way for a variety of public purposes; including, recreational trails, utility corridor, mass transit purposes and continued rail corridor.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423, telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before July 13, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-16735 Filed 6-10-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

CONTENTS

1

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

NOTICE OF DELETION OF ITEM FROM JUNE 7, 1977 MEETING AGENDA

Revised Agenda

TIME AND DATE: 10 a.m., June 7, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: (1) Docket 29139, EDR–296 Reexamination of the Board's Policies concerning Deliberate Overbooking and Oversales.

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, 202–673–5068.

SUPPLEMENTARY INFORMATION: Item 1 on the revised agenda announced for the June 7, 1977 Board meeting was "Docket 27891, EDR–301, Advance Notice of Proposed Rulemaking to amend Part 234 to establish mandatory on-time arrival standards for certificated route air carriers (petition for rulemaking instituted by Aviation Consumer Action Project)".

At the June 7, 1977 Board meeting, it was noted that Vice Chairman Richard J. O'Melia had expressed his interest in that item. However, Vice Chairman O'Melia is participating in the U.S.-U.K. bilateral negotiations in London, was not able to return to the Board for the June 7, 1977, meeting. This item will be rescheduled in the near future at a time which permits the attendance of Vice Chairman Richard J. O'Melia. The following Members voted that agency business required that this item be deleted from the June 7, 1977, agenda and that no earlier announcement of the change was possible:

Acting Chairman Lee R. West
Member G. Joseph Minetti
Member R. Tenney Johnson

[S–627–77 Filed 6–14–77;8:45 am]

2

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 10 a.m., June 14, 1977.

PLACE: 2033 K Street, Washington, D.C., 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Proposed Regulation 1.12, Maintenance of Minimum Financial Requirements by FCM's—The Early Warning System.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254–6314.

[S–626–77 Filed 6–14–77;8:45 am]

3

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 29381, June 8, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11 a.m., June 13, 1977.

CHANGES IN THE MEETING:

Notice is hereby given of the addition of a recommendation regarding the liquidation of assets acquired from Farmers Bank of the State of Delaware, Dover, Delaware (Case No. 42,084), to the agenda for consideration at the open meeting of the Board of Directors of the Federal Deposit Insurance Corporation.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202–389–4446.

[S–630–77 Filed 6–9–77;9:14 am]

4

AGENCY HOLDING THE MEETING: Federal Power Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (42 FR 29139 changes pub. 6–7–77, 6–9–77, and 6–10–77).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: June 9, 1977, 2 p.m.

CHANGE IN THE MEETING:

Addition of Item P–9, Docket No. ER76–709, Cincinnati Gas & Electric Company, P–10, Project No. 2709, Monongahela Power Company, G–19, Docket No. RP77–101, Columbia Gas Transmission Corporation, G–20, Docket No. CI76–743, Ladd Petroleum Corporation, G–21, Docket No. RP75–79, Lehigh Portland Cement Company Complainant v. Florida Gas Transmission Company Respondent.

KENNETH F. PLUMB,
Secretary.

[S–632–77 Filed 6–9–77;11:13 am]

5

AGENCY HOLDING THE MEETING: Postal Rate Commission.

TIME AND DATE: 9:30 a.m., Wednesday, June 15, 1977.

PLACE: Conference Room, Room 500, 2000 L Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Draft of Tentative Opinion and Recommended Decision Concerning Special Rate Fourth-Class Mail's "Incidental announcements of books and forms to be used in ordering books", Docket No. MC76–4.

2. Draft of Tentative Opinion and Recommended Decision Concerning the question whether barcoded return mail should receive a one-cent discount from regular first-class mail rates, Docket No. MC76–1.

(Authority to conduct closed meeting: 5 U.S.C. 552 b(c)(10).)

CONTACT PERSON FOR MORE INFORMATION:

Ned Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20263, Telephone: (202) 254–5614.

[S–631–77 Filed 6–9–77;11:13 am]

6

AGENCY HOLDING THE MEETING: Renegotiation Board.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 29382, June 8, 1977.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Tuesday, June 14, 1977, 10 am.

CHANGES IN MEETING: Cancelled.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446. (202–254–8277.)

Dated: June 8, 1977.

GOODWIN CHASE,
Chairman.

[S–628–77 Filed 6–14–77;8:45 am]

7

AGENCY HOLDING THE MEETING: Renegotiation Board.

DATE AND TIME: Monday, June 20, 1977, 10 a.m.

PLACE: Conference Room, 4th Floor, 2000 M St. NW., Washington, D.C. 20446.

STATUS: Open to public.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of meeting held June 7, 1977, and other Board meetings, if any.

2. Application for Commercial Exemption (List No. 2994):

(a) American Velcro, Inc., fiscal year ended September 30, 1976.

(b) Armstrong Cork Company, fiscal year ended December 31, 1976.

(c) Bird Electronic Corporation, fiscal year ended September 30, 1976.

(d) Analog Devices, Inc., fiscal year ended October 30, 1976.

(e) Lambda Electronics Corp., fiscal year ended September 30, 1976.

3. Recommended Clearance or Determination of Excessive Profits: Esso Philippines, Inc.; fiscal year ended December 21, 1973.

4. Report of the Chairman Concerning: (a) Budget; (b) Personnel Actions; (c) Reorganization of the Staff; (d) Rulemaking and Regulations.

5. Approval of Agenda for meeting to be held July 5, 1977.

6. Approval of agenda for other meetings.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel—Secretary, 2000 M Street NW., Washington, D.C. 20446. (202–254–8277.)

Dated: June 8, 1977.

GOODWIN CHASE,
Chairman.

[S-629-77 Filed 6-14-77;8:45 am]

8

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Volume 42, No. 108, Page 28968.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Friday, June 10, 1977.

CHANGES IN THE MEETING:

9 a.m.—Briefing on Export Licensing Study Group Report—International Reach of the National Environmental Policy Act (public meeting) (additional item) (approx. 1 hr).

10 a.m.—Joint NRC–ACRS Session (public meeting) (as previously announced) (approx. 1 hr).

11 a.m.—Discussion of Draft Opinion on West Germany (Burgeraktion) Intervention Petition (approx. 1 hr) (continuation of 6–8–77 meeting) (closed—exemptions 9 and 10).

NOTE.—Briefing on the Draft Procedural Rule for Export Licensing is postponed.

Dated: June 9, 1977.

WALTER MAGEE,
Chief, Operations Branch, Office of the Secretary.

[S-644-77 Filed 6-10-77;9:44 am]

federal register

MONDAY, JUNE 13, 1977

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

TEACHER CENTERS PROGRAM

Award of Grants

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 197]

TEACHER CENTERS PROGRAM

Award of Grants

AGENCY: Office of Education, HEW.

ACTION: Proposed rule.

SUMMARY: The Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45 of the Code of Federal Regulations by adding a new Part 197, the Teacher Centers Program, enacted by the Education Amendments of 1976. The amendment proposes to direct greater emphasis toward: (1) Additional training for teachers already in service, (2) the schools as a major focus and locale of teacher training, and (3) giving the schools and classroom teachers the major responsibility for determining the kinds of training needed by teachers.

DATES: Comments on or before July 13, 1977.

Public meetings will be held in four cities. The date and time for each meeting follow:

June 21, 1977, Atlanta, Georgia, 6 p.m. to 9 p.m.
June 22, 1977, New York City, 6 p.m. to 9 p.m.
June 27, 1977, San Francisco, California, 6 p.m. to 9 p.m.
June 29, 1977, Chicago, Illinois, 6 p.m. to 9 p.m.

ADDRESSES: Comments should be addressed to A. Bruce Gaarder, U.S. Office of Education, 7th and D Streets, S.W., Room 5652, Washington, D.C. 20202.

The public meetings will be held at the following locations:

Atlanta, Georgia, in the Board Room, Atlanta Public Schools, 155 Garnett Street, S.W., 30303, Telephone: (404) 659-3381.

New York City, at the Auditorium of the Norman Thomas High School, 111 E. 33rd Street, 10016, Telephone: (212) 532-8910.

San Francisco, California, in the Board Room, San Francisco Unified School District, 170 Fell Street, 94102, Telephone: (415) 565-9305.

Chicago, Illinois, at DePaul University (Center Theater, 2nd Floor), 25 Jackson Boulevard (at Wabash), 60604, Telephone: (312) 321-7873 ext. 212.

FOR FURTHER INFORMATION CONTACT:

Allen Schmieder, 202-245-9786.

ATLANTA, GEORGIA

Isaac Wilder, Office of Education, HEW, 50 Seventh Street, N.E., 30323, Telephone: (404) 881-3243.

NEW YORK CITY

Ward Sinclair, Office of Education, HEW, Federal Building, 26 Federal Plaza, 10007, Telephone: (212) 264-4370.

SAN FRANCISCO, CALIFORNIA

Robert Mulligan, Office of Education, HEW, 50 United Nations Plaza, 94102, Telephone: (415) 556-7369.

CHICAGO, ILLINOIS

Richard Nabor, Office of Education, HEW, 300 South Wacker Drive, 60606, Telephone: (312) 353-1743.

SUPPLEMENTARY INFORMATION: The proposed rule sets forth criteria governing grant awards by the Commissioner of Education to (a) local educational agencies to plan, establish, and operate teacher centers, and (b) to institutions of higher education to operate teacher centers. The proposed regulations would apply to all grant awards made with funds appropriated to carry out the "Teacher Centers Program," section 532 of Title V of the Higher Education Act of 1965, as amended.

Emphasis and purpose. The new teacher centers program seems to reflect shifting emphases in three aspects of teacher education: (a) Toward greater attention to additional training for teachers who are already in the service, (b) toward recognition of the schools themselves as a major focus and locale of teacher training, and (c) toward giving the schools—and particularly the classroom teachers in those schools—major responsibility for determining the kinds of training and other experiences needed by teachers. Two additional features of consequence in the new program are the increased role of the State departments of education, especially their right to determine which applications will be submitted to the Commissioner of Education for approval and funding, and the formation in each center of a teacher center policy board responsible for the center's supervision.

An important purpose of the new program is to develop in participating agencies and institutions the capacity to operate teacher centers.

Resolution of issues. The proposed rule reflects an effort to regulate as little as possible and does not focus the program on specific priorities or target areas. This reflects the emphasis of the statute on enabling teachers to develop training and curriculum activities responsive to their own needs at the State and local levels. Maximum discretion is permitted to applicants to propose projects which will be competitively judged on the basis of quality, as measured by the evaluation criteria. Attention is called to the following points where regulatory decisions are proposed. In each case the reason for the decision is given.

(a) The statute authorizes grants to institutions of higher education only to operate teacher centers. (This contrasts with the authorization of assistance to local educational agencies to plan, establish and operate teacher centers.) If the term "operate" were narrowly construed, no institution of higher education could participate as a grantee except those able to take over or continue operation of an existing center. This would effectively exclude the great majority of all institutions of higher education from participation as grantees. However, the proposed regulations define "operate" more broadly so as to permit institutions of higher education to initiate new teacher centers provided that the centers are operational by the end of the grant period.

(b) The statute authorizes the Commissioner to use 10 percent of the funds expended under this part for direct grants to institutions of higher education. The proposed regulation would implement this provision by earmarking 10 percent of the appropriated funds for institutions of higher education, provided that there are sufficient applications of good quality from institutions of higher education. Therefore, institutions of higher education generally would compete only against each other for the earmarked funds.

(c) The limitations on allowable costs (§ 197.8) are proposed in response to advice received from the public. Most commenters advised against permitting Federal funds to be used for payment of released time for teachers to facilitate their participation in the teacher centers but there was not a consensus on this point. The proposed regulation generally does not permit payment of released time, except that limited payments for this purpose may be approved in exceptional cases where the applicant demonstrates a special need for these payments to carry out the purposes of the project.

(d) The basis proposed in § 197.13 for compensating State educational agencies for their services to the program responds to the Commissioner's need to give State educational agencies guidance as to what might be expected in compensation. It also enables the Commissioner to know in advance the approximate extent of financial obligation to those agencies and thus be certain that the portion of program funds reserved for this compensation will suffice. The basis is also meant to be a fair and reasonable way of apportioning, among approved centers, the funds reserved to compensate State departments of education for providing technical assistance to the centers. The amount currently paid by the Office of Education to field readers of applications for the services noted in § 197.13(a) (1), (2), and (3) is twenty-five dollars per application.

(e) One issue concerns the application submission process and the statutory provision that the teacher center policy board supervise operation of the teacher center. The statutory provision certainly suggests that the board is to have maximum feasible policy-making authority over the center. However, to the extent that applications (including a plan of operation) for Federal assistance are prepared, submitted, and evaluated before the teacher center policy board has been established, the policy-making role of the board may be lessened. The proposed regulation therefore requires that the policy board be established in advance and participate fully in preparing the application for assistance (§ 197.4 (c)).

(f) The question of the representativeness of the teacher center policy board gave rise to another issue: the role of teachers' organizations in determining membership on the board. The regulation proposes two examples of equitable

processes for selection of the members of the board. One example, "negotiation of the selection of the policy board members, in those local educational agencies where the teachers are organized," is supported by a discussion in the "Congressional Record" (H-11700, September 29, 1976).

Response to notice of intent to publish regulations. The notice of intent to publish regulations for the Teacher Centers Program, which appeared in the FEDERAL REGISTER on November 22, 1976, elicited many valuable comments. Many commenters addressed all of the issues raised in the notice. On some points there was consensus, e.g., (a) that three types of grants be made: For planning, establishing, and operating centers, (b) that the centers be allowed to serve not only classroom teachers but also all other categories of persons who assist children in the schools, (c) that "site" be defined broadly as a place or places, and (d) that in all possible respects the teachers themselves—and their teacher center policy board—have authority over all activities of the center. Most respondents were opposed to the use of Federal funds to pay for released time and substitutes to facilitate the teachers' participation in the centers' activities. Two commenters wanted the centers to pay teachers for their participation on Saturdays.

Many respondents wanted most grants to small, but there was not a consensus on this point. The National Education Association, for example, advised that larger grants would be more effective. The proposed rule does not regulate on this point, leaving the question of award size to a case-by-case review of individual applications.

There was no consensus about criteria for the approval of applications for support of centers, and no consensus about evaluation of the effectiveness of centers, or about the role of institutions of higher education in the teacher centers program. Some commenters wanted the centers' activities to focus on benefits to the schools' students; others were openly opposed to such a focus.

There was no agreement about the role of State educational agencies or regarding their compensation for services to the teacher centers.

Invitation to comment. Interested persons are invited to submit comments, suggestions, and recommendations to be considered prior to the issuance of the final rule. Comments suggestions, or recommendations may be presented at the public meetings announced in this issue of the FEDERAL REGISTER or be sent to the address given at the beginning of this notice, or both. All comments received on or before July 13, 1977, will be considered. All comments submitted will be available for public inspection both during and after the comment period, in Room 5652, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C., between 8:30 a.m. and 4:00 p.m., Monday through Friday of each week.

Authority. This proposed rule is issued under the authority of section 532 of the Higher Education Act of 1965 as enacted by section 153(a) of Pub. L. 94-482 (20 U.S.C. 1119a).

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance No. 13.416 Teacher Centers Program.)

Dated: March 9, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

Approved: June 8, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

It is proposed that Title 45 of the Code of Federal Regulations be amended by adding a new Part 197 to read as follows:

PART 197—TEACHER CENTERS PROGRAM

Sec.

AUTHORITY: Sec 532, Higher Education Act of 1965, as amended, (20 U.S.C. 1119a)

§ 197.1 Scope and purpose.

(a) *Scope.* (1) This part applies to the award of grants with funds appropriated to carry out section 532 of title V of the Higher Education Act of 1965, as amended by Pub. L. 94-482, which authorizes the teacher center program. (20 U.S.C. 1119a)

(2) The award of grants under this part is subject to applicable provisions contained in general provisions regulations of the Office of Education (Parts 100, 100a of this chapter), except that the criteria in § 100a.26(b) do not apply to applications under this part.

(b) *Purpose.* The purpose of the teacher center program is to meet the professional needs of local teachers as defined by their teacher center policy boards, by—

(1) Providing financial assistance to local educational agencies for planning, establishing, and operating teaching centers; and

(2) Providing financial assistance to institutions of higher education for operating teacher centers.

(Implements Sec. 532, 20 U.S.C. 1119a; Sen. Rep. 94-882, p. 37 (1976).

§ 197.2 Definitions.

As used in this part:

"Act" means section 532 of the Higher Education Act of 1965, as enacted by Pub. L. 94-482.

(Sec. 532, 20 U.S.C. 1119a)

"Area" means two or more local public school districts but fewer than all of the local public school districts of a State.

(Interprets Sec. 532(a)(2), 20 U.S.C. 1119a(a)(2))

"Community" means the school district or portion of a district served by a single local educational agency.

(Interprets Sec. 532(a)(2), 20 U.S.C. 1119a(a)(2))

"Local educational agency" means a public board of education or other public authority legally constituted within a State for either administration control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(Interprets Sec. 532, 20 U.S.C. 1119a)

"Site" means the location or locations where the curriculum development and training activities of the teacher center take place.

(Interprets Sec. 532(a)(2), 20 U.S.C. 1119a(a)(2))

"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(Interprets Sec. 532(c), (d), 20 U.S.C. 1119a(c)(d))

"Supervision" means the setting of policy and any appropriate managerial or supervisory activities not prohibited by State or local law (e.g., the employment of operating staff, consultants or experts, budgeting and expenditure of funds, and the formulation of recommendations for subcontracting to secure technical and other kinds of assistance).

(Interprets Sec. 532(b), 20 U.S.C. 1119a(b))

"Teacher" means, for the purpose of determining eligibility for membership of the majority of members of the teacher center policy board, only regular classroom teachers engaged in teaching elementary or secondary school students, including special education and vocational education teachers.

(Interprets Sec. 532(b), 20 U.S.C. 1119a(b))

§ 197.3 Elements of a teacher center.

A teacher center must have all of the following elements:

(a) *Area served.* It serves teachers employed in both public and non-public schools (if non-public schools are located in the area to be served and choose to participate in the teacher center of—

(1) An entire State;

(2) A designated area (as defined in § 197.2) of a State; or

(3) A single community (as defined in § 197.2) within a State.

(b) *Activities.* The teachers it serves are afforded the opportunity to—

(1) Develop and produce curricula designed to meet the educational needs of the students served by the teachers;

(2) Use educational research findings or new or improved methods, practices, and techniques in the development of the curricula;

(3) Provide training designed to—

(i) Enable the teachers to meet better the special educational needs of the students they serve; and

(ii) Familiarize the teachers with developments in curriculum and educational research, including the use of research to improve teaching skills.

(Sec. 532(a)(2), 20 U.S.C. 1119a(a)(2))

(c) *Grantee.* The teacher center is operated by a local educational agency, an institution of higher education, or a combination of such agencies and/or institutions.

(Sec. 532(a)(2), 20 U.S.C. 1119a(a)(2))

(d) *Eligible participants.* In addition to regular classroom teachers at the elementary and secondary levels, the persons to be served by the teacher center may be determined by the teacher center policy board to include paraprofessionals, teacher aides, pre-school teachers, teachers of adults, and intern teachers assigned to teach in a school where the regular classroom teachers are being served by a teacher center assisted under the Act. References to "teacher" in this part relating to teachers as the recipients of the services of the teacher centers include eligible participants under this paragraph.

(Interprets Sec. 532(a), 20 U.S.C. 1119a(a))

§ 197.4 Teacher center policy board.

(a) *Composition.* Each teacher center assisted under this part must be operated under the supervision of a teacher center policy board composed as follows:

(1) The majority of the members of the policy board shall be representative of all the elementary and secondary classroom teachers who are to be served by the center, including teachers who provide special education for handicapped and exceptional children, and teachers of vocational education.

(2) The policy board must include persons representative of, or designated by, the school board of the local educational agency (or agencies) served by the center.

(3) The policy board must also include at least one representative designated by the institution (or institutions) of higher education (with departments or schools of education) in the area to be served by the center.

(Sec. 532(b), 20 U.S.C. 1119a(b).)

(b) *Representativeness.* The grantee must assure the representativeness of the majority of the members of the policy board by—

(1) Making the categories of teachers (e.g., vocational education teachers, special education teachers, and other classroom teachers at both elementary and secondary levels) proportional numerically to the categories of teachers to be served, including equitable representation of non-public school teachers; and

(2) Selecting the members of the board—

(i) By negotiation, in those local educational agencies where the teachers' organization is their official collective bargaining agent; or

(ii) By voting in which all teachers to be served by the center have an opportunity to participate.

(Interprets Sec. 532(b), 20 U.S.C. 1119a(b); Congressional Record—H11700, September 29, 1976.)

(c) *Preparation of application.* In order to assure maximum feasible supervision of the teacher center by the teacher center policy board, the teacher center policy board—

(1) Shall be established before the application for assistance under this part is submitted, and

(2) Shall participate fully in the preparation of the application.

(Implements Sec. 532(b), 20 U.S.C. 1119a(b).)

§ 197.5 Categories of financial assistance.

The Commissioner may make grants of financial assistance—

(a) To local educational agencies to plan, establish, or operate teacher centers.

(b) To institutions of higher education to operate teacher centers. (For the purpose of this paragraph, "operate" means that the center must be in operation by the end of the grant period, but it need not be in operation at the beginning of the grant period.)

(Interprets Sec. 532(f), 20 U.S.C. 1119a(f).)

§ 197.6 Distribution of funds.

(a) The Commissioner will set aside ten percent of the amount appropriated under the teacher centers program to fund applications from institutions of higher education to operate teacher centers: *Provided*, That there are sufficient applications of good quality from institutions of higher education.

(Interprets Sec. 532(f), 20 U.S.C. 1119a(f).)

(b) With the remaining funds the Commissioner intends to fund a variety of projects in each of the categories set forth in § 197.5(a).

(Implements Sec. 532(a)(1), 20 U.S.C. 1119a(a)(1).)

§ 197.7 Project duration.

(a) The Commissioner awards projects under this part for a specified project period which generally will not exceed 36 months, subject to the availability of funds.

(b) An applicant for assistance under the Act may project its goals and activities over a period of up to three years. Approval of a multi-year project is intended to offer the project a reasonable degree of stability over time and to facilitate additional long range planning.

(c) An application proposing a multi-year project must be accompanied by an explanation of the need for multi-year support, an overview of the objectives and activities proposed, and budget estimates to attain these objectives in any proposed subsequent year.

(d) Subject to the availability of funds, an application for assistance to continue a project during the project period will be reviewed on a non-competitive basis to determine—

(1) If the award recipient has complied with the award terms and conditions, the Act, and applicable regulations;

(2) The effectiveness of the project to date in terms of progress toward its goals or the constructive changes proposed as a result of the ongoing evaluation of the project; and

(3) If continuation of the project would be in the best interest of the Government.

(Implements Sec. 532; 20 U.S.C. 1119a.)

§ 197.8 Allowable and unallowable costs.

(a) Allowable costs under grants to local educational agencies or institutions of higher education under the teacher centers program include—

(1) Personnel costs related to the management of the centers;

(2) Services of consultants and experts;

(3) Service contracts; and

(4) Other direct and indirect costs incurred by the grantee in carrying out its approved plan of operation, subject to the applicable cost principles set forth in the appendices to subchapter A of this chapter.

(Sec. 532(a)(2) and (e), 20 U.S.C. 1119a(a)(2) and (e).)

(b) The following are not allowable costs:

(1) Construction of facilities; and

(2) Remodeling of facilities.

(c) Payment of released time or stipends for teachers, or employment of substitutes for teachers, to enable them to participate in the activities of the center will not be allowed, except that limited payments for this purpose may be approved in exceptional cases where the application demonstrates a special need for these payments to carry out the purposes of the project. These payments are allowable only when specifically authorized in the notification of grant award.

(Implements Sec. 532(a)(2) and (e), 20 U.S.C. 1119a(a)(2) and (e), 20 U.S.C. 1221e(a).)

§ 197.9 Application requirements.

The Commissioner will award a grant to an eligible local educational agency or institution of higher education only if the applicant submits an application to the Commissioner through the State educational agency of the State in which the applicant is located.

(a) The application must include the following:

(1) Designation of the specific area, school district(s), and schools, both public and non-public, to be served by the center;

(2) Documentation that a teacher center policy board—

(i) Has been established, including information on the membership of the board and the method of its selection, and

(ii) Has participated fully in the preparation of the application;

(3) A statment of the means for assuring equitable participation by non-public school teachers on the teacher center policy board and in receiving the center's services;

(4) A one-page abstract of the proposed project;

(5) A plan of operation which must include—

(i) A statement of the special educational needs of the students to be served by teachers participating in the center, and an explanation of how those needs were determined;

(ii) Information responding to each of the criteria set forth in § 197.11 in order to permit an evaluation of the application by the Commissioner. Failure of an application to contain information responding to a particular criterion in § 197.11 will mean that the applicant will not earn points attached to that criterion.

(b) With respect to applications to operate an existing teacher center, the application, in addition to meeting the requirements in paragraph (a) of this section, must contain the following elements:

(1) A description of the activities of the center during the preceding year and the cost thereof;

(2) Identification of the sources of funding of the center during the preceding year; and

(3) A statement of the kinds of activities that will be undertaken to improve the existing center by use of the Federal assistance requested.

(Implements Sec. 532, 20 U.S.C. 1119a.)

(c) An institution of higher education shall include in its application, in addition to the other applicable information required by paragraphs (a) and (b) of this section, evidence that arrangements have been made with those local educational agencies with teachers to be served by the project for the participation of the teachers in center activities and in the formation of a teacher center policy board pursuant to § 197.4.

(Implements Sec. 532(f), 20 U.S.C. 1119a(f).)

§ 197.10 Review of applications by State educational agencies.

The Commissioner will not approve an application submitted under this part unless:

(a) The State educational agency of the State in which the applicant is located has reviewed the application, made comments thereon, recommended that the application be approved, and transmitted the application to the Commissioner for approval; and

(b) The appropriate State educational agency has given an assurance that it will provide technical assistance to the center (upon request by the center through its teacher center policy board), and will adequately disseminate information derived from the center, including information on how the State educational agency will carry out the dissemination and a projected budget for it.

(Implements Sec. 532(d), 20 U.S.C. 1119a (d).)

§ 197.11 Evaluation criteria.

Applications for grants under this part (which meet all of the application requirements in § 197.9 and which are recommended for approval and transmitted by the appropriate State educational agency, in accordance with §197.10) and the subsequent operation of funded teacher centers will be evaluated by the Commissioner on the basis of the following criteria. Each criterion will be weighed as indicated, with the total for all criteria being 100 points. An application must receive a minimum of 50 points to be considered for funding.

(a) The extent of the teacher center policy board's authority and responsibility for supervision of the project (15 points).

(b) Potential of the proposed teacher center for increasing the effectiveness of the teachers served, in terms of the learning needs of their students (15 points).

(c) Soundness of the proposed plan of operation, including consideration of the extent to which—

(1) The objectives of the proposed projects are sharply defined, clearly stated, and capable of being attained by the proposed procedures (5 points); and

(2) Provision is made for adequate reporting of the effectiveness of the project and dissemination of its results, and for determining the extent to which the objectives are accomplished (10 points).

(d) Sufficiency of size, scope, and duration of the project so as to secure productive results (5 points).

(e) Adequacy of qualifications and experience of personnel designated to carry out the proposed project (5 points).

(f) Adequacy of the facilities and resources (5 points).

(g) Reasonableness of estimated cost in relation to anticipated results (5 points).

(h) The potential of the teacher center to impact upon and improve the grantee's overall program of inservice training (15 points).

(i) (1) The extent and quality of participation by the teacher center policy board in preparing the application; and

(2) The representativeness of the teacher center policy board pursuant to § 197.4(b) (20 points).

(Implements Sec. 532, 20 U.S.C. 1119a.)

§ 197.12 Right of appeal.

Any local educational agency or institution of higher education that is dissatisfied with the recommendation of the State educational agency regarding its application under the teacher centers program may petition the Commissioner to request further consideration of the application by the State educational agency.

(Sec. 532 (c)(2) and (f), 20 U.S.C. 1119a (c)(2) and (f).)

§ 197.13 Compensation to State educational agencies.

(a) The Commissioner will reimburse State educational agencies for the cost of the following services performed in connection with the teacher centers program:

(1) Review of applications and the provision of comments thereon.

(2) Recommendation of each application the State agency finds should be approved.

(3) Submission of recommended applications to the Commissioner for further consideration.

(4) Provision of technical assistance to approved centers.

(5) Dissemination of information resulting from activities of approved centers.

(Sec. 532 (c) and (d), 20 U.S.C. 1119a (c) and (d).)

(b) The Commissioner will reserve a sum not in excess of one-seventh of the funds available for the teacher centers program for the reimbursement of State educational agencies, which sum will be disbursed in accordance with the following stipulations:

(1)(b) Reimbursement for the combined services noted in subparagraphs (1), (2), and (3) of paragraph (a) of this section will be at a rate per application set by the Commissioner not to exceed prevailing rates for similar services.

(2) The remainder of the sum reserved for State educational agencies will be available to carry out functions described in subparagraphs (4) and (5) of paragraph (a) of this section.

(3) A State educational agency will be reimbursed for the technical assistance it provides to, and the dissemination of information from, each funded teacher center in an amount for each center no more than that which bears the same ratio to the total funds available for these functions as the amount of the grant award to the teacher center bears to the total funds awarded to teacher centers in the fiscal year.

(Implements Sec. 532(d), 20 U.S.C. 1119a (d).)

[FR Doc.77-16730 Filed 6-10-77;8:45 am]

federal register

MONDAY, JUNE 13, 1977

PART III

CONSUMER PRODUCT SAFETY COMMISSION

■

UNSTABLE REFUSE BINS

Establishment of Ban

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER B—CONSUMER PRODUCT SAFETY COMMISSION REGULATIONS

PART 1301—BAN OF UNSTABLE REFUSE BINS

Establishment of Ban

AGENCY: Consumer Product Safety Commission.

ACTION: Issuance of final rule.

SUMMARY: In this document the Consumer Product Safety Commission (Commission) issues a rule declaring that certain unstable metal refuse bins that have a volume one cubic yard or greater are banned hazardous products. The rule is designed to reduce or eliminate an unreasonable risk of injury or death from tip-over of the banned refuse bins.

DATE: The effective date of the rule is June 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Harry I. Cohen, Office of Program Management, 5401 Westbard Avenue, Bethesda, Maryland 20207 301–492–6453.

SUPPLEMENTARY INFORMATION:

Background

On January 3, 1975, Stephen R. Redmond, the Commissioner of Health of Dutchess County, New York, petitioned the Commission to commence an appropriate proceeding to establish safe design criteria for the manufacture of refuse bins. A report accompanying the petition gives details of two serious accidents that occurred when children were playing or swinging on slant-sided refuse bins. The bins capsized, injuring two children, one fatally.

The petitioner believes that slant-sided refuse bins are unstable because the center of gravity is offset by virtue of their design and that any weight added to them, such as the weight of children hanging on or swinging on the slant side, tends to topple them. Therefore, he asks that corrective action be taken to prohibit further use of the unsafe bins and that safe design criteria be established for future use.

Thereafter, the Commission staff undertook a study to determine the use patterns and the nature of the alleged hazards associated with the unstable refuse bins described in the petition.

Based on information submitted by the petitioner, its available injury data, and its engineering analysis, the Commission, on October 7, 1976, granted this petition and began development of a proposed ban under section 8 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2057) to ban certain unstable refuse bins. In the proposal, the Commission preliminarily determined that unstable refuse bins which are available for consumer use and which are being and will be distributed in commerce, present an unreasonable risk of injury and should be declared banned hazardous products because no feasible consumer product safety standard under the CPSA would adequately protect the public from that unreasonable risk of injury. The background of the development of the proposed banning rule and its consideration by the Commission is more fully detailed in the preamble to the Commission's proposal which was published in the FEDERAL REGISTER on January 7, 1977 (42 FR 1484).

In proposing the rule the Commission determined that interested persons should have an opportunity to make oral presentations of any data, views, or arguments and set January 31, 1977 as the date for hearing such oral presentations. In addition, the Commission set February 7, 1977 as the closing date for submission of written comments by any interested persons. As a result of these actions the Commission received a total of 16 timely written and oral comments.

On March 7, 1977, following a preliminary review by the Commission of the written comments and the oral presentations, the Commission announced in the FEDERAL REGISTER that primarily because of issues raised regarding the proposed effective date it had decided to extend until June 6, 1977 the period in which the Commission must publish in the FEDERAL REGISTER a final consumer product safety rule to declare certain unstable refuse bins as banned hazardous products or to issue a notice withdrawing the proceeding (42 FR 12889).

Description of the Ban

This consumer product safety rule bans the manufacture for sale, offering for sale, or distribution in commerce of certain unstable refuse bins that have been determined by the Commission to present an unreasonable risk of injury to the public (§ 1301.4 and § 1301.5). The Commission has further determined that no feasible consumer product safety standard under the CPSA can adequately protect the public from the unreasonable risk of injury associated with unstable refuse bins that are now distributed in commerce. Among unstable refuse bins now distributed in commerce are newly manufactured refuse bins, that are in the possession of the manufacturer or in the marketing chain, and bins that are the subject of rental or lease agreements between bin owners and persons who make such bins available for consumer use. The Commission considers that each rental or lease of an unstable refuse bin in such circumstances is a "distribution in commerce" as that term is used in the CPSA. The matter of rentals and leases as a "distribution in commerce," is covered more fully below under "Response to Proposal, I. Jurisdictional scope of ban."

Unstable refuse bins of metal construction, with an internal capacity one cubic yard or greater are banned if they tip over when subjected to the forces described at §§ 1301.6 and 1301.7 of the rule, and discussed more fully at "Response to Proposal, II. Technical requirements." The Commission believes that many unstable refuse bins can be modified to achieve stability, so that unstable refuse bins which can be retrofitted need not be discarded. Therefore, the Commission has delayed the effective date of this rule until June 13, 1978 and believes that during this period, modifications needed to achieve stability can be made to unstable refuse bins.

Response to Proposal of January 7, 1977

As mentioned above, the Commission's proposal of January 7, 1977 to declare certain unstable refuse bins as banned hazardous products elicited 16 timely written and oral comments. The commentors include several U.S. Congressmen; individual consumers; refuse removal firms; a mechanical engineer; a Federal agency; a private testing organization; a municipal official; a private business association; several trade associations; and a manufacturer of nonmetal refuse bins. The substantive issues raised by the commentors and the Commission's decisions regarding them are set out below.

I. *Jurisdictional scope of ban.* Part 1301, as proposed, was intended to declare certain unstable refuse bins, as defined in § 1301.4, as banned hazardous products under sections 8 and 9 of the CPSA (15 U.S.C. 2057 and 2058). It applied to those refuse bins being distributed in commerce on or after the effective date of the rule which do not meet the criteria of § 1301.5 and which are produced or distributed for sale to or for the personal use, consumption or enjoyment of consumers, in or around a permanent or temporary residence, a school, in recreation or otherwise. Further, since rental or lease of a bin is considered to be a "distribution in commerce," the proposal was intended to cover those refuse bins subject to the ban which are rented or leased and are available for use by the public.

A. One commentor states that language used in proposed § 1301.1, specifically, "(t)his ban applies to those refuse bins which are being distributed in commerce after the effective date * * *" is contradictory to language used in the preamble which says, "* * * a consumer product safety rule declaring that certain refuse bins are banned hazardous products can apply to those already in commerce on the effective date of the ban." (emphasis added).

Section 8 of the CPSA provides that a ban applies to a product that "is being or will be distributed in commerce." Thus, the banning rule would apply to a covered product that "is being * * * distributed in commerce" on the effective date of the rule and/or "will be distributed in commerce" after the effective date of the rule. Examples of refuse bins distributed in commerce are those that are newly manufactured, those that are in the marketing chain, and also rented or leased refuse bins that are available for use by consumers.

In order to ensure clarity, the wording of § 1301.1, as issued below, is being changed to cover those unstable refuse bins that are being distributed in commerce "on or after the effective date".

B. Another commentor states that the Commission should carefully consider its petition on whether rental of consumer products, in general, is included in the definition of the term "distribution in commerce" under the CPSA, before issuing this banning rule that includes the rental of refuse bins.

Consideration by the Commission of rental transactions under the other laws administered by the Commission has not yet been completed. Under the CPSA, however, the Commission believes that, in general, rental transactions may be covered by consumer product safety rules. As discussed in the preamble to the Commission's proposal, the statutory definition of "distribution in commerce" at section 3(a)(11) of the CPSA includes a variety of transactions under the umbrella of "distribution." Examples of the types of transactions coming under this umbrella are a sale in commerce, an introduction into commerce, a delivery for introduction into commerce, a holding for sale after introduction into commerce, and a holding for distribution after introduction into commerce. Rentals, although not specifically mentioned in the definition, fit into several of the enumerated transactions.

The definition of "commerce" at section 3(a)(12) of the CPSA is broad in that it includes transactions which "affect" trade, traffic, commerce, or transportation between a place in a state and any place outside thereof. Of great importance here is that the legislative history of this section states specifically that Congress intends the definition to cover transactions in intrastate commerce as well.

Therefore, the Commission considers that each rental transaction between an owner of a refuse bin and a person who makes the bin available for consumer use is a "distribution in commerce" under the CPSA. In order to ensure clarity, the Commission is adding paragraph (c) to § 1301.1, as issued below.

C. A commentor states that the Commission's position that a ban under section 8 is necessary because no feasible standard under the CPSA can adequately protect the public is without merit, and that section 15 of the CPSA is available to deal with unstable refuse bins already in commerce.

The Commission believes that no feasible consumer product safety standard could adequately protect the public and therefore disagrees with the commentor's statement that the basis for proceeding under section 8 of the CPSA is without merit.

In considering whether a feasible standard can adequately protect the public from an unreasonable risk of injury associated with a product, the Commission is not required to look at the entire class of products of which the particular hazardous product is a member. Thus, when the Commission can identify the particular products that present the unreasonable risk of injury by specifying their characteristics in certain performance or design terms, the Commission can ban those articles. Therefore, with respect to refuse bins having the characteristics identified as hazardous, the Commission finds that no feasible standard for such bins would adequately protect the public, since it is aware of no standard that could render these bins free from the hazard. Elsewhere in the preamble, the Commission has stated that banned refuse bins can be retrofitted so that they are no longer banned. However, the retrofitting procedure cannot be construed as a standard for unstable refuse bins, since, once a bin is retrofitted, it no longer has the characteristics of bins that are banned.

In evaluating the extent of the hazard from unstable refuse bins, the Commission found that refuse bins are used for many years before being discarded. Estimates of their useful life range from 10 to 15 years. Although other products which may be hazardous may also have a long life in the hands of individual consumers, a substantial number of refuse bins are rented and therefore they remain in commerce and are constantly available for use by large numbers of consumers. As discussed previously in section B of the preamble, rental transactions are "distributions in commerce" under the CPSA and therefore bins that are rented or leased remain in commerce and would be subject to a ban under section 8.

The combination of the long life of refuse bins plus the fact that they could remain in commerce and be available for use by many people, persuaded the Commission that no feasible consumer product safety standard under the CPSA could adequately protect the public from the unreasonable risk of injury associated with unstable refuse bins used by consumers. As provided by section 9(d)(1) of the CPSA, a standard "shall be applicable only to consumer products manufactured after the effective date" of a rule. A ban, on the other hand, can apply to products being distributed in commerce on the specified effective date of the consumer product safety rule.

Although, as the commentor points out, section 15 of the CPSA is available to deal with unstable refuse bins already in commerce, the use of section 15 for the initiation of substantial product hazard actions is a matter within the discretion of the Commission and may, of course, be applied notwithstanding the existence of a consumer product safety rule. In this case, however, it is undisputed that unstable refuse bins present an unreasonable risk of injury which can be addressed by issuing mandatory regulations under the CPSA. Therefore, the Commission believes it would be unnecessarily cumbersome to address hazards of unstable refuse bins by pursuing action under section 15 alone, since section 15 involves a quasi-judicial undertaking and, unlike section 8, has been applied piecemeal rather than to all who may distribute items which present a substantial product hazard.

D. A commentor believes the Commission's preliminary finding that no feasible consumer product safety standard under the CPSA would adequately protect the public is inconsistent with the Commission's proposal of an effective date nine months after publication of the banning rule in order to allow for retrofit of those bins already in commerce. He states that if bins can be retrofitted so as not to present an unreasonable risk of injury, such retrofitting features could be included in any standard developed under section 7 of the CPSA.

In the foregoing discussion, the Commission has explained its reasoning behind the finding that no feasible consumer product safety standard for unstable refuse bins would adequately protect the public. In addition, the Commission observes that it is not prohibited from delaying the effective date of a regulation for a period beyond the date of its publication. One of the purposes of the delay in this instance is to permit sufficient notice of the ban and time for modification of unstable refuse bins. As noted in the proposal, the Commission believes the delay to be reasonable because of the fragmented nature of this industry. In this case, because a ban applies to items in commerce as well as those of new manufacture, it does not appear that a delay of effective date is inconsistent with a finding that no feasible standard can adequately protect the public. Therefore, the Commission sees no inconsistency in its position.

E. Several commentors question the Commission's judgment in limiting the scope of this banning rule to those unstable refuse bins having an actual internal volume greater than one cubic yard.

As stated in the proposal, the Commission found, from six indepth investigations for which dimensional data exists, that the smallest bin involved in any reported incident of injury or death had an internal volume of 1.3 cubic yards. In the proposal, the Commission stated: "to allow for a reasonable margin of safety, it is the view of the Commission that a refuse bin with a volume of less than one cubic yard does not appear to pose an unreasonable risk of injury from tipover." Therefore the Commission proposed to ban bins with an internal volume greater than one cubic yard.

No new data have been submitted or have otherwise come to the attention of the Commission which would support a finding of an unreasonable risk of injury being associated with refuse bins having an internal volume of less than one cubic yard. If, at any future time, data become available to indicate otherwise, the Commission could take the necessary action to amend this banning rule.

As indicated in the above quoted language, the Commission intended to exclude from coverage only those bins less than one cubic yard. Therefore, § 1301.4 (b) of the regulation issued below indicates refuse bins subject to the ban are those "having an internal volume one cubic yard or greater, by actual measurement."

F. One commentor inquired as to whether the proposed ban applied to plastic refuse bins.

Since the Commission had no evidence or unreasonable risk of injury associated with non-metal refuse bins, it specifically limited the coverage of this ban to metal bins (§ 1301.4(b)). If, at any future time, such evidence becomes known to the Commission, the Commission will take whatever action it deems necessary.

II. *Technical requirements.* The technical requirements contained in the Commission's proposal of January 7, 1977 included the minimum size of bins coming under this ban, the forces to be applied to the bins to test stability, and the conditions under which the bins are to be tested. Some of these requirements, and comments regarding them are discussed in the following section.

A. *Test conditions.* Section 1301.5, as proposed, lists several conditions under which testing of refuse bins will be conducted. These conditions are necessary to ensure the reproducibility of the test. Section 1301.5(d), as proposed, requires that the stability of refuse bins be tested "without dependence upon non-permanent attachments or restraints such as chains or guys".

Two commentors question the need for prohibiting reliance on nonpermanent restraints. One commentor suggests that unstable refuse bins be restrained by use of eye bolts attached to the bin and to an adjacent building or wall, and that they all be specially locked with systems utilizing the same key. The key would be kept in the possession of the refuse hauler. The other commentor suggests that the bins be fenced within an enclosed area.

The purpose of the ban is to remove from commerce those refuse bins which are unstable and not otherwise dependent upon placement or nonpermanent restraints for proper stability. To depend upon locks or particular placement after unloading leaves much room for human error and would make the rule dependent on human behavior rather than on a product which is safe notwithstanding behavior. Therefore, the Commission must reject the suggestions of these commentors.

B. *Test procedure.* Section 1301.6, as proposed, requires that a horizontal force of 70 pounds (311 N) be applied at a point and in a direction most likely to cause tipping and that a vertically downward force of 191 pounds (850 N) be similarly applied. These forces are to be applied separately.

1. One commentor noting the Commission's reference in its proposal to the fact that this ban was "suggested" by a draft proposed refuse bin standard developed by the American National Standards Institute (ANSI), inquires as to whether the Commission verified the figures developed by ANSI.

As stated in the preamble to the Commission's proposal of January 7, 1977, the forces prescribed in the ban are, in fact, suggested by the ANSI standard which was based in part on anthropometric and strength data for children. The Commission staff reviewed the record of development of the ANSI standard and also, the Commission staff and the National Bureau of Standards measured tipping forces for representative bins. Based on these considerations, it is the Commission's opinion that the forces chosen in § 1301.7, below, are adequate for testing the stability of a bin on a hard, flat surface.

2. Another commentor recommends that, in lieu of the requirement of § 1301.7 for a force of 70 pounds (311 N) to be applied at a point and in a direction most likely to cause tipping, the Commission consider specifying that forces be applied at the uppermost portion of the slant overhang surface, perpendicular to the slant face. He believes this would maximize the rotational moment (torque), thereby making the test more stringent by increasing the tendency of the bin to tip over.

The Commission agrees that this is approximately true. This method of testing was considered in the Commission's deliberations, but the Commission chose only horizontal and vertical forces because this is a relatively simple test procedure. Additionally, it is the Commission's belief that with the forces required in the banning rule the test is as stringent as if a single lower force were applied in the direction of maximum moment as proposed by this commentor.

3. The same commentor questions whether consideration should not be given to also requiring that a vertical upward force be applied at the lower, rear of the bin in addition to application of a vertically downward force required by § 1301.7. He states that this would protect against a bin being tipped over onto a child by another playing at the rear of the bin.

The Commission has studied the injury data available involving refuse bins that have tipped over and the data indicate that, where determinable, the tip-over was caused by climbing onto or hanging from the bin. The data show no incidents of tip over caused by someone lifting the rear of the bin. Therefore, the Commission believes that the forces required to be applied to bins under § 1301.7, as issued below, most nearly simulate actual accident patterns and therefore sees no need to make the suggested addition.

4. To avoid any possible confusion, the Commission has clarified the wording of § 1301.7 to indicate that the vertical and horizontal forces are to be applied separately and that, if the bin tips over when either force is applied, the bin is banned.

C. *Retrofit program.* Although there are no provisions in Part 1301 requiring the retrofitting of bins subject to this ban, the Commission has encouraged retrofitting as an alternative to discarding and/or replacing bins found to be banned. In the proposal the Commission expressed no preference as to the method or manner of retrofit selected by bin owners affected by this ban.

Three commentors have raised questions concerning one type of possible retrofit, namely, the addition of a front-mounted leg(s) or an outrigger(s), projecting down from the bin and terminating at a point above ground level, sufficient to prevent tip-over of the bin when subjected to the tests prescribed in the ban.

One of the commentors states that the proposed ban fails to accommodate alterations made to existing products to render them safe. Another states that adding certain outriggers to some bins may then require modification of the rear-loading trucks used with these bins. The third commentor states that many cases have been reported of bins with certain outriggers hitting the ground during the emptying process which then causes the bin to fall from the dumping supports of the truck to the ground, sometimes causing injury to the collector.

As stated previously, the Commission has decided not to require that unstable refuse bins be modified in any specific manner. This decision is in keeping with the Commission's philosophy of encouraging use of performance criteria rather than rigid design requirements. Any method or manner of permanent retrofit which will insure that the bin itself will meet the stability requirements of Part 1302, issued below is acceptable to the Commission. However, the Commission encourages retrofitters to ensure that their actions do not create additional hazards.

III. *Effective date.* In § 1301.7 of its proposal of January 7, 1977, the Commission proposed that the effective date of this Part 1301 be nine months after publication of the final rule in the FEDERAL REGISTER.

A. A commentor states that all of the affected bins cannot be bought into compliance with the ban within the proposed nine-month period. As an alternative the commentor urges the Commission to adopt either of two phased timetables. Both alternatives have a common completion date of March 2, 1979 which corresponds to that contained in the ANSI Standard for the Stability of Refuse Bins (Z245.3–1977). The commentor's first suggested alternative is a phased timetable extending over the specified period and is predicated on bin locations where the general public is exposed to them, such as at schools, parks and playgrounds and at multi-unit housing areas. The commentor's second alternative is a phased timetable predicated on the relationship between the severity of accidents and size of bins and suggesting that (1) all newly manufactured bins be retrofitted by June 2, 1977; (2) in-service bins greater than 4 cubic yards by September 2, 1977; (3) in-service bins greater than 3 cubic yards by March 2, 1978; (4) in-service bins greater than 2 cubic yards by September 2, 1978; and (5) in-service bins greater than 1 cubic yard by March 2, 1979.

In neither case, did the commentor present statistically sufficient data to support the proposed timetables. Further, the Commission accident data, contained in the April, 1977 in-depth investigations accident report on refuse bins, are not statistically sufficient to support or refute this commentor's contention about the relationship between

bin size and the severity or number of accidents. However, the accident data indicate that the majority of accidents involving refuse bins occurred in or around apartments or multi-unit housing developments. These data tend to refute the commentor's proposed timetable based on location which lists schools as the top priority location.

The Commission has decided to extend the effective date to twelve months, rather than nine months, as proposed. Upon analysis of data included in the comments and the Economic Impact Statement of the Commission's Bureau of Economic Analysis it appears that a nine-month period would be the minimum time needed to modify refuse bins subject to this ban. Any time added beyond the minimum would make modification easier and help minimize business interruptions. The commentor indicates that by March 2, 1979, all modifications would be completed.

The Commission estimates that a twelve-month period between the final promulgation of this banning rule in the FEDERAL REGISTER and the effective date is a realistic amount of time to allow dissemination of the regulation to the solid waste industry and to provide sufficient time for bin owners to conduct a retrofit program. The Commission recognizes that a principal variable which will determine the real economic impact on a firm is the amount of time the firm has to comply with the ban. The nine-month period was originally chosen after weighing the impact of the ban on different sizes and types of firms, and on the solid waste industry as a whole and on the need for public safety. However, the Commission determines that an extra three-month period will ensure sufficient time for retrofit. In choosing this period the Commission has taken into account the probable number of bins which might require modification, the probable distribution of ownership of the unstable bins by firms, the per bin and total cost of an industry wide retrofit program and the ability of the industry to obtain capital to finance a retrofit program.

The Commission is aware that some bin manufacturers and bin owners or users have already begun to initiate retrofit programs as a result of the ANSI voluntary standard which went into effect on December 2, 1976. As a result of the Commission extending by three months the time to publish a final rule (42 FR 12889, March 7, 1977), the time for retrofitting could be considered to encompass not only the twelve-month period before the effective date of the consumer product safety rule, but also the three-month period of the extension. Those firms which began to retrofit unstable bins when the ANSI voluntary standard became effective on December 2, 1976 would have an even longer period for retrofitting.

The data available to the Commission, from public and private sources, do not seem to support the contention that, on an industry-wide level, a 25-month period is necessary to complete a modification program. The Commission recognizes that a twelve-month period may place some firms in a disadvantageous position within a firm's competitive market. The disadvantageous position can result from a firm owning a relatively larger number of potentially unstable bins than other firms in that market, and, therefore, having to incur a relatively larger cost than other firms. The firm might or might not be adversely affected, however, depending upon its ability to finance this cost relative to the firms with which it competes. The Commission believes that, on an industry wide basis, the impact of a twelve-month effective date for this ban will not adversely affect the competitive structure of the industry.

B. Another commentor questions the impact that the proposed nine-month effective date might have on continuity of refuse collection service as a whole.

Based on the discussion immediately above, the Commission does not foresee any disruption in overall solid waste collection service as a result of the twelve-month effective date.

As indicated in the Commission's three-month extension notice of March 7, 1977, a primary reason for the extension was to further consider the proposed nine-month effective date. Careful evaluation of the comments received shows that the available technical and economic data do not support a need to delay the effective date more than 3 months beyond the proposed effective date. In addition, the extension of time in March operated, in effect, as an extension of time to modify unstable refuse bins. The Commission concludes, therefore, that the effective date of this rule should be twelve months after publication in the FEDERAL REGISTER.

IV. *Industry resource considerations.* One commentor presents the results of a telephone survey of 12 companies and a state association of waste haulers representing 106 private firms. Most respondents indicated that they would not be able to retrofit their bins within the nine-month period without hiring additional employees, expending additional financing resources, and establishing additional maintenance facilities to carry out the retrofits.

The sample of firms shown in the table of survey results submitted by this commentor cannot be taken as representative of all firms or any particular market. The description of each firm does not include a profile of the market within which it competes so that these data are not readily applicable to statements about the impact of the ban on competition. It is not clear if the reported number of containers by firm refers to the total number of all types of containers owned by a firm or the number of containers which may be subject to the ban. Although the survey adds interesting data to the overall industry data base, it is not sufficient to draw conclusions about the effects of the ban on the solid waste collection industry.

An economic impact statement of the Commission's Bureau of Economic Analysis, dated April 22, 1977 and available at the Office of the Secretary, discusses estimated costs of retrofitting and related matters.

V. *Consumer education.* One commentor suggests that if parents exercised proper supervision over their children, the children would not play on or around refuse bins.

Although proper parental supervision might reduce the dangers to small children posed by unstable refuse bins, many parents may be unaware that such a danger exists. To that end, the Commission plans to supplement its enforcement of this ban with an information program aimed at both parents and children. This program will consist of a broad dissemination of written information to the public, as well as announcer copy for radio and television stations on a nation-wide basis.

OTHER CONSIDERATIONS

I. *Environmental effects.* Prior to publishing the proposed ban on January 7, 1977, the Commission considered the environmental effects of its action and determined that the proposed ban will have no significant effects on the environment.

Since issuing the proposal the Commission has found nothing to change the finding. Therefore, it is the Commission's conclusion that the final ban issued below will have no significant effects on the environment and that no environmental impact statement is necessary. An environmental assessment is on file with and available from the Commission's Office of the Secretary.

II. *Adverse effect on the elderly and the handicapped.* Section 9(b) of the CPSA, as amended, requires the Commission to consider and take into account the special needs of elderly and handicapped persons to determine the extent to which such persons may be adversely affected by consumer product safety rules.

After review of all the materials in the public record for this proceeding, the Commission finds that the rule will not make use of refuse bins more difficult for elderly or handicapped persons and will not decrease the safety of such persons; and thus the issuance of this Part 1301 will not have an adverse effect on such persons.

III. *Required section 9(c) findings.* Section 9(c) of the CPSA (15 U.S.C. 2058 (c)) requires that prior to promulgating a consumer product safety rule the Commission shall consider and shall make appropriate findings for inclusion in the rule as to: (1) the degree and nature of the risk of injury that the rule is designed to eliminate or reduce; (2) the approximate number of consumer products, or types or classes thereof, subject to the rule; (3) the need of the public for the consumer products subject to the rule, and the probable effect of the rule upon the utility, cost or availability of such products to meet the need; (4) any means of achieving the objective of the rule while minimizing adverse effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with the public

health and safety; (5) the necessity of the rule to eliminate or reduce an unreasonable risk associated with such product; and (6) the fact that the promulgation of the rule is in the public interest.

The findings required by section 9(c) have been made by the Commission and are contained in § 1301.3 below.

One commentator states that the Commission should have based its choice of regulatory action on [section 9 of the CPSA] data developed prior to making its proposal rather "than ordering the development of data to justify a proposed course of action."

The Commission disagrees that all data must be developed prior to proposing a rule. Section 9(a)(2) of the Act (15 U.S.C. 2058(a)(2)) requires the Commission to comply with 5 U.S.C. 553 (the Administrative Procedure Act) in issuing rules such as this. 5 U.S.C. 553 (b)(3) requires an agency to publish in the FEDERAL REGISTER a general notice of proposed rulemaking setting forth "either the terms or substance of the proposed rule or a description of the subjects and issues involved."

Once a proposed rule is published for comment, 5 U.S.C. 553 requires agencies to allow the public to submit written data, views, or arguments on the proposal. In addition, Section 9(a)(2) of the Act specifically requires the Commission to provide an opportunity for the oral presentation of data, views, or arguments. These requirements were fully complied with by the Commission.

Section 9(c)(1) of the Act, as well as the legislative history of that section, requires the Commission, prior to promulgating a consumer product safety rule, to consider and make appropriate findings concerning certain of its economic effects for inclusion in the final rule. The legislative history of the Act, however, also indicates that to allow comments on the Commission's findings under Section 9(c)(1) by requiring them to be proposed would be unwise and unnecessary. As noted in the comments section of the Senate Commerce Committee Report:

> To require the Agency to announce its findings before receipt of comment on its specific proposal would seem both unwise—because they would not reflect the data and views submitted during that stage of the proceedings devoted to the solicitation and evaluation of comment upon the proposed standard—and unnecessary—since the findings in question are not intended as a basis for comment but as a way of insuring that the grounds for the ultimate decision are made a matter of record. (S. Rept. 740, 92d Cong. 2d Sess., p. 81 (1972)).

Therefore, the Commission believes that it has acted correctly in developing the data required by section 9(c)(1) of the CPSA and presenting it at the time of promulgation of the rule.

CONCLUSION AND PROMULGATION

Based on the injury data set out in § 1301.3(e) below, the engineering analyses compiled in this proceeding, and having considered the published proposal, the oral and written responses to the proposal, the Commission determines that certain metal refuse bins having an internal volume one cubic yard or greater, by actual measurement, which will tip over when subjected to a vertical downward force of 191 pounds (850 N) or a horizontal force of 70 pounds (311 N) applied at a point and in the direction most likely to cause tipping, present an unreasonable risk of injury. In addition, the Commission determines that no feasible consumer product safety standard under the CPSA would adequately protect the public from the unreasonable risk of injury associated with such bins that are being distributed in commerce and are available for consumer use. Therefore, the Commission declares that certain unstable refuse bins that fail to satisfy the criteria set out below, are banned hazardous products.

Accordingly, pursuant to provisions of the CPSA (secs. 8 and 9), 86 Stat. 1215–17, as amended, 90 Stat. 506; 15 U.S.C. 2057, 2058, the Commission amends Title 16, Chapter II by adding to Subchapter B the following new Part 1301:

Sec.
1301.1 Scope and application.
1301.2 Purpose.
1301.3 Findings.
1301.4 Definitions.
1301.5 Banning criteria.
1301.6 Test conditions.
1301.7 Test procedures.
1301.8 Effective date.

AUTHORITY: Secs. 8, 9, 86 Stat. 1215–1217, as amended, 90 Stat. 506; 15 U.S.C. 2057, 2058.

§ 1301.1 Scope and application.

(a) In this Part 1301 the Consumer Product Safety Commission (Commission) declares that certain unstable refuse bins are banned hazardous products under sections 8 and 9 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2057 and 2058).

(b) This ban applies to those refuse bins of metal construction that are being distributed in commerce on or after the effective date of this rule, which do not meet the criteria of § 1301.5 and which are produced or distributed for sale to, or for the personal use, consumption or enjoyment of consumers, in or around a permanent or temporary household or residence, a school, in recreation or otherwise. The Commission has found that (1) these refuse bins are being, or will be distributed in commerce; (2) they present an unreasonable risk of injury; and (3) no feasible consumer product safety standard under the CPSA would adequately protect the public from the unreasonable risk of injury associated with these products. The ban is applicable to those refuse bins having an internal volume one cubic yard or greater by actual measurement, which will tip over when subjected to either of the forces described in § 1301.7 and which are in commerce or being distributed in commerce on or after the effective date of the ban.

(c) When such refuse bins are the subject of rental or lease transactions between owners of refuse bins or between refuse collection agencies and persons who make such refuse bins available for use by the public, such transactions are considered to be distributions in commerce and therefore come within the scope of this ban. Refuse collection agencies or owners of refuse bins who rent or lease refuse bins to persons who make them available for use by consumers are considered to be distributors; the persons to whom refuse bins are rented or leased are not considered to be distributors.

(d) On or after the effective date of this rule it shall be unlawful to manufacture for sale, offer for sale, or distribute in commerce, the unstable refuse bins described in this rule.

§ 1301.2 Purpose.

The purpose of this rule is to ban those refuse bins which come under the scope of this ban because they present an unreasonable risk of injury due to tip-over that can result in serious injury or death from crushing.

§ 1301.3 Findings.

(a) *Risk of injury.* The Commission has studied 19 in-depth investigation reports of accidents associated with tip-over of unstable refuse bins. The 19 accidents, which involved 21 victims, resulted in 13 deaths. Of the 21 victims, 20 were children 10 years of age and under. Additionally, Commission records show three death certificates for victims, under 5 years of age, who were killed by refuse bins tipping over. Therefore, the Commission finds that unreasonable risks of injury or death from crushing due to tip-over are associated with certain unstable refuse bins having an internal volume one cubic yard or greater, which unreasonable risk this banning rule is designed to eliminate or reduce.

(b) *Products subject to this ban.* (1) The Commission finds that the types of products subject to this ban are those manufactured metal receptacles known in the solid waste collection trade as containers, refuse bins, buckets, boxes or hoppers, with actual internal volumes of one cubic yard or greater, used for the storage and transportation of solid waste. They are fabricated in numerous sizes and configurations for use with rear, side, front, hoist and roll-off loaded trash collection trucks and are used by private firms and public agencies.

(2) Although unstable refuse bins subject to this ban may be in various forms and shapes, the Commission's in-depth investigations into accidents associated with metal refuse containers indicate that most accidents have occurred with slant-sided metal refuse bins which are used by rear and side-loaded trucks. Therefore, the Commission bases its economic analysis of the potential impact of the ban upon the population of these bins. Certain refuse bins such as front loaded, roll-off, box and other types of large or broad based bins, because of their configuration, bulk and weight are likely to be inherently stable and are therefore not included in the population of potentially unstable bins studied in this economic analysis.

(3) The Commission estimates that there may be approximately 638,000–

716,000 slant-sided, metal refuse bins with an internal volume one cubic yard or greater, which may be unstable. The population of potentially unstable bins owned by some 10,000–15,000 private solid waste collection firms in all parts of the United States and its territories is estimated to be 359,000–371,000. These figures are discussed in the Commission's *Economic Impact Statement* of April 22, 1977, which is available for review from the Commission's Office of the Secretary, Washington, D.C. 20207.

(c) *Need of the public for the product and effects on utility, cost, and availability.* (1) The public need for refuse bins is substantial since these products are used for the containment of solid waste and thus contribute to public hygiene. The U.S. Environmental Protection Agency estimates that 135,000,000 tons of solid waste were collected in 1976 from residential, commercial and industrial sources. Approximately 101,250,000 tons (75%) were collected by private firms and the remainder by public agencies.

(2) The Commission finds that the ban will not affect the utility that consumers derive from the general use of refuse bins. The interest of the public is in continuity, availability and price of solid-waste collection. The ban could result in a shift from bins which are subject to the ban to other types of storage containers. Such a shift would not affect solid waste collection and would entail a small price increase for individual consumers. To the extent that injuries and deaths associated with the use of unstable bins are reduced or eliminated as a result of the ban, the public utility derived from the use of the product will be increased.

(3) (i) The Commission finds that, based on its analysis of industrial estimates, newly produced complying refuse bins will cost approximately 1–10% more than currently produced noncomplying bins and that existing inventories of unstable bins can be modified (depending upon size) for about $45–$75 each. This modification cost estimate includes the cost of material, shop labor, retrieval and return to service, and the substitution of one bin for another for on-site service.

(ii) The Commission estimates that the ban will not result in any significant price increases for the delivery of solid waste collection service to the general public because of the competitive structure of the solid waste collection industry.

(4) The Commission finds that the ban will have no effect on the availability of solid waste collection service to the general public. Solid waste collection haulers who use products subject to this ban can modify these refuse bins so that these products can continue to be used for solid waste collection.

(d) *Alternatives.* (1) The Commission has considered other means of achieving the objective of this ban, but has found none that it believes would have fewer adverse effects on competition or that would cause less disruption or dislocation of manufacturing, servicing or other commercial practices consistent with public health and safety. The Commission estimates that this ban may, because of capital and testing costs and maintenance capacity limitations, have an adverse effect on individual firms within some markets.

(2) The Commission estimates that the ban will not have an adverse effect on the competitive structure of the solid waste collection industry. The competitive nature of solid waste collection firms is fostered because of low starting costs, particularly if a firm is owner-operated. The rate of entry and exit into and out of the industry for small operators tends to be high relative to larger firms in the industry. The ban will most likely not increase the degree of market concentration among the larger firms nor affect the rate of entry into or exit out of the industry by relatively smaller firms.

(3) Table 3 of the Economic Impact Statement indicates that about 85 percent of the private sector trash haulers are those with a fleet size of about 10 trucks and have annual revenues under $1 million. These might be classified as small business firms. All firms in the trash hauling business would have two possible problems associated with the ban: cost and time to retrofit, and access to capital for retrofitting. The problem of raising capital to retrofit should not be a burden to small firms unless they are denied credit for factors not associated with this ban. The revised effective date from 9 to 12 months will extend both the time to retrofit and the time to search for capital sources, if necessary. We conclude that the small firms in the trash hauling industry will not experience undue hardship relative to their larger competitors.

(e) *Conclusion.* (1) The Commission finds that this rule is reasonably necessary to eliminate or reduce the unreasonable risks of injury associated with refuse bins, as they are defined in § 1301.4, and which fail to meet the criteria specified in § 1301.5.

(2) Based on all of the above findings, the Commission finds that the issuance of this rule is in the public interest.

(3) The Commission is aware of the fact that refuse bins are used for many years before being discarded. Estimates of their useful life range from 10 to 15 years. Although other products which may be hazardous may also have a long life in the hands of individual consumers, a substantial number of unstable refuse bins remain in commerce because they are rented or leased and are constantly available for use by large numbers of consumers. The combination of the long life of refuse bins plus the fact that unstable refuse bins could remain in commerce and be available for use by many people, persuaded the Commission to make this finding that no feasible consumer product safety standard under the CPSA could adequately protect the public from the unreasonable risk of injury associated with those unstable refuse bins coming under the coverage of this ban.

§ 1301.4 Definitions.

(a) The definitions in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) apply to this Part 1301.

(b) "Refuse bin" means a metal receptacle having an internal volume one cubic yard or greater, by actual measurement, which temporarily receives and holds refuse for ultimate disposal either by unloading into the body or loading hopper of a refuse collection vehicle or by other means.

(c) "Internal volume" means the actual volumetric capacity of the container. This may not necessarily correspond to the nominal size rating used by industry.

(d) "Tip over" means that during the application of either test force described in § 1301.7(a), the refuse bin begins to rotate forward about its forwardmost ground supports.

§ 1301.5 Banning criteria.

(a) Any refuse bin of metal construction produced or distributed, for sale to, or for the personal use, consumption or enjoyment of consumers, in or around a permanent or temporary household or residence, a school, in recreation or otherwise, which is in commerce or being distributed in commerce on or after the effective date of this ban and which has an actual internal volume one cubic yard or greater and tips over when tested under the conditions of § 1301.6 and using the procedures described in § 1301.7, is a banned hazardous product.

(b) The Commission considers a refuse bin to tip over when it begins to rotate forward about its forwardmost ground supports.

§ 1301.6 Test conditions.

(a) The refuse bin shall be empty and have its lids or covers in a position which would most adversely affect the stability of the bin when tested.

(b) The refuse bin shall be tested on a hard, flat surface. During testing, the bin shall not be tilted from level in such a way as to increase its stability.

(c) Those refuse bins equipped with casters or wheels shall have the casters or wheels positioned in a position which would most adversely affect the stability of the bin and shall be chocked to prevent movement.

(d) The stability of the refuse bin shall be tested without dependence upon non-permanent attachments or restraints such as chains or guys.

(e) For purposes of enforcement, bins will be tested by the Commission in that position which most adversely affects their stability.

§ 1301.7 Test procedure.

(a) The refuse bin shall be tested by applying forces as described in paragraph (a) (1) and (2) of this section one after the other.

(1) A horizontal force of 70 pounds (311 N) shall be applied at a point and in a direction most likely to cause tipping, and

(2) A vertically downward force of 191 pounds (850 N) shall be applied to a point most likely to cause tipping. (See Figure 1.)

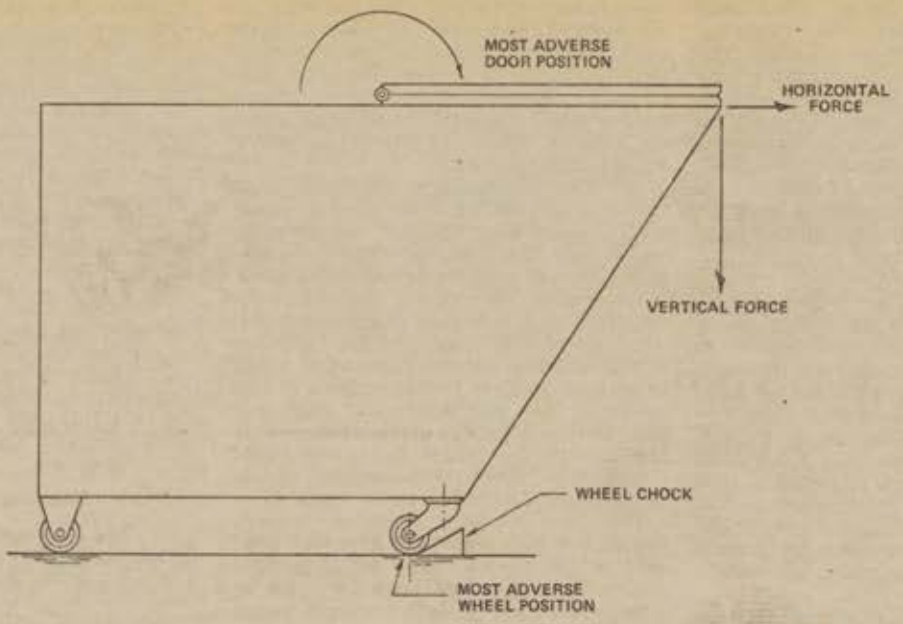

FIGURE 1

(b) These forces shall be applied separately and the bin shall not tip over under the application of either action cited above in paragraph (a)(1) or (a)(2).

§ 1301.8 Effective date.

The effective date of this ban shall be June 13, 1978.

(Secs. 8, 9, 86 Stat. 1215–1217, as amended, 90 Stat. 506; 15 U.S.C. 2057, 2058.)

Dated: June 7, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-16499 Filed 6-10-77;8:45 am]

federal register

MONDAY, JUNE 13, 1977

PART IV

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

NATIONAL FLOOD INSURANCE PROGRAM

Changes in Base Flood Elevations, Communities with Special Hazard Areas and Communities Eligible for Sale of Flood Insurance

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2909]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to list those communities where the sale of flood insurance is authorized under the National Flood Insurance Program.

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 Insurers Association servicing company for the state.

EFFECTIVE DATES: The date that appears in the fourth column of the table is the effective date of authorization for the sale of flood insurance.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234) requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by Section 202(b) of the Act, as amended, unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The addresses of the National Flood Insurers Association servicing companies, where flood insurance policies can be obtained, are published at § 1912.5 (24 CFR Part 1912).

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.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 1914.6 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	*	*	*	*
Louisiana	Livingston Parish	Unincorporated areas	May 20, 1977, emergency		220013
New York	St. Lawrence	Russell, town of	May 31, 1977, emergency	Feb. 14, 1975	361429
Do.	Oswego	Sandy Creek, village of	do.	Nov. 15, 1974	361358A
Texas	Erath	Stephenville, city of	May 19, 1977, suspended withdrawn	June 28, 1974 Jan. 2, 1976	480220A
Colorado	San Miguel	Unincorporated areas	June 1, 1977, emergency		080196
Iowa	Warren	Indianola, city of	do.	June 7, 1974 Apr. 30, 1976	190275A
Nebraska	Hall	Alda, village of	do.	June 25, 1976	310242
Do.	Cuming	Wisner, city of	do.	Dec. 7, 1973 Sept. 3, 1976	310040A
Michigan	Van Buren	Arlington, township of	June 2, 1977, emergency		260701
Do.	Cheboygan	Grant, township of	do.	Oct. 24, 1975	260610
Do.	Saginaw	Taymouth, township of	do.	Aug. 15, 1975	260693
Missouri	Carter	Ellsinore, city of	do.	Oct. 18, 1974 Nov. 15, 1975	290466A
South Carolina	Greenville and Laurens	Fountain Inn, town of	do.	July 23, 1976	450298
Texas	ReFugio	Austwell, city of	do.	May 28, 1976	481086
Do.	Montgomery	Panorama Village, city of	do.	Dec. 31, 1976	481263
Wyoming	Carbon	Elk Mountain, town of	do.		[1] 560093
Delaware	Kent and Sussex	Milford, city of	June 5, 1974, emergency; June 1, 1977, regular	Oct. 24, 1974	100042B
Do.	Kent	Smyrna, town of	June 13, 1974, emergency; June 1, 1977, regular	May 10, 1974 Sept. 26, 1975	100017C
Iowa	Scott	Unincorporated areas	Dec. 30, 1977, emergency; June 1, 1977, regular	June 1, 1977	190329
Michigan	Muskegon	Muskegon, city of	May 25, 1973, emergency; June 1, 1977, regular	June 7, 1974	260161B
Minnesota	Hennepin	St. Louis Park, city of	Dec. 22, 1972, emergency; May 25, 1973, regular	May 25, 1973	270184A
Missouri	Randolph	Moberly, city of	Sept. 29, 1972, emergency; June 1, 1977, regular	Mar. 30, 1973	290308A
New Jersey	Middlesex	Highland Park, borough of	Apr. 7, 1972, emergency; June 1, 1977, regular	Apr. 20, 1973	340293A
New York	Broome	Binghamton, city of	Sept. 7, 1973, emergency; June 1, 1977, regular	Apr. 12, 1974 Apr. 23, 1976	360028C
Do.	Erie	Elma, town of	Feb. 4, 1973, emergency; June 1, 1977, regular	Sept. 21, 1973	360229A
Do.	Erie and Cattaraugus	Gowanda, village of	June 23, 1972, emergency; June 1, 1977, regular	Feb. 8, 1973	360075A
Ohio	Greene	Bellbrook, city of	July 28, 1972, emergency; June 1, 1977, regular	Nov. 2, 1973 Apr. 23, 1976	390194B
Pennsylvania	Luzerne	Kingston, borough of	Oct. 6, 1972, emergency; June 1, 1977, regular	Feb. 8, 1973	420612A
Do.	Crawford	Meadville, city of	June 16, 1972, emergency; June 1, 1977, regular	Oct. 12, 1973 Apr. 23, 1976	420351B
Do.	Berks	Ontelaunee, township of	Sept. 5, 1973, emergency; June 1, 1977, regular	June 28, 1974 June 11, 1976	420996B
South Dakota	Butte	Belle Fourche, city of	May 3, 1973, emergency; June 1, 1977, regular	Nov. 2, 1973 Oct. 3, 1975	460012B
Do.	Meade	Sturgis, city of	Feb. 9, 1973, emergency; June 1, 1977, regular	Nov. 16, 1973 Oct. 18, 1974 Aug. 13, 1976	460055C
Texas	Bexar	Leon Valley, city of	June 25, 1973, emergency; June 1, 1977, regular	Oct. 12, 1973	480042
Wisconsin	Eau Claire and Chippewa	Eau Claire, city of	Mar. 19, 1971, emergency; June 1, 1977, regular	Sept. 20, 1974 Sept. 24, 1976	550128B
Do.	Sheboygan	Sheboygan, city of	Apr. 23, 1971, emergency; Mar. 15, 1977, regular	June 7, 1974	550439B
*	*	*	*	*	*
Iowa	Polk	Johnston, city of	June 3, 1977, emergency		190745
Do.	Jasper	Kellogg, city of	do.	June 21, 1974 Jan. 16, 1976	190164A
New Hampshire	Coos	Jefferson, town of	do.	Feb. 21, 1975 Sept. 10, 1976	330033A
Pennsylvania	Bulter	Venango, township of	do.	Jan. 24, 1975	422339

[1] New.

(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; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: May 26, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-16357 Filed 6-10-77;8:45 am]

[Docket No. FI-2910]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is the identification of communities with areas of special flood or mudslide or erosion hazards as authorized by the National Flood Insurance Program. The identification of such areas is to provide guidance so that communities may mitigate hazards and reduce property losses by adopting appropriate flood plain management or other measures to minimize damage caused by floods or other hazards. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

DATES: The effective date of identification is the date listed in the eighth column of the table or July 13, 1977, whichever is later.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by Federally regulated, insured, supervised or approved lending institutions (1) to finance the acquisition of a residential dwelling occupied as a residence prior to March 1, 1976, or one year following identification of the area within which such dwelling is located as an area containing special flood hazards, whichever is later, or made to extend, renew, or increase the financing or refinancing in connection with such a dwelling, (2) to finance the acquisition of a building or structure completed and occupied by a small business concern, as defined by the Secretary, prior to January 1, 1976, (3) any loan or loans, which in the aggregate do not exceed $5,000, to finance improvements to or rehabilitation of a building or structure occupied as a residence prior to January 1, 1976, or (4) any loan or loans, which in the aggregate do not exceed an amount prescribed by the Secretary, to finance nonresidential additions or improvements to be used solely for agricultural purposes on a farm.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under Section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128).

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas (FHBMs in effect).

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
KY	Henry	Henry County (Uninc. Areas) 0001A-0004A	210110	N - 10,11, 12,14	I	F	Oct. 18, 1974	May 20, 1977	Roy C. Smith, Co. Judge County Courthouse New Castle, KY 40050 Phone: 502-845-8451
KY	McLean	McLean County (Uninc. 0001A-0007A Areas)	210153	N - 10,11, 12,14	I	F	Dec. 6, 1974	May 20, 1977	Wilbur T. Lee, Co. Judge County Courthouse Calhoun, KY 42357 Phone: 502-273-3213
KY	Scott	Scott County (Uninc. 0001A-0006A Areas)	210207	E - 10,11, 12,14	I	F	Jan. 3, 1975	May 20, 1977	Charlie Sutton, Co. Judge County Courthouse Georgetown, KY 40324 Phone: 502-863-0349
MI	Mecosta	Village of Barryton 0001A-0004A	260583	N - 5	I	F	May 20, 1977	May 20, 1977	Walter Kirvan, Vil. Pres. 55 Northern Barryton, MI 49305 Phone: 517-382-5670
MI	Ontonagon	Township of Carp Lake 0001A-0004A	260548	E - 5	I	F	May 20, 1977	May 20, 1977	Joseph Lenatz, Twp. Supr. Carp Lake, MI Phone: 906-885-5702
MI	Marquette	Township of Ely 0001A-0003A	260449	N - 5	I	F	May 20, 1977	May 20, 1977	Kenneth A. Tuominen, Supr. P.O. Box 188 Ishpeming, MI 49849 Phone: 906-486-4056
MI	Kalamazoo	Township of Kalamazoo 0001A	260429	N - 5	I	F	May 20, 1977	May 20, 1977	Floyd Griffith, Jr., Twp. Sup Twp. Hall - 1720 Riverview I Kalamazoo, MI 49004 Phone: 6160381-8080

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
MI	Chippewa	Township of Pickford 0001A-0003A	260376	N - 5	I	F	May 20, 1977	May 20, 1977	Orries F. Huyck, Supr. Township Hall Pickford, MI 49774 Phone: 906-647-9121
MN	Hennepin	City of Corcoran 01-12	270155B	E - 11,12, 14	I	F	June 7, 1974 May 28, 1976	May 20, 1977	Frank Larkin, Mayor 21600 Larkin Road Hamel, MN 55374 Phone: 612-425-5561
MN	McLeod	City of Hutchinson 0001B	270264	E - 8,11, 12,14	I	F	March 29, 1974 June 4, 1976	May 20, 1977	Marlow V. Priebe, City Engr. 37 Washington Ave., West Hutchinson, MN 55350 Phone: 612-896-1245
MS	Leake	Leake County (Uninc. Areas) 01-35	280293A	N - 5	I	F	May 20, 1977	May 20, 1977	Crawley Alford, Pres. Board of Supervisors Courthouse Bldg., Hwy 35 N Carthage, MS 39051 Phone: 601-267-9864
NC	Washington	Town of Plymouth 0001A-0003A	370249	N - 5	I	F	May 20, 1977	May 20, 1977	William R. Flowers, Mayor P.O. Box 806 132 East Water Street Plymouth, NC 27962 Phone: 919-793-4166

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
OH	Licking	Village of Alexandria 01	390329B	E - 11	I	F	May 31, 1974 Aug. 6, 1976	May 20, 1977	Charlie Revercomb, Mayor Box 102 Alexandria, OH 43001 Phone: 612-927-2522
OH	Mercer	City of Celina 0001B	390393	E - 8, 11, 12, 14	I	F	April 12, 1974 July 9, 1976	May 20, 1977	Dennis E. Zahn, Sec. 426 West Market Street P.O. Box 297 Celina, OH 45822 Phone: 419-586-2311
OH	Lucas	Lucas County (Uninc.Areas) 01-30	390359A	N - 5	I	F	May 20, 1977	May 20, 1977	Milan Forkapa, Co. Adm. County Courthouse Toledo, OH 43624 Phone: 419-248-5911
PA	York	Borough of Hanover 0001A	422212	E - 5	I	F	May 20, 1977	May 20, 1977	Joseph B O'Brien, Bor. Manag 108 Railroad Street Hanover, PA 17331 Phone: 717-637-3877

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
TN	Rutherford	Town of Smyrna 01-08	470169B	E - 8,11, 12,14	I	F	May 31, 1974 July 30, 1976	May 20, 1977	Mike Woods, City Clerk P.O. Box 876 Smyrna, TN 37167 Phone: 615-459-2553
WI	Racine	Racine County (Uninc.Areas) 01-26	550347A	E - 5	I	F	May 20, 1977	May 20, 1977	John Margis, Chairman County Board 730 Wisconsin Ave. Racine, WI 53403 Phone: 414-636-3571
WI	Milwaukee	City of West Allis 0001B	550285	E - 11,12 14	I	F	April 12, 1974 July 23, 1976	May 20, 1977	Mr. Urban E. Ganser, Mayor 7525 West Greenfield Ave. West Allis, WI 53214 Phone: 414-541-0511

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
AK	Unorganized Borough	City of Cordova (01-02)	020037 A	E-5	C	F	24 MAY 77	24 MAY 77	Honorable James Poor - Mayor - P.O. Box 938 - Cordova, AK 99574 (907) 424-3237
AZ	Maricopa	City of Chandler (06,10,11)	040040 A	E-5	I	F	24 MAY 77	24 MAY 77	Honorable Paul Navarrete - Mayor - City Hall - 200 E. Commonwealth - Chandler, AZ 85224 (602) 988-2611 Ext. 6954
AR	Uninc. Area	Independence County (0001-0012)	050090 A	N-5	I	F	24 MAY 77	24 MAY 77	Honorable Jes B. Carpenter - County Judge - Courthouse - Batesville, AR 72501 (501) 793-2720
CO	Uninc. Area	Hinsdale County (04-07,10-14,17-21,23-27, 31-32,36-64,66-70,72-73, 77)	080081 A	E-5	I	F	24 MAY 77	24 MAY 77	James Ryan - Chairman - Board of County Commissioners - Courthouse Lake City, CO 81235 (303) 944-2228
ID	Uninc. Area	Canyon County (01,03-04,06-07,09-23,30-32, 34-36,40-41,44-45,47-50)	160208 A	E-5	I	F	24 MAY 77	24 MAY 77	Mr. Bill Anderson - Chairman - Board of County Commissioners - Courthouse - Caldwell, ID 83605 (208) 454-0442
ID	Cassia	City of Declo (01)	160044 B	E-8,11	I	F	6 SEP 74 4 JUN 76	24 MAY 77	Honorable Jones Leonard - Mayor - City Hall - 17 East Main - Declo, ID 83323 (208) 654-6391

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION - DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
IA	Uninc. Area	Benton County (0001-0008)	190845 A	N-5	I	F	24 MAY 77	24 MAY 77	Mr. Robert H. Smith - Chairman - Board of County Supervisors - Courthouse - Vinton, IA 52349 (319) 472-2365
IA	Uninc. Area	Chickasaw County (0001-0006)	190855 A	N-5	I	F	24 MAY 77	24 MAY 77	Mr. Theodore E. Steege - Chairman Board of Supervisors - Courthouse New Hampton, IA 50659 (515) 394-2100
IA	Sac	City of Early (01)	190572 A	N-11,12	I	F	29 OCT 76	24 MAY 77	Mr. Frank L. Scott - Councilman - City Hall - Early, IA 50535 (712) 273-8811
IA	Uninc. Area	Jackson County (0001-0003,0006-0007,0011)	190879 A	N-5	I	F	24 MAY 77	24 MAY 77	Mr. Jim Schroeder - Chairman - Board of Supervisors - Courthouse Maquoketa, IA 52060 (319) 652-3181
IA	Grundy	City of Reinbeck (01)	190646 A	N-11,12	I	F	10 DEC 76	24 MAY 77	Honorable William Mark Nash - Mayor - City Hall - Reinbeck, IA 50669 (319) 345-6325
IA	Uninc. Area	Shelby County (01-12)	190905 A	E-5	I	F	24 MAY 77	24 MAY 77	John M. Klein - Chairman - Board of Supervisors - Courthouse - Harlan, IA 51537 (712) 755-3733

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
KS	Uninc. Area	Allen County (0001-0009)	200568 A	N-5	I	F	24 MAY 77	24 MAY 77	Mr. R. Keith Hobart - Chairman - Board of County Commissioners - Courthouse - Iola, KS 66749 (316) 365-2118
KS	Barton	City of Hoisington (01)	200020 B	E-11,12,14	I	F	22 FEB 74 24 OCT 75	24 MAY 77	Mr. Harold Tarlton - City Manager P.O. Box 418 - Hoisington, KS 67544 (316) 653-4125
KS	Pottawatomie & Riley	City of Manhattan (01,03,04)	200300 B	E-8,11,12, 14	I	F	8 MAR 74 13 DEC 74	24 MAY 77	Mr. Daniel Woellof - City Engineer 11th & Poyntz - Manhattan, KS 66502 (913) 537-0056
LA	Uninc. Area	St. James Parish (01-19)	220261 A	E-5	I	F	24 MAY 77	24 MAY 77	Mr. Paul K. Keiler - President, Police Jury - Parish Police Jury Convent, LA 70723 (504) 562-3571
ME	Lincoln	Town of Wiscasset (01-12)	230223 A	N-5	I	F	24 MAY 77	24 MAY 77	Ms. Carroll L. Flanders - Selectman - Town Hall - Water Street - Wiscasset, ME 04578 (207) 882-6231
MA	Middlesex	City of Malden (0001)	250202 A	E-10,11,12, 14	I	F	26 JLY 74	24 MAY 77	Honorable Walter J. Kelliher - Mayor - City Hall - 393 Main Street - Malden, MA 02148 (617) 324-6600

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION - DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
MA	Plymouth	Town of Plymouth (01-22,25-36)	250278 A	E-11,12,14	C	F	28 June 74	24 MAY 77	Mr. Ray Frieden - Planning Director - 11 Lincoln Street - Plymouth, MA 02360 (617) 741-0100
MO	Scotland	City of Memphis (0001)	290408 A	N-5	I	F	24 MAY 77	24 MAY 77	Honorable Jackie L. Goosey - Mayor - City Hall - Memphis, MO 63555 (816) 465-2267
MT	Uninc. Area	Missoula County (01,05,07-13,15-16,19-23, 28-47,49-50,52-53,55-56, 59-66,68-69)	300048 A	E-11,12,14	I	F	30 AUG 74	24 MAY 77	Wilfred V. Thibodeau - Chairman - Courthouse - Missoula, MT 59801 (406) 543-5128
NV	Nye	City of Gabbs (01)	320034 A	N-5	I	F	24 MAY 77	24 MAY 77	Honorable Reno Ratti - Mayor - City Hall - P.O. Box 86 - Gabbs, NV 89409 (Operator Assis.- 2671)
NM	Roosevelt	City of Portales (01-02)	350054 B	E-8,11,12	I	F	29 MAR 74 12 DEC 75	24 MAY 77	Mr. Tom Plumlee - City Manager - City Hall - 100 West First Street Portales, NM 88130 (505) 356-6662
OK	Lincoln	Town of Davenport (01)	400365 A	E-12,14	I	F	22 AUG 75	24 MAY 77	Honorable Marshall H. Sullenger - Mayor - P.O. Drawer H - Davenport, OK 74026 (918) 377-2235

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION - DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
SD	Uninc. Area	Minnehaha County (01-49)	460057 A	E-5	I	F	24 MAY 77	24 MAY 77	Mr. Nils J. Aspaas - Chairman - Board of County Commissioners - Courthouse - Sioux Falls, SD 57102 (605) 339-7224
TX	Uninc. Area	Kendall County (01-45)	480417 A	E-10,11,12, 14	I	F	27 DEC 74	24 MAY 77	Honorable John A. Huff - County Judge - Office of the County Judge - Courthouse - Boerne, TX 78006 (512) 249-2541
TX	Uninc. Area	Liberty County (01-03,05-07,09-13,15-21, 23-52,54-56,58-78)	480438 A	E-5	I	F	24 MAY 77	24 MAY 77	Honorable Harlan D. Fiiend - County Judge - Office of the County Judge - County Courthouse Liberty, TX 77575 (713) 336-6122
TX	Carson	Town of Panhandle (01)	480727 A	N-8,11,12	I	F	25 JUN 76	24 MAY 77	Mr. David N. Maddox - P.O. Box 128 - Panhandle, TX 79068 (806) 537-3517
TX	Uninc. Area	Washington County (0001-0010)	481188 A	N-5	I	F	24 MAY 77	24 MAY 77	Honorable William Odis Tomachefsky County Judge - Office of the County Judge - P.O. Box 726 - Brenham, TX 77833 (713) 836-8400
VT	Lamoille	Town of Hyde Park (01-05,07-09,11-12)	500230 A	E-8,11,12,14	I	F	6 DEC 74	24 MAY 77	Mr. Lewis Williams - Chairman - Board of Selectman - Hyde Park, VT 05655 (802) 888-3700

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
FL	LaFayette	LaFayette County (Uninc. 0001A-0010A Areas)	120131	E - 5	I	F	May 27, 1977	May 27, 1977	Cidney Adams, Chairman Board of Supervisors P.O. Box 88 Mayo, FL 32066 Phone: 904-294-1600
FL	Marion	Town of McIntosh 01	120575A	N - 5	I	F	May 27, 1977	May 27, 1977	Marsha Strange, Mayor Town Hall McIntosh, FL 32664 Phone: 904-591-1782
GA	Jones	Jones County (Uninc. 01-28 Areas)	130434A	N - 5	I	F	May 27, 1977	May 27, 1977	Corbin C. Roberts, Chairman County Commissioners P.O. Box 316 Gray, GA 31032 Phone: 912-986-6405
GA	Lee Sumter	City of Smithville 0001A	130349	N - 5	I	F	May 27, 1977	May 27, 1977	Forrest Gofa, Jr., Mayor City Hall Smithville, GA 31787 Phone: 912-846-2101
IN	Knox	City of Vincennes 01-04	180120B	E - 12,14	I	F	June 21, 1974 Sept. 24, 1976	May 27, 1977	Allen Clark, Mayor City Hall Vincennes, IN 47591 Phone: 812-882-7285
IN	Wells	Wells County (Uninc. 0001A-0006A Areas)	180288	E - 10,11, 12,14	I	F	Dec. 13, 1974	May 27, 1977	Albert Myers, Pres. Board of Commissioners Wells County Courthouse Bluffton, IN 46714 Phone: 219-824-3224

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KY	Knox	Knox County (Uninc. Areas) 0001A-0010A	210131	E - 10,11, 12,14	I	F	Dec. 13, 1974	May 27, 1977	Troy Hampton, County Judge County Courthouse Barbourville, KY 40906 Phone: 606-546-6192
KY	Owen	Owen County (Uninc.Areas) 0001A-0006A	210186	N - 10,11, 12,14	I	F	Oct. 18, 1974	May 27, 1977	Howard Ellis, Jr., Co. Judge Box 503 Owenton, KY 40359 Phone: 502-484-3405
KY	Whitley	Whitley County (Uninc. 0001A-0006A Areas)	210226	E - 10,11, 12,14	I	F	Dec. 20, 1974	May 27, 1977	Jerry Taylor, County Judge Route 3, Box 96 Williamsburg, KY 40769 Phone: 606-549-1330
MI	Sanilac	Township of Moore 0001A-0004A	260517	N - 5	I	F	May 27, 1977	May 27, 1977	Alvin Bulgrien, Twp. Supr. Township Hall Sandusky, MI 48471 Phone: 313-648-2681
MI	Cass	Township of Pokagon 0001A-0004A	260368	N - 5	I	F	May 27, 1977	May 27, 1977	John Keller, Supr. R.D. 4 Dowagiac, MI 49047 Phone: 616-782-6402
MI	Oakland	Township of White Lake 0001A-0004A	260479	N - 5	I	F	May 27, 1977	May 27, 1977	James L. Reid, Twp. Supr. 7525 Highland Road Milford, MI 48042 Phone: 313-698-3300

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MN	Kandiyohi	Kandiyohi County (Uninc. Areas) 01-55	270629A	E - 5	I	F	May 27, 1977	May 27, 1977	Earl Larson, Chairman County Commissioners County Courthouse Willmar, MN 56201 Phone: 612-235-4012
NY	Otsego	Village of Milford 01	361352A	N - 11, 12, 14	I	F	Jan. 10, 1975	May 27, 1977	Morris Liedkie, Mayor Village Hall Milford, NY 13807 Phone: (607) 286-9913
NC	Mitchell	Town of Bakersville 0001A	370162	E - 5	I	F	May 27, 1977	May 27, 1977	David L. Buckner, Mayor P.O. Box 53 Bakersville, NC 28705 Phone: 704-688-2113
NC	Forsyth	Town of Kernersville 0001A-0004A	370319	N - 5	I	F	May 27, 1977	May 27, 1977	Roger P. Swisher, Mayor P.O. Drawer 726 Kernersville, NC 27204 Phone: 919-993-4561
OH	Gallia	Gallia County (Uninc. Areas) 01-37	390185A	N - 10, 11, 12, 14	I	F	Dec. 27, 1974	May 27, 1977	Joseph Stewart, Chairman County Commissioners County Courthouse Gallipolis, OH 45631 Phone: 612-446-4612

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OH	Pike	Pike County (Uninc.Areas) 01-32	390450A	E - 10,11, 12,14	I	F	Jan. 31, 1975	May 27, 1977	Samuel Hughes, Chairman County Board County Courthouse Waverly, OH 45690 Phone: 612-947-4817
PA	Jefferson Clearfield	Borough of Falls Creek 0001B	420511	E - 8	I	F	July 26, 1974 April 16, 1976	May 27, 1977	John Britton, Mayor Falls Creek, PA 15840 Phone: 814-371-4967
PA	Luzerne	Borough of Laurel Run 0001A	421818	E - 5	I	F	May 27, 1977	May 27, 1977	Donald Belles, Mayor R.D. 1, Box 198 Wilkes - Barre, PA 18702 Phone: 717-825-2672

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TN	Lauderdale	Town of Gates 0001A	470258	E - S	I	F	May 27, 1977	May 27, 1977	C.J. Baker, Mayor P.O. Box 127 Gates, TN 38037 Phone: 901-234-7501

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AR	Uninc. Area	Sebastian County (02,05,07-38)	050452 A	N-5	I	F	31 MAY 77	31 MAY 77	Honorable Glenn Thomas - County Judge - Office of the County Judge - County Courthouse - Fort Smith, AR (501) 783-6139
CA	Tulare	City of Farmersville (01)	060405 B	E-8,11,15	I	F	1 OCT 76	31 MAY 77	Roger Richards - City Engineer - City Hall - Farmersville, CA 93223 (209) 747-0458
CO	Delta	Town of Orchard City (03,05-09)	080258 A	N-5	I	F	31 MAY 77	31 MAY 77	County Courthouse - Castle Rock, CO 80104 (303) 688-4831 Honorable J. Clare Davis - Mayor Town Hall - P.O. Box 21 - Austin, CO 81410 (303) 835-3337
CT	Fairfield	Town of Newtown (01-21)	090011 A	E-10,11,12, 14	I	F	18 OCT 74 ~~8 OCT 74~~	31 MAY 77	Ms. Jill Taber - Clerk - Town Hall - Newtown, CT 06470 (203) 426-8131
CT	Hartford	Town of Windsor Locks (02-04)	090042 A	E-8,10,11,12 14	I	F	28 JUN 74	31 MAY 77	Mr. Edward A. Savino - Selectman Church Street - Windsor Locks, CT 06096 (203) 623-3458

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ID	Uninc. Area	Bannock County (10-11,16-19,21-24,27-29, 32-34,38,40,43-45,47-51, 53-57,60-64,66-67,69,71-74,.76-79,82)	160009 A	E-1911,12	I	F	17 JAN 75	31 MAY 77	Mr. James A. Leese - Chairman - Board of County Commissioners - Courthouse - Pocatello, ID 83201 (208) 232-8231
ID	Uninc. Area	Jefferson County (0001-0006,0008-0010,0012-0015)	160214 A	N-5	I	F	31 MAY 77	31 MAY 77	Mr. Leland Call - Chairman - County Commissioners - Courthous P.O. Box 275 - Rigby, ID 83442 (208) 745-7755
IA	Polk	City of Clive (01-02)	190488 A	N-12,14	I	F	1 OCT 76	31 MAY 77	Thomas E. Reinhard - City Manage City Hall - Clive, IA 50053 (515) 223-9793
IA	Uninc. Area	Lyon County (01-37)	190886 A	N-5	I	F	31 MAY 77	31 MAY 77	Mr. Francis Snyder - Chairman - Board of County Commissioners - County Courthouse - Rock Rapids, IA 51246 (712) 472-2701
IA	Uninc. Area	Muscatine County (01-30)	190836 A	E-5	I	F	31 MAY 77	31 MAY 77	Ms. Mary A. Bowie - Board of County Supervisors - County Courthouse - Muscatine, IA 52761 (319) 263-5921
KS	Uninc. Area	Atchison County (0001-0006)	200009 A	N-5	I	F	31 MAY 77	31 MAY 77	Mr. Al J. Pickman - Chairman - Board of County Commissioners - Courthouse - Atchison, KS 66002 (913) 367-1653

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KS	Uninc. Area	Jackson County (0001-0011)	200619 A	N-5	I	F	31 MAY 77	31 MAY 77	Mr. Jim Barnes - Chairman - Board of County Commissioners - Courthouse - Holton, KS 66436 (913) 364-2891
LA	Uninc. Area	Franklin Parish (01-53)	220071 A	E-5	I	F	31 MAY 77	31 MAY 77	Mr. Roy McManus - President - Office of the Police Jury - County Courthouse - Winnsboro, LA 71295 (318) 435-9429
									(318) 232-3021
LA	Uninc. Area	Vermilion Parish (01-94)	220221 A	E-5	I	F	31 MAY 77	31 MAY 77	Mr. Rixby Marceaux - President - Office of the Police Jury - County Courthouse - Abbeville, LA 70510 (318) 893-0108
LA	Uninc. Area	Webster Parish (01-08,10-45)	220357 A	E-5	I	F	31 MAY 77	31 MAY 77	Mr. Morris McClary - President - Police Jury - Parish Courthouse - P.O. Box 389 - Minden, LA 71055 (318) 377-3620
ME	Penobscot	Town of Greenbush (01-14)	230107 A	E-12,14	I	F	17 DEC 76	31 MAY 77	Paul T. Soucie - Town Manager - Town Hall - Greenbush, ME 04475 (207) 732-3644

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NE	Lincoln	Town of Westport (01-08)	230222 A	N-11,12,14	I	F	3 JAN 75	31 MAY 77	Mr. John L. Smith - Selectman - R.F.D #2 - Box 416 - Wiscasset, ME 04576 (207) 882-5511
NB	Douglas	Boys Town Village of (01-04)	310353 A	N-11,12,14	I	F	6 AUG 76	31 MAY 77	Gregory Searson - Attorneys Assistant - Village Hall - Boystown, NB 68010 (402) 346-6000
NH	Merrimack	Town of Loudon (01-16)	330117 A	N-8,10,11,12 14	I	F	2 AUG 74	31 MAY 77	Mr. Guy Deering - Selectman - Town Hall - Loudon, NH 03301 (603) 783-4575
NM	Uninc. Area	Taos County (01-05,08,10-14,15-26,28-32, 34-35,37-42,44,46-50,52,55-61,63,66,70-75,78-81,87-89, 95-97,103-107,109-110,112-114,120-121,123,127-129, 133-136,138-141,144-145)	350078 A	E-5	I	F	30 AUG 74	31 MAY 77	Mr. Luis Martinez - Administrat Office of the County Administrator - County Courthouse - Taos, NM 87571 (505) 758-4281
OK	Creek	City of Drumright (01-03)	400052 A	E-8,10,11,12	I	F	23 NOV 73	31 MAY 77	Honorable Cleo J. Hutchison - Mayor - City Hall - Drumright, 74030 (918) 352-3456
OR	Uninc. Area	Wheeler County (01-13,16,18-19,24-26,28,30, 32-33,35-59,62-66,69-71,73-74,76,78-82,85-86,88-89,95)	410245 A	E-5	I	F	31 MAY 77	31 MAY 77	Mr. Andrew Leckie - Chairman - Board of County Commissioners - County Courthouse - Fossil, OR (503) 763-4063

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TX	Travis & Williamson	City of Austin (05,07-22,24-58,61-64,66-77)	480624 A	E-10,11,12, 14	I	F	13 SEP 74	31 MAY 77	Honorable Jeffrey M. Friedman - Mayor - P.O. Box 1088 - Austin, TX 78767 (512) 477-6511
TX	Terrant	City of Everman (01)	480594 B	E-8,11,12,14	I	F	17 DEC 73	31 MAY 77	Mr. T. H. Bryers - Flood Control Administrator - 212 North Race St. - Everman, TX 76140 (817) 293-0525
TX	Uninc. Area	Rockwall County (01-12)	480543 A	N-5	I	F	31 MAY 77	31 MAY 77	Honorable Derwood Winpee - County Courthouse - Rockwall, TX 75087 (214) 722-5152
TX	Hopkins	City of Sulphur Springs (01-07)	480358 B	E-8,11,12,14	I	F	1 FEB 74 30 JLY 76	31 MAY 77	Norman W. Dykes - City Engineer/ Director of Public Works - City Hall - 125 South Davis - Sulphur Springs, TX 75482 (214) 885-7541
TX	Uninc. Area	Upshur County (01-40,42-44)	481036 A	N-5	I	F	31 MAY 77	31 MAY 77	Honorable Everett Dean - Judge - Office of the County Judge - Courthouse - Gilmer, TX 75644 (214) 843-3113
TX	Uninc. Area	Wood County (01-0011)	481055 A	N-5	I	F	31 MAY 77	31 MAY 77	Honorable Harold Galloway - County Judge - Office of County Judge - County Courthouse - Quitman, TX 75783 (214) 763-2715

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UT	Grand	City of Moab (01-02)	490072 B	E-11,12,14	I	F	21 JUN 74 26 DEC 75	31 MAY 77	Mr. Harold Jacobs - City Administrator - 121 East Center Street - Moab, UT 84532 (801) 259-5121
UT	Uninc. Area	Wasatch County (01,03-05,08-11,15-18,21-30, 32-36,38-43,46-53,55-57,59-61,70,73)	490164 A	E-5	I	F	31 MAY 77	31 MAY 77	Mr. Thomas I. Baum - Chairman - Board of County Commissioners - County Courthouse - Heber City, UT 84032 (801) 654-0661
VT	Caledonia	Town of Hardwick (0001-0004)	500027 A	E-11,12,14	I	F	28 JUN 74	31 MAY 77	Alfred Lanphear - Town Manager - Town Hall - Hardwick, VT 05843

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AL	Madison	Town of New Hope 01	010154B	E - 15	I	P	June 3, 1977	June 3, 1977	R.A. Carpenter, Mayor P.O. Drawer T New Hope, AL 35481 Phone: 205-723-4327
GA	Hall	Town of Flowery Branch 0001A	130333	N - 5	I	P	June 3, 1977	June 3, 1977	Fred Myers, Mayor City Hall Flowery Branch, GA 30543 Phone: 404-967-6371
GA	Washington	Town of Oconee 01	130415A	N - 5	I	P	June 3, 1977	June 3, 1977	C.W. Forehand, Mayor City Hall Oconee, GA 31067 Phone: 912-254-7424
IN	Rush	Rush County (Uninc. Areas) 0001A-0006A	180421	E - 5	I	P	June 3, 1977	June 3, 1977	Earl F. Priest, Pres. County Commissioners County Courthouse Rushville, IN 56173 Phone: 317-932-3090
KY	Casey	Casey County (Uninc. Areas) 0001A-0007A	210053	N - 10,11, 12,14	I	P	Dec. 13, 1974	June 3, 1977	Garfield Griffin, Co. Judge County Courthouse Liberty, KY 42539 Phone: 6060787-6761
KY	Bracken	City of Foster 01	210272A	N - 11,12, 14	I	P	Aug. 1, 1975	June 3, 1977	Adrain Reinheimer, Mayor City Hall, Foster, KY 41043 Phone: 606-747-5543
KY	Garrard	Garrard County (Uninc. Areas) 0001A-0005A	210081	N - 10,11, 12,14	I	P	Oct. 18, 1974	June 3, 1977	L.G. Hammons, Co. Judge County Courthouse Lancaster, KY 40444 Phone: 606-792-3531

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KY	Taylor	Taylor County (Uninc. Areas) 0001A-0006A	210212	N - 10,11, 12,14	I	F	Oct. 18, 1974	June 3, 1977	J. Miller Shreve, County Judge County Courthouse Campbellsville, KY 42718 Phone: 502-465-7729
MI	Chippewa	Township of Bruce 0001A-0006A	260375	N - 5	I	F	June 3, 1977	June 3, 1977	Gordon Andrews, Twp. Supr. Route 1, Box 325 Saulte Ste. Marie, MI 49783 Phone: 906-632-7071
MI	Berrien	City of Coloma 01	260556A	E - 13,14	I	F	June 3, 1977	June 3, 1977	Colen Randall, Mayor P.O. Box 327 Coloma, MI 49038 Phone: 616-468-6606
MI	Van Buren	Village of Lawton 01	260533A	N - 11,12, 14	I	F	Sept. 26, 1975	June 3, 1977	Horace W. Adams, Attorney at Law 226 1/2 E. Michigan Paw Paw, MI 49079 Phone: 616-657-3184
MN	Red Lake	City of Brooks 01	270388B	N - 11,12 14	I	F	Aug. 9, 1974 July 16, 1976	June 3, 1977	Ronald J. Paradis, Mayor City Hall Brooks, MN 56715 Phone: 2180698-4452

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MN	Dodge	City of Mantorville 01	270585A	N - 15	I	F	June 3, 1977	June 3, 1977	Gaylord Harris, Mayor City Hall Mantorville, MN 55955 Phone: 507-635-3861
MS	Chickasaw	Chickasaw County (Uninc. 0001A-0006A Areas)	280269	N - 5	I	F	June 3, 1977	June 3, 1977	Lloyd Collums, Pres. Board of Supervisors County Courthouse Huston, MS Phone: 601-456-2513
NJ	Gloucester	Borough of National Park 0001B	340209	E - 11,12 14	I	F	April 12, 1974 June 25, 1976	June 3, 1977	Eileen Durning, Borough Clerk 7 South Grove Ave. National Park, NJ 08063 Phone: 609-845-3891
NJ	Ocean	Borough of Ocean Gate 01	340384A	E - 8, 10, 11,12,14	C	F	May 31, 1974	June 3, 1977	Clarence G. Cashman, Mayor East Longport Ave. Ocean Gate, NJ 08740 Phone: 201-269-3166
NJ	Camden	Borough of Somerdale 0001A	340145	E - 10,11, 12,14	I	F	Sept. 14, 1973	June 3, 1977	James Perry, Mayor Somerdale & Post Roads Somerdale, NJ 08083 Phone: 609-783-6320
NJ	Warren	Township of White 0001A-0003A	340497	E - 10,11, 12,14	I	F	Nov. 2, 1973	June 3, 1977	Fred W. Fuches, Mayor R.D. 1, Box 476A Belvidere, NJ 07823 Phone: 201-475-2093

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NY	Genesee	Town of Alabama 01-12	361067B	E - 9	I	F	May 3, 1974 Sept. 3, 1976	June 3, 1977	Anthony Mudrzynski, Tn. Supr. 2408 Lewisport Road Oakfield, NY 14125 Phone: 716-948-6811
NY	Franklin	Town of Altamount 01-33	361162A	E - 9	I	F	July 16, 1976	June 3, 1977	Patrick E. Quinn, Supr. 41 Lake Street Tupper Lake, NY 12986 Phone: 518-359-9261
NY	Greene	Town of Athens 01-09	361117A	N - 9	I	F	Aug. 13, 1976	June 3, 1977	Erich A. Schubert, Supr. Town Building Athens, NY 12015 Phone: 518-945-1052
NY	Westchester	Town of Bedford 01-11	360903B	E - 9	I	F	May 31, 1974 July 9, 1976	June 3, 1977	Albert V. Marchigiani, Supr. Town House Bedford Hills, NY 10507 Phone: 914-666-6530
NY	Putnam	Town of Carmel 01-12	360669B	E - 9	I	F	Sept. 13, 1974 Aug. 6, 1976	June 3, 1977	Thomas Burgin, Supr. Town Hall Carmel, NY 10541 Phone: 914-628-7413

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NY	Rockland	Village of Haverstraw 01-02	360682B	E - 9	I	F	April 12, 1974 June 11, 1976	June 3, 1977	Raphael Mertzel, Mayor Village Hall Maple Ave. Haverstraw, NY 10947 Phone: 914-429-5413
NY	Monroe	Town of Henrietta 01-09	360419B	E - 9	I	F	Jan. 16 1974 April 23, 1976	June 3, 1977	Robert F. Oakes, Supr. 475 Calkins Road Henrietta, NY 14467 Phone: 716-334-7700
NY	Suffolk	Village of Patchogue 01-04	360803B	E - 9	I	F	June 28, 1974 July 16, 1976	June 3, 1977	Robert T. Waldbauer, Mayor 14 Baker Street P.O. Box 719 Patchogue, NY Phone: 516-475-4300
NY	St. Lawrence	Village of Rensselaer Falls 01	361466A	N - 5	I	F	June 3, 1977	June 3, 1977	Herb Wainwright, Vil. Pres. Village Hall Rensselaer Falls, NY 13680 Phone: 315-344-2462

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NY	Cattaraugus	Town of Salamanca 01-08	360098A	E - S	I	P	June 3, 1977	June 3, 1977	Don Leiper, Tn. Supr. Town Hall Salamanca, NY 14779 Phone: 716-945-4775
NY	Allegany	Town of Scio 0001B-0003B	360034	E - 9	I	P	May 3, 1974 Oct. 24, 1975	June 3, 1977	Maynard Boyce, Twon Supr. Town Hall Scio, NY 14880 Phone: 716-593-2446
NC	STANLY	City of Albemarle 01-06	370223B	E - 9	I	P	Dec. 28, 1973 April 23, 1976	June 3, 1977	Delbert L. Whitley, Jr., Mayor P.O. Box 190 Albemarle, NC 28001 Phone: 704-982-0131
OH	Mahoning	Village of Sebring 0001A	390371	E - 11, 12 14	I	P	Aug. 8, 1975	June 3, 1977	Ralph C. Muerth, Mayor 127 East Ohio Sebring, OH 44672 Phone: 216-938-2441

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PA	BUCKS	BOROUGH OF DOYESTOWN	421410A	E 5	I	F	JUNE 3, 1977	JUNE 3, 1977	MR. W. THOMAS POTTER BOROUGH MANGER 18 NORTH MAIN ST. DOYESTOWN, PA 18901 PHONE 215-348-5435
PA	MERCER	TOWNSHIP OF FRENCH CREEK	421867A	E 5	I	F	JUNE 3, 1977	JUNE 3, 1977	MR. DENNIS LYONS TOWNSHIP CHAIRMAN R.D.1 CARLTON, PA 16311 PHONE 814-425-3409

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PA	Dauphin	Township of Middle Paxton 01-17	420387A	E - 10, 11, 12, 14	I	F	Nov. 28, 1973	June 3, 1977	Daniel Ludwig, Chairman P.O. Box 46 Dauphin, PA 17018 Phone: 717-921-8128
SC	Greenville	Town of Fountain Inn 01-02	450209A	N - 9	I	F	July 23, 1976	June 3, 1977	Ben H. Davis, Jr., Mayor P.O. Box 336 Fountain Inn, SC 29644 Phone: 803-862-4421
SC	Cherokee	City of Gaffney 01-04	450046B	E - 9	I	F	June 28, 1974 April 23, 1976	June 3, 1977	L.T. Hope, Mayor P.O. Box 278 Gaffney, SC 29340 Phone: 803-489-6644
SC	Berkeley	Town of Moncks Corner 01	450031B	E - 9	I	F	May 24, 1974 April 23, 1976	June 3, 1977	W.W. Williams, Mayor P.O. Box 276 Moncks Corner, SC 29461 Phone: 803-899-2151
SC	Aiken	City of North Augusta 01-04	450007B	E - 9	I	F	June 28, 1974 July 2, 1976	June 3, 1977	Henry R. McKenney, Mayor P.O. Box 6177 North Augusta, SC 29841 Phone: 803-279-0330
SC	Spartanburg	Town of Pacolet Mills 01	450180B	E - 9	I	F	June 28, 1974 May 28, 1976	June 3, 1977	Charles O'Dall, Mayor P.O. Box 428 Pacolet Mills, SC 29273 Phone: 803-474-3391

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SC	Saluda	Town of Saluda 01-02	450175B	E - 9	I	F	June 28, 1974 April 9, 1976	June 3, 1977	James S. Carley, Mayor P.O. Box 675 Saluda, SC 29138 Phone: 803-445-3522
SC	Lexington	Town of Springdale 01-02	450138B	E - 9	I	F	June 28, 1974 July 30, 1976	June 3, 1977	Leon F. Williams, Mayor 2915 Platt Springs Road Springdale, SC 29169 Phone: 803-794-0408
SC	Dorchester	Town of Summerville 01	450073B	E - 9	I	F	June 14, 1974 April 9, 1976	June 3, 1977	Berlin Myers, Mayor 104 Civic Center Summerville, SC 29483 Phone: 803-873-4310
SC	Colleton	City of Walterboro 01-02	450058B	E - 9	I	F	June 7, 1974 April 30, 1976	June 3, 1977	H. Walace Dean, Mayor P.O. Box 717 Walterboro, SC 29488 Phone: 803-549-2545

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
SC	Lexington	City of West Columbia 01-02	450140B	E - 9	I	F	June 28, 1974 July 9, 1976	June 3, 1977	Paul Waites, Mayor P.O. Box 44 West Columbia, SC 29169 Phone: 803-256-6258
TN	Shelby	City of Bartlett 0001A	470175	N - 8, 10, 11, 12, 14	I	F	Feb. 22, 1974	June 3, 1977	Oscar T. Yates, Mayor 5727 Woodlawn Bartlett, TN 38134 Phone: 901-386-1414
WV	Doddridge	Doddridge County (Uninc. 0001A-0006A Areas)	540024	E - 10, 11, 12, 14	I	F	Nov. 8, 1974	June 3, 1977	Dennis Wolverton, Pres. County Commissioners Court Street West Union, WV 25455 Phone: 304-873-1001
WV	Preston	Town of Reedsville 0001A	540269	E - 10, 11, 12, 14	I	F	Nov. 15, 1974	June 3, 1977	Robert Stone, Mayor Town Hall Reedsville, WV 26547 Phone: 304-857-6778

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
AR	Uninc. Area	Cleburne County (0001-0008)	050424 A	N-5	I	F	7 JUN 77	7 JUN 77	Honorable Delane Wright - County Judge - Office of the County Judge - Courthouse - Heber Springs AR 72543 (501) 362-2523
AR	Uninc. Area	Cross County (01-14,16-21,23-49)	050056 A	N-5	I	F	7 JUN 77	7 JUN 77	Honorable J. H. Smith - County Judge - Office of the County Judge - County Courthouse - Wynne, AR 72396 (501) 238-2461
AR	Uninc. Area	Faulkner County (01-47)	050431 A	N-5	I	F	7 JUN 77	7 JUN 77	Honorable Jesse Carter - County Judge - Office of the County Judge - County Courthouse - Conway, AR 72032 (501) 329-6079
AR	Uninc. Area	Howard County (0001-0011)	050438 A	N-5	I	F	7 JUN 77	7 JUN 77	Honorable O'Neal Davidson - County Judge - Office of the County Judge - Courthouse - Nashville, AR 71852 (501) 845-3622
AR	Uninc. Area	Poinsett County (01-54)	050172 A	N-5	I	F	7 JUN 77	7 JUN 77	Honorable Frank Dean - County Judge - Office of the County Judge - County Courthouse - Harrisburg, AR 72432 (501) 578-5333
AR	Uninc. Area	White County (0001-0015)	050467 A	N-5	I	F	7 JUN 77	7 JUN 77	Honorable William L. Davis - County Judge - County Courthouse - Searcy, AR 72143 (501) 268-[illegible]

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
CA	Uninc. Area	Amador County (03,05,07-10,13-14,16-20, 24-31,33-47)	060015 A	N-5	I	F	7 JUN 77	7 JUN 77	Mr. Myron Questo - Chairman - Board of Supervisors - County Courthouse - Amador City, CA 95601 (209) 223-0840
CA	Uninc. Area	Sutter County (01-02,04-05,08-10,12-44)	060394 A	E-5,15	I	F	7 JUN 77	7 JUN 77	Mr. Larry Larson - Planning Department - 554 Second Street - Yuba City, CA 95991 (916) 673-7932
CO	Uninc. Area	Custer County (02-06,08,11-16,18-22,25-28, 33-35,39-41,46-47)	080040 A	N-5	I	F	7 JUN 77	7 JUN 77	Mr. Leonard Ries - Chairman - Board of County Commissioners - Courthouse - P.O. Box 102 - Westcliffe, CO 81252 (303) 783-2441
CT	Windham	Town of Putnam (01-07)	090194 A	N-5,15	I	F	7 JUN 77	7 JUN 77	Mr. Fred Chmura - Town Assessor - 126 Church Street - Putnam, CT 06260 (203) 928-4092
CT	New Haven	City of Waterbury (01-12)	090091 A	E-11,12,14	I	F	22 MAR 74	7 JUN 77	Mrs. Pat Mulhall - Town Clerk - City Hall - Waterbury, CT 06702 (203) 755-3394
ID	Uninc. Area	Kootenai County (0001-0002,0004-0013)	160076 A	N-5	I	F	7 JUN 77	7 JUN 77	Mr. Eugene W. Ingalls - Chairman - Board of County Commissioners - Courthouse - Coeur D'Alene, ID 83814 (208) 664-8291
IA	Uninc. Area	Buchanan County (0001-0009)	190848 A	N-5	I	F	7 JUN 77	7 JUN 77	Mr. Ralph Kremer - Chairman - Board of County Supervisors - Courthouse - Independence, IA 50644 (319) 334-2138

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
IA	Uninc. Area	Cedar County (01-33)	190050 A	N-5	I	F	7 JUN 77	7 JUN 77	Mr. Harvey Weih - Chairman - Board of County Supervisors - County Courthouse - Tipton, IA 52772 (319) 886-6348
IA	Uninc. Area	Cerro Gordo County (0001-0006)	190853 A	N-5	I	F	7 JUN 77	7 JUN 77	Mr. Ambrose Cahalan - Chairman - Board of County Supervisors - Courthouse - Mason City, IA 50401 (515) 423-0013
IA	Uninc. Area	Clay County (0001-0006)	190857 A	N-5	I	F	7 JUN 77	7 JUN 77	Mr. Richard Kramer - President - Board of County Supervisors - Courthouse - Spencer, IA 51301 (712) 262-1565
IA	Uninc. Area	Crawford County (0001-0002,0004-0005, 0007-0008)	190091 A	N-5	I	F	7 JUN 77	7 JUN 77	Ms. Eileen Heiden - Chairman - Board of Supervisors - Courthouse Denison, IA 51442 (712) 263-3045
IA	Uninc. Area	Mahaska County (0001-0006)	190888 A	N-5	I	F	7 JUN 77	7 JUN 77	Mr. Don A. Allgood - Chairman - Board of Supervisors - Courthouse Oskaloosa, IA 52577 (515) 673-7148
IA	Uninc. Area	Mitchell County (0001-0006)	190892 A	N-5	I	F	7 JUN 77	7 JUN 77	Jean Gerlach - Chairman - Board of Supervisors - County Courthouse Osage, IA 50461 (515) 732-3104

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
IA	Clinton	City of Wheatland (02)	190090 B	N-8,11,12	I	F	28 JUN 74 2 APR 76	7 JUN 77	Honorable Lawrence Bentrolt - Mayor - Town Hall - Wheatland, IA 52777 (319) 556-4166
KS	Uninc. Area	Miami County (01-35)	200220 A	N-5	I	F	7 JUN 77	7 JUN 77	Mr. Nelson Cowdy - Chairman - Board of County Commissioners - County Courthouse - Paola, KS 66071 (913) 294-3976
KS	Uninc. Area	Wilson County (0001-0006)	200617 A	N-5	I	F	7 JUN 77	7 JUN 77	Mr. Tom Adams - Chairman - Board of County Commissioners - County Courthouse - Fredonia, KS 66736 (316) 378-2186
LA	Uninc. Area	Allen Parish (0001-0010)	220009 A	N-5	I	F	7 JUN 77	7 JUN 77	Mr. Clyde Johnson - President - Police Jury - Parish Courthouse - Oberlin, LA 70655 (318) 639-4336
ME	Washington	Town of Whitneyville (01-05,07)	230329 A	N-5	I	F	7 JUN 77	7 JUN 77	Mr. Nathan Pennell - Selectman - Town Hall - Whitneyville, ME 04692 (207) 255-8230
MA	Suffolk	City of Boston (01-30)	250286 B	E-12	C	F	22 NOV 74 11 FEB 77	7 JUN 77	Ms. Lucile C. Sims - Deputy Director of Zoning - Boston Redevelopment Authority - City Hall 1 City Hall Square - Boston, MA 02201 (617) 722-4300

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
MT	Uninc. Area	Deer Lodge County (0001-0003,0005-0007, 0009-0012)	300016 A	N-5,15	I	F	7 JUN 77	7 JUN 77	Mr. Val A. Galle - Chairman - Board of County Commissioners - Courthouse - Anaconda, MT 59711 (406) 563-2610
NB	Uninc. Area	Seward County (0001-0006)	310474 A	N-5	I	F	7 JUN 77	7 JUN 77	Mr. John Ehlers - Chairman - Board of County Commissioners - Courthouse - Seward, NB (402) 643-2883
OR	Uninc. Area	Gilliam County (0001-0020)	410070 A	N-5	I	F	7 JUN 77	7 JUN 77	Mr. Leo Barnet - Chairman - Board of County Commissioners - Courthouse - Condon, OR 97823 (503) 384-2311
OR	Union	City of Union (01)	410223 A	E-11,12,14	I	F	5 MAR 76	7 JUN 77	Honorable Carter Fournes - Mayor - City Hall - Union, OR 97883 (503) 562-5267
SD	Uninc. Area	Lake County (0001-0006)	460276 A	N-5	I	F	7 JUN 77	7 JUN 77	Mr. Ervin Feistner - Chairman - Board of County Commissioners - County Courthouse - Madison, SD 57042 (605) 256-4276
TX	Uninc. Area	Karnes County (0001-0010)	481175 A	N-5	I	F	7 JUN 77	7 JUN 77	Honorable B. A. Hartman - County Judge - Office of the County Judge - County Courthouse - Karkes City, TX 78118 (512) 780-3732

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX		PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
TX	Tarrant & Denton	City of Southlake (01-10)	480612	A	E-8,10,11,12 14	I	F	15 FEB 74	7 JUN 77	Honorable Wade Booker - Mayor - City Hall - Carroll Road - Southlake, TX 76051 (817) 481-3567
TX	Uninc. Area	Wise County (0001,0003-0012)	481051	A	N-5	I	F	7 JUN 77	7 JUN 77	Honorable Charles Wilhite - County Judge - Office of the County Judge - County Courthouse Decatur, TX 76234 (817) 627-3743
WA	Uninc. Area	Clark County (01-13,15-23,25-28,30-42)	530024	A	N-10,11,12	I	F	6 SEP 74	7 JUN 77	Mr. Jack Watne - Drainage and Flood Control Engineer - 1408 Franklin Street - Clark County Public Works Department - Vancouver, WA 98660 (206) 699-2451
WA	Uninc. Area	San Juan County (0001-0008)	530149	A	N-5	C	F	7 JUN 77	7 JUN 77	Mr. Victor Bartig - Chairman - Board of County Commissioners - County Courthouse - Friday Harbor WA 98250 (206) 378-2161

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	OF THIS MAP ACTION	REPOSITORY
IL	Clinton	Village of Aviston 01	170923A	N - 5	I	F	May 20, 1977	May 20, 1977	EDWARD R. HAUKAP 101 WEST OAK ST Aviston, IL 62216 Phone: 618-228-7523
IL	Lake	Lake County (Uninc. Areas) 01-35	170357A	E - 10,11, 12,14	I	F	Jan. 17, 1975	May 20, 1977	John Valen, Chairman County Commissioners 18 North County Street Waukegan, IL 60085 Phone: 312-689-6350
IL	McHenry	McHenry County (Uninc. Areas) 01-42	170732A	E - 10,11, 12,14	I	F	Jan. 3, 1975	May 20, 1977	Walter Dean, Chairman Board of Supr. 2200 North Seminary Ave. Woodstock, IL 60098 Phone: 815-338-2040
KY	Bullitt	Bullitt County (Uninc. Areas) 01-26	210273A	N - 5	I	F	May 20, 1977	May 20, 1977	Arson Moore, County Judge County Courthouse P.O. Box 397 Sherpherdville, KY 40165 Phone: 502-543-2263

1. Conversion to Regular Program with FIRM (elevations determined)

2. Conversion to Regular Program with FIRM (no elevations determined)

3. Conversion to Regular Program with no Special Flood Hazard Areas- no FIRM

4. Conversion to Regular Program with no Special Flood Hazard Areas - no FIRM; recission of FHBM effective on same date as conversion

5. Initial FHBM

6. Revision - Change of elevation; revised FIRM

7. Revision - Change of zone designation; revised FIRM

8. Revision - Corporate limit changes

9. Revision - Drafting corrections; Printing errors

10. Revision - Curvilinear

11. Revision - Add Flood Hazard Area

12. Revision - Reduce Flood Hazard Area

13. Revision - Federal Register omission

14. Revision - Refunds possible

15. Attention! A previous map (or maps) has been rescinded or withdrawn for this community. This may have affected the sequence of suffixes.

R - REGULAR PROGRAM E - EMERGENCY PROGRAM N- NOT IN PROGRAM

(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; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

Issued: May 31, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-16356 Filed 6-10-77;8:45 am]

[Docket No. FI-2908]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes in Base Flood Elevations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Interim Rule.

SUMMARY: The purpose of this rule is to list those communities wherein the Federal Insurance Administrator, after consultation with the Chief Executive Officer of the community, has determined that modification of the base (100-year) flood elevations of some locations is appropriate.

The numerous changes made in the base flood elevations on the Flood Insurance Rate Map(s) make it administratively infeasible to publish in this notice all of the modified base flood elevations contained on the map. However, this notice includes the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection.

Any persons who have knowledge of changed conditions or new scientific or technical data or who wish to comment on these changes should immediately notify the Chief Executive Officer at the address listed.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

DATES: These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM), in effect prior to this determination. A revised FIRM will be distributed in each community listed as soon as possible.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, these modified elevations may be changed.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

These modified elevations shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

The entry (entry not to be codified in CFR) reads as follows:

§ 1916.8 Changes in base flood elevations.

(24 CFR 81916.8)

STATE	COUNTY	LOCATION	DATE AND NAME OF NEWSPAPER WHERE NOTICE WAS PUBLISHED	CHIEF EXECUTIVE OFFICER OF COMMUNITY	EFFECTIVE DATE OF MODIFIED FLOOD INSURANCE RATE MAP	COMMUNITY NUMBER
Colorado	Acapahoe	Englewood, City of	The Englewood Herald Sentinel June 15, 1977 June 22, 1977	Honorable James Taylor Mayor, City of Englewood City Hall 3400 South Elati Street Englewood, Colorado 80110	June 24, 1977	085074C
Connecticut	Hartford	Wethersfield, Town of	The Wethersfield Post April 26, 1977 May 3, 1977	Mr. Ralph A. DeSantis Town Manager Town of Wethersfield 505 Silas Deane Highway Wethersfield, Connecticut 06109	May 2, 1977	090040A
Delaware	Sussex	Bethany Beach, Town of	The Delmarva News March 23, 1977 March 30, 1977	Honorable Sidney A. Bennett Mayor, Town of Bethany Beach Town Office 320 Garfield Parkway Bethany Beach, Delaware 19930	March 25, 1977	105083B
Florida	Brevard	Cape Canaveral, City of	The Today May 19, 1977 May 20, 1977	Honorable Leo Nicholas Mayor, City of Cape Canaveral City Hall 105 Polk Avenue Cape Canaveral, Florida 32920	May 20, 1977	125094C
Florida	Brevard	Cocoa Beach, City of	The Today May 19, 1977 May 20, 1977	Honorable John Moore Mayor, City of Cocoa Beach City Hall 20 South Orlando Cocoa Beach, Florida 32931	May 20, 1977	125097C

STATE	COUNTY	LOCATION	DATE AND NAME OF NEWSPAPER WHERE NOTICE WAS PUBLISHED	CHIEF EXECUTIVE OFFICER OF COMMUNITY	EFFECTIVE DATE OF MODIFIED FLOOD INSURANCE RATE MAP	NEW COMMUNITY NUMBER
Florida	Escambia	Navarre Beach, Town of Santa Rosa County Beach Administration	The Pensacola News Journal April 21, 1977 April 22, 1977	Mr. John Kearly General Manager Town of Navarre Beach c/o Santa Rosa County Beach Administration Route 1, Box 372 Gulf Breeze, Florida 32561	April 22, 1977	125131C
Florida	Volusia	Daytona Beach, City of	The Daytona Beach News Journal May 26, 1977 May 27, 1977	Honorable Lawerence J. Kelly Mayor, City of Daytona Beach City Hall P.O. Box 551 Daytona Beach, Florida 32015	May 27, 1977	125099B
Florida	Volusia	Daytona Beach Shores, City of	The Daytona Beach News Journal May 26, 1977 May 27, 1977	Honorable Trevor Lamb Mayor, City of Daytona Beach Shores City Hall P. O. Box 7196 Daytona Beach Shores, Florida 32016	May 27, 1977	125100C
Florida	Volusia	Holly Hill, City of	The News Journal April 21, 1977 April 22, 1977	Honorable Gordon Currie Mayor, City of Holly Hill 1065 Ridgewood Avenue Holly Hill, Florida 32017	April 22, 1977	125112C
Florida	Volusia	New Smyrna Beach, City of	The New Smyrna Beach News and Observer May 18, 1977 May 25, 1977	Honorable John Pletincks Mayor, City of New Smyrna Beach City Hall P. O. Box 490 New Smyrna Beach, Florida 32069	May 27, 1977	125132A

(24 CFR #1916.8)

STATE	COUNTY	LOCATION	DATE AND NAME OF NEWSPAPER WHERE NOTICE WAS PUBLISHED	CHIEF EXECUTIVE OFFICER OF COMMUNITY	EFFECTIVE DATE OF MODIFIED FLOOD INSURANCE RATE MAP	NEW COMMUNITY NUMBER
Florida	Volusia	Ormond Beach, City of	The Daytona Beach News Journal May 26, 1977 May 27, 1977	Mr. Edward Parks Director City of Ormond Beach Box 277 Ormond Beach, Florida 32074	May 27, 1977	125136B
New Jersey	Ocean	Brick, Township of	The Daily Observer June 9, 1977 June 10, 1977	Honorable John P. Kinnevy Mayor, Township of Brick Township Hall 401 Chambers Bridge Road Brick, New Jersey 08723	June 10, 1977	345285B
Tennessee	Carter	Elizabethton, City of	The Elizabethton Star May 19, 1977 May 20, 1977	Honorable Dean Perry Mayor, City of Elizabethton Municipal Building P. O. Box 189 Elizabethton, Tennessee 37643	May 20, 1977	475425A
Tennessee	Maury	Columbia, City of	The Daily Herald June 2, 1977 June 3, 1977	Honorable J. A. Morgan Mayor, City of Columbia City Hall North Main Street Columbia, Tennessee	June 3, 1977	475423B
Texas	Brazoria		Angleton Times June 16, 1977 June 23, 1977	Honorable E. E. Brewer County Judge of Brazoria County Brazoria County Codrthouse Angleton, Texas 77515	June 10, 1977	485458B

(24 CFR #1916.8)

STATE	COUNTY	LOCATION	DATE AND NAME OF NEWSPAPER WHERE NOTICE WAS PUBLISHED	CHIEF EXECUTIVE OFFICER OF COMMUNITY	EFFECTIVE DATE OF MODIFIED FLOOD INSURANCE RATE MAP	NEW COMMUNITY NUMBER
Texas	Brazoria	Surfside Beach, Village of	The Brazosport Facts June 22, 1977 June 29, 1977	Mr. Albert A. Steinruck Building Official Village of Surfside Beach Route 2, Box 485 Surfside Beach, Texas 77541	June 10, 1977	481266B
Texas	Harris	Webster, City of	Clear Lake News Citizen June 17, 1977 June 25, 1977	Honorable Roy Johnson Mayor of Webster 311 Pennsylvania Avenue Webster, Texas 75598	June 10, 1977	485516A
Wisconsin	Wood	Biron, Village of	The Wisconsin Rapids Tribune May 26, 1977 May 27, 1977	Mr. Wallace Shank President, Village of Biron Village Hall 415 North Biron Drive Wisconsin Rapids, Wisconsin 54494	May 27, 1977	555545A

(24 CFR §1916.8)

STATE	COUNTY	LOCATION	DATE AND NAME OF NEWSPAPER WHERE NOTICE WAS PUBLISHED	CHIEF EXECUTIVE OFFICER OF COMMUNITY	EFFECTIVE DATE OF MODIFIED FLOOD INSURANCE RATE MAP	NEW COMMUNITY NUMBER
Alabama	Mobile		The Mobile Press Register June 2, 1977 June 3, 1977	Mr. Linwood L. Lewis Chief Building Inspector County Court House Mobile, Alabama 36602	June 3, 1977	0150083
Colorado	Jefferson	Lakewood, City of	The Lakewood Sentinel June 23, 1977 June 30, 1977	Honorable James J. Rickey Mayor, City of Lakewood 44 Union Boulevard Lakewood, Colorado 80228	July 1, 1977	085075A
Florida	Okaloosa		Playground Daily News June 30, 1977 July 1, 1977	Mr. D. W. Parkton Chairman, Board of Commissioners Okaloosa County Courthouse Annex Shalimar, Flordia 32579	July 1, 1977	120173B
Florida	Volusia		The Daytona Beach News Journal June 30, 1977 July 1, 1977	Mr. Thomas Kelly County Manager, County of Volusia P. O. Box 429 Deland, Florida 32720	July 1, 1977	125155B
Georgia	Muscogee	Columbus, City of	The Ledger July 8, 1977 July 15, 1977	Mr. Bruno O. Ulrich Principal Planner Department of Community Development City of Columbus P. O. Box 1340 Columbus, Georgia 31902	July 1, 1977	135158B

STATE	COUNTY	LOCATION	DATE AND NAME OF NEWSPAPER WHERE NOTICE WAS PUBLISHED	CHIEF EXECUTIVE OFFICER OF COMMUNITY	EFFECTIVE DATE OF MODIFIED FLOOD INSURANCE RATE MAP	NEW COMMUNITY NUMBER
Minnesota	Blue Earth	Mankato, City of	The Mankato Free Press June 16, 1977 June 17, 1977	Honorable Herbert Mocol Mayor, City of Mankato City Hall Box 328 202 East Jackson Street Mankato, Minnesota 56001	June 17, 1977	275242B
Minnesota	Nicollet	North Mankato, City of	The Mankato Free Press June 16, 1977 June 17, 1977	Honorable David Carlson Mayor, City of North Mankato City Hall 101 Belgrade Avenue North Mankato, Minnesota 56001	June 17, 1977	275245D
Tennessee	Marion	Jasper, Town of	The Jasper Journal June 2, 1977 June 9, 1977	Honorable Jere W. Turner Mayor, Town of Jasper Town Offices, Route 2 Jasper, Tennessee 37347	June 10, 1977	475429B
Texas	Galveston		Galveston Daily News July 1, 1977 July 8, 1977	Mr. William D. Decker Attorney for the Commissioners Court of Galveston County, Texas 504 First Hutchings - Sealy National Bank Galveston, Texas 77550	June 24, 1977	485470B
Texas	Johnson Tarrant	Burleson, City of	Burleson Star June 30, 1977 July 7, 1977	Honorable Dr. Robert Ables Mayor, City of Burleson 309 Southwest Gregory Burleson, Texas 76028	June 24, 1977	485459D

(24 CFR §1916.8)

STATE	COUNTY	LOCATION	DATE AND NAME OF NEWSPAPER WHERE NOTICE WAS PUBLISHED	CHIEF EXECUTIVE OFFICER OF COMMUNITY	EFFECTIVE DATE OF MODIFIED FLOOD INSURANCE RATE MAP	NEW COMMUNITY NUMBER
Wisconsin	Milwaukee	Bayside, Village of	The Fox Point-Bayside-River Hill Herald June 9, 1977 June 16, 1977	Mr. Richard Glaisner President, Village of Bayside Village Hall 9075 North Regent Road Milwaukee, Wisconsin 53217	June 17, 1977	550270B
Wisconsin	Milwaukee	Fox Point, Village of	The Fox Point-Bayside-River Hill Herald June 9, 1977 June 16, 1977	Mr. George Morrison President, Village of Fox Point 7200 North Santa Monica Fox Point, Wisconsin 53217	June 17, 1977	550274B

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 25, 1975.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-16537 Filed 6-10-77;8:45 am]