

Federal Register

WEDNESDAY, AUGUST 24, 1977



highlights

NOTICE TO FEDERAL AGENCIES

Beginning October 1, 1977, Federal agencies must reimburse the Government Printing Office (GPO) for the cost of printing documents in the *Federal Register* and *Code of Federal Regulations*.

The Legislative Branch Appropriations Act, 1978 (Public Law 95-94, August 5, 1977) amended the Federal Register Act to require Federal agencies to reimburse the Government Printing Office for the cost of printing, binding, and distributing the *Federal Register* and *Code of Federal Regulations*. The pertinent provisions of Public Law 95-94 amending 44 U.S.C. 1509 are contained in Appendix A to this document.

FEDERAL REGISTER

In order to make certain that statutory requirements for publication in the *Federal Register* can be met on and after October 1, 1977 agencies must submit a Printing and Binding Requisition (Standard Form 1) before September 15 to the following address:

Superintendent of Planning Service
Room C830
Government Printing Office
Washington, DC 20401

CODE OF FEDERAL REGULATIONS

Every agency that has rules in the *Code of Federal Regulations* must submit a second Printing and Binding Requisition (Standard Form 1) to the Superintendent of Planning Service at the above address.

COMPUTATION OF COSTS-BILLING: FISCAL YEARS 1978, 1979

For fiscal year 1978 agencies will be charged \$285 for each page of printed matter they publish in the *Federal Register* and \$50 for each page in the *Code of Federal Regulations*. Fractions of pages published in the *Federal Register* will be counted on a column basis with a minimum charge of one column (\$95). GPO will bill each agency monthly for the material the agency has printed in the previous month. Billing for the *Code of Federal Regulations* will be on an as printed basis.

For budget planning purposes, agencies are advised that current estimates for printing services in Fiscal Year 1979 are as follows: Federal Register \$300 per page; Code of Federal Regulations \$55 per page.

These prices cover the costs of composition, printing, binding and distribution.

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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
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

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.

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The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

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INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

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Subscription orders (GPO).....	202-783-3238
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INFORMATION AND ASSISTANCE

For information and assistance in filling out the Printing and Binding Requisition (Standard Form 1) and in computing your projected printing costs, call:

Mr. William Rose (202)275-2867.

APPENDIX A

[Public Law 95-94 Approved Aug. 5, 1977]

• • •
"§ 1509. Costs of publication, etc.

"(a) The cost of printing, reprinting, wrapping, binding, and distributing the Federal Register and the Code of Federal Regulations, and, except as provided in subsection (b), other expenses incurred by the Government Printing Office in carrying out the duties placed upon it by this chapter shall be charged to the revolving fund provided in section 309. Reimbursements for such costs and expenses shall be made by the Federal agencies and credited, together with all receipts, as provided in section 309(b)."

• • •
(b) The amendments made by subsection (a) shall take effect on October 1, 1977.
• • •

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Workshops include a brief history of the FEDERAL REGISTER, the difference between legislation and regulations, the relationship of the FEDERAL REGISTER to the Code of Federal Regulations, the elements of a typical FEDERAL REGISTER document, and an introduction to the finding aids.

OUT OF TOWN WORKSHOPS PREVIOUSLY ANNOUNCED

Boston, Mass., 9-7, 9-8, 9-9
(Details: 42 FR 37261, 7-20-77)
For reservations call: Mrs. Louise Conboy
at (617) 223-7121
Saint Paul, Minn. 9-13, 9-14, 9-15
(Details: 42 FR 40999, 8-12-77)
For reservations call: Chuck McDew
at (612) 291-6421

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ENVIRONMENTAL PROTECTION AGENCY

Noise emission standards for construc-
 tion equipment, Philadelphia, Penn.,
 8-30 and 9-1-77.... 35804; 7-11-77

FEDERAL ENERGY ADMINISTRATION

Crude oil supplier/purchaser rule, Wash-
 ington, D.C., (open), 9-1-77.. 39395;
 8-4-77

TREASURY DEPARTMENT

Internal Revenue Service—
 Oil and gas wells; proposal for limita-
 tions on percentage depletion;
 Washington, D.C., 8-31-77.
 38919; 8-1-77

List of Public Laws

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

presidential documents

Title 3—The President

Memorandum of August 11, 1977

Determination under Section 103(d)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480) Portugal

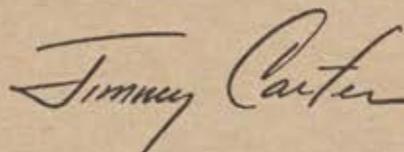
[Presidential Determination No. 77-18]

Memorandum for the Secretary of State, the Secretary of Agriculture

THE WHITE HOUSE,
Washington, August 11, 1977.

Pursuant to the authority vested in me under the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter "the Act"), I hereby:

Determine that for Portugal the waiver of the exclusion provided for by Section 103(d)(3) of the Act, for the purpose of selling up to \$20 million worth of agricultural commodities under Title I during Fiscal Year 1977 in addition to the \$50 million worth which have already been authorized, is in the national interest of the United States, and I do waive that exclusion.



STATEMENT OF REASONS THAT A WAIVER UNDER SECTION 103(d)(3) OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED (PUBLIC LAW 480), IS IN THE NATIONAL INTEREST

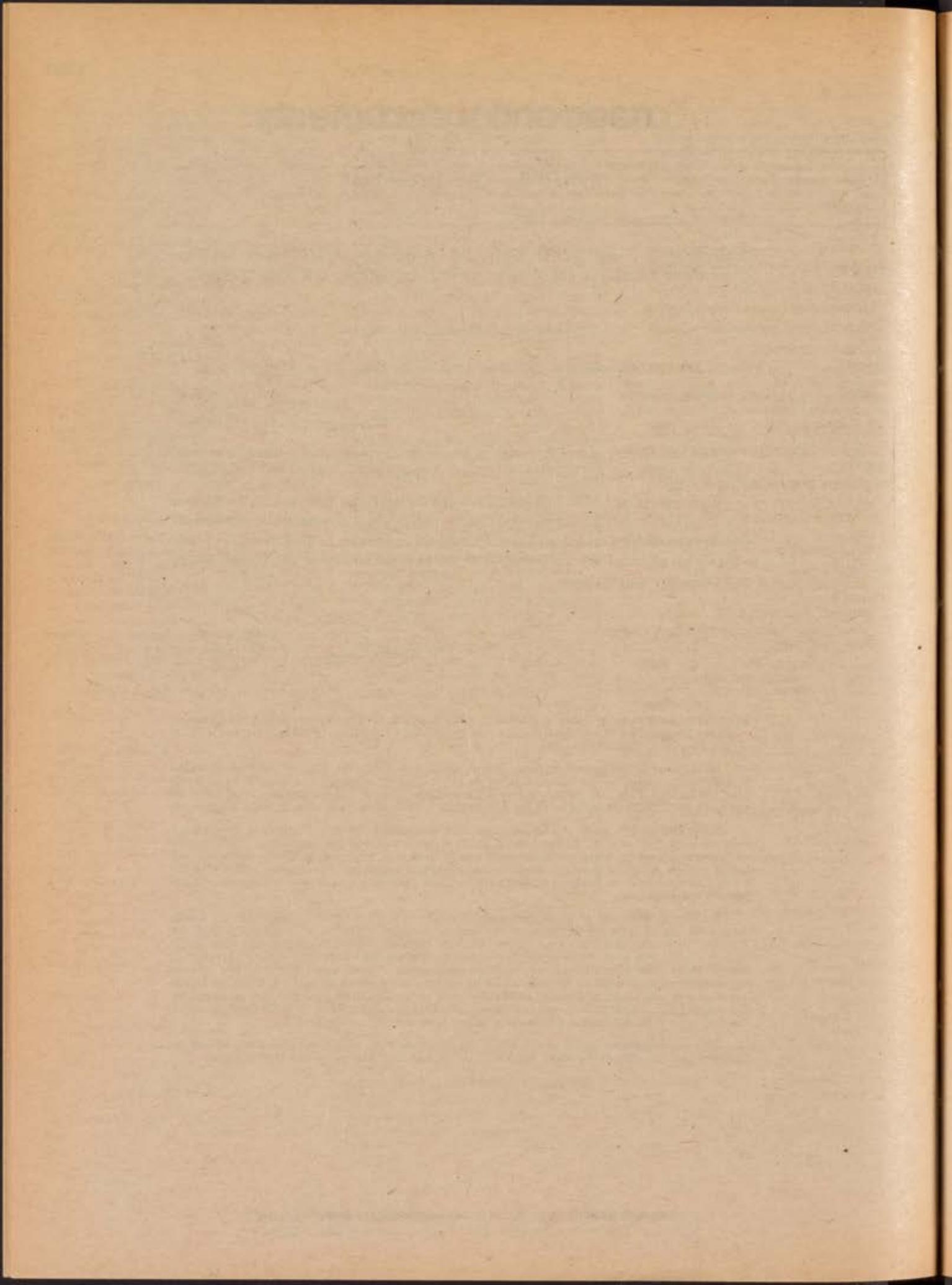
In response to current Portuguese import needs, the Executive Branch proposes to agree to finance the export to that country of up to \$20 million of agricultural commodities in fiscal year 1977 under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (P.L. 480) in addition to the \$50 million worth which have already been authorized.

After almost fifty years of authoritarian rule, a popularly elected Portuguese government took office on August 1, 1976. The United States strongly supports the restoration of democracy to Portugal. However, beset by enormous economic problems, exacerbated by the influx of over half a million refugees, Portugal needs urgent economic assistance. Concessional sales of agricultural commodities to Portugal constitute a tangible demonstration of our willingness to help provide this assistance.

Portuguese nationalized firms export to Cuba. Therefore, in order to enter into an agreement with the Government of Portugal for such a sale under Title I, it is necessary that the President determine that the waiver of the exclusion from eligibility for concessional sales under Title I of P.L. 480 is in the national interest of the United States. Section 103(d)(3) of P.L. 480 excludes from eligibility for concessional sales under Title I any country which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam any equipment, materials, or commodities, so long as those countries are governed by Communist regimes. However, under Section 103(d)(3), the President is authorized to waive this exclusion if he determines that such a waiver is in the national interest.

The considerations noted above make the proposed sale of agricultural commodities to Portugal and the necessary waiver important to the national interest of the United States.

[FR Doc. 77-24585 Filed 8-22-77; 2:28 pm]



rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel
CHAPTER I—CIVIL SERVICE COMMISSION
PART 213—EXCEPTED SERVICE

Community Services Administration
AGENCY: Civil Service Commission.
ACTION: Final rule.

SUMMARY: The Position of Staff Assistant, Office of Policy, Planning, and Evaluation, is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: August 24, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3373(j) (2) is added as set out below:

§ 213.3373 Community Services Administration.

(j) Office of Policy, Planning, and Evaluation. * * *

(2) One Staff Assistant

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION
JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 77-24604 Filed 8-23-77; 8:45 am]

Title 7—Agriculture
CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses of \$16,650 and establishes a rate of assessment of \$0.001 per hundredweight of potatoes for the functioning of the Washington Potato Committee. The regulation enables the committee to collect assessments from first handlers on all assessable potatoes handled and to use the resulting funds for its expenses.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 113 and Order No. 946, both as amended, regulate the handling of Irish potatoes grown in the State of Washington. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The State of Washington Potato Committee, established under the order, is responsible for its local administration.

Notice was published in the August 1, 1977, FEDERAL REGISTER (42 FR 38913) inviting written comments by August 17, 1977. None was received.

Findings. After consideration of all relevant matters, including the proposals in the notice, it is found that the following expenses and rate of assessment should be approved.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because this part requires that the rate of assessment for a particular fiscal period shall apply to all assessable potatoes from the beginning of such period.

The regulation is as follows:

§ 946.230 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1978, by the State of Washington Potato Committee for its maintenance and functioning and for such other purposes as the Secretary may determine to be appropriate will amount to \$16,650.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be one-tenth cent (\$0.001) per hundredweight, or equivalent quantity, of potatoes handled by him as the first handler thereof during the fiscal period, except potatoes for canning, freezing, and "other processing" as defined in the act shall be exempt.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 946.42(a).

(d) The terms used in this section have the same meaning as when used in the marketing agreement and this part.

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

Dated: August 19, 1977.

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

[FR Doc. 77-24428 Filed 8-23-77; 8:45 am]

Title 14—Aeronautics and Space
CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1241—CONTRACT APPEALS

Subpart 1241.1—General Procedures

AGENCY: National Aeronautics and Space Administration.

ACTION: Final Rules.

SUMMARY: These rules of procedure for the adjudication of contract appeals before the NASA Board of Contract Appeals adopt in major part the Uniform Rules of Practice for Boards of Contract Appeals, as proposed by the National Conference of Boards of Contract Appeals Members. The purpose of the uniform rules is to promote greater uniformity in Government procurement policies, practices and procedures.

EFFECTIVE DATE: August 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Frederick J. Lees, Chairman, Board of Contract Appeals, Telephone 202-755-8105, National Aeronautics and Space Administration, Washington, D.C. 20546.

SUPPLEMENTARY INFORMATION: On June 22, 1977, NASA published proposed rules (42 FR 31605-31609) to revise its rules of procedure for the adjudication of contract appeals before the NASA Board of Contract Appeals. Interested persons were given until July 22, 1977 to submit comments or suggestions. No such comments or suggestions were received. Therefore, the proposed rules are hereby adopted without change and are set forth below.

1. Subpart 1241.1 in revised in its entirety as follows:

Subpart 1241.1—General Procedures

Sec.	Scope.
1241.10	Scope.
PREFACE TO THE RULES	
1241.11	Authority and jurisdiction of the Board.
1241.12	Location and organization of the Board.

- Sec.
1241.13 Decisions on questions of law.
1241.14 Board of contract appeals procedure.

PRELIMINARY PROCEDURES

- 1241.101 Appeals, how taken.
1241.102 Notice of appeal, contents of.
1241.103 Forwarding of appeals.
1241.104 Preparation, contents, organization, forwarding and status of appeal file.
1241.105 Dismissal for lack of jurisdiction. Pleadings.
1241.106 Amendments of pleadings or record.
1241.108 Hearing election.
1241.109 Prehearing briefs.
1241.110 Prehearing or presubmission conference.
1241.111 Submission without a hearing.
1241.112 Optional accelerated procedure.
1241.113 Settling the record.
1241.114 Discovery—depositions.
1241.115 Interrogatories to parties, admission of facts, and production and inspection of documents.
1241.116 Service of papers.

HEARINGS

- 1241.117 Where and when held.
1241.118 Notice of hearings.
1241.119 Unexcused absence of a party.
1241.120 Nature of hearings.
1241.121 Examination of witnesses.
1241.122 Copies of papers.
1241.123 Posthearing briefs.
1241.124 Transcript of proceedings.
1241.125 Withdrawal of exhibits.

REPRESENTATION

- 1241.126 The appellant.
1241.127 The respondent.

DECISIONS

- 1241.128 Decisions.

MOTION FOR RECONSIDERATION

- 1241.129 Motion for reconsideration.

DISMISSALS

- 1241.130 Dismissal without prejudice.
1241.131 Dismissal for failure to prosecute.

EX PARTE COMMUNICATIONS

- 1241.132 Ex parte communications.

SANCTIONS

- 1241.133 Sanctions.

AUTHORITY: 42 U.S.C. 2473(b) (1).

Subpart 1241.1—General Procedures

§ 1241.10 Scope.

This Subpart 1241.1 prescribes the procedures for the adjudication of appeals before the NASA Board of Contract Appeals (hereinafter referred to as "the Board") arising from NASA contracts.

PREFACE TO THE RULES

§ 1241.11 Authority and jurisdiction of the Board.

(a) The Board, constituted under the provisions of Subpart 1209.1 of this chapter, is authorized to hear, consider and determine appeals from decisions of contracting officers arising under contracts which contain provisions requiring the determination of appeals by the Administrator or his duly authorized representative or board. In addition, the Board may perform other quasi-

judicial duties as assigned by the Administrator. The Board has authority to determine appeals falling within the scope of its jurisdiction as fully and finally as might the Administrator.

(b) Under § 1209.102(b) of this chapter, the Board is granted the authority to issue its rules of procedure.

§ 1241.12 Location and organization of the Board.

(a) The Board is located in Washington, D.C., and its mailing address is The Board of Contract Appeals, National Aeronautics and Space Administration, Washington, D.C. 20546.

(b) The Board consists of a Chairman and two other members, all of whom shall be attorneys at law duly licensed by any state or the District of Columbia, and who have significant experience in Government procurement law. In general, the appeals are assigned to a panel of at least two members of the Board. If a panel of two members is unable to agree upon a decision, the Chairman may assign a third member to consider the appeal. The Chairman is designated as Chief Administrative Judge and the other Board members are designated as Administrative Judges.

§ 1241.13 Decisions on questions of law.

When an appeal is taken pursuant to a Disputes clause in a contract which limits appeals to disputes concerning questions of fact, the Board may, in its discretion, hear, consider, and decide all questions of law necessary for the complete adjudication of the issue. In the consideration of an appeal should it appear that a claim is involved which is not cognizable under the terms of the contract, the Board may make findings of fact with respect to such a claim without expressing an opinion on the question of liability.

§ 1241.14 Board of contract appeals procedure.

(a) *Rules.* Appeals referred to the Board are handled in accordance with the rules of the Board.

(b) *Administration and interpretation of rules.* Emphasis is placed upon the sound administration of these rules in specific cases, because it is impracticable to articulate a rule to fit every possible circumstance which may be encountered. These rules will be interpreted so as to secure a just and inexpensive determination of appeals without unnecessary delay.

(c) *Preliminary procedures.* Preliminary procedures are available to encourage full disclosure of relevant and material facts, and to discourage unwarranted surprise.

(d) *Time, computation, and extensions.* (1) All time limitations specified for various procedural actions are computed as maximums, and are not to be fully exhausted if the action described can be accomplished in a lesser period. These time limitations are similarly eligible for extension in appropriate circumstances, on good cause shown.

(2) Except as otherwise provided by law, in computing any period of time

prescribed by these rules or by any order of the Board, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a legal holiday, in which event the period shall run to the end of the next business day.

(3) Requests for extensions of time from either party shall be made in writing and stating good cause therefor.

PRELIMINARY PROCEDURES

§ 1241.101 Appeals, how taken.

Notice of an appeal must be in writing and the original, together with two copies, may be filed with the contracting officer from whose decision the appeal is taken. The notice of appeal must be mailed or otherwise filed within the time specified therefor in the contract or allowed by applicable provision of directive or law.

§ 1241.102 Notice of appeal, contents of.

A notice of appeal should indicate that an appeal is thereby intended, and should identify the contract (by number), and the final decision of the contracting officer from which the appeal is taken. The notice of appeal should be signed personally by the appellant (the contractor making the appeal), or by an officer of the appellant corporation or member of the appellant firm, or by the contractor's duly authorized representative or attorney. The complaint referred to in § 1241.106 may be filed with the notice of appeal, or the appellant may designate the notice of appeal as a complaint, if it otherwise fulfills the requirements of a complaint.

§ 1241.103 Forwarding of appeals.

When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing (or date of receipt, if otherwise conveyed) and within 10 days shall forward said notice of appeal to the Board. Following receipt by the Board of the original notice of an appeal (whether through the contracting officer or otherwise), the contractor and contracting officer will be promptly advised of its receipt and the contractor will be furnished a copy of these rules.

§ 1241.104 Preparation, contents, organization, forwarding and status of appeal file.

(a) *Duties of Contracting Officer.* Within 30 days of receipt of an appeal, or advice that an appeal has been filed, the contracting officer shall assemble and transmit to the Board an appeal file consisting of all documents pertinent to the appeal, including:

(1) The decision and findings of fact from which appeal is taken;

(2) The contract including specifications and pertinent amendments, plans and drawings;

(3) All correspondence between the parties pertinent to the appeal, including the letter or letters of claim in response to which decision was issued;

(4) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board; and

(5) Any additional information considered pertinent.

Within the same time specified above, the contracting officer shall furnish the appellant a copy of each document he transmits to the Board, except those stated in § 1241.104(a)(2), as to which a list furnished appellant indicating specific contractual documents transmitted will suffice, and those stated in § 1241.104(d).

(b) *Duties of the appellant.* Within 30 days after receipt of a copy of the appeal file assembled by the contracting officer, the appellant shall supplement the same by transmitting to the Board any documents not contained therein which he considers pertinent to the appeal, and furnishing two copies of such documents to the Government trial attorney.

(c) *Organization of the appeal file.* Documents in the appeal file may be originals or legible facsimile or authenticated copies thereof, and shall be arranged in chronological order where practicable, numbered sequentially, tabbed, and indexed to identify the contents of the file.

(d) *Lengthy documents.* The Board may waive the requirement of furnishing to the other party copies of bulky, lengthy, or out-of-size documents in the appeal file when a party has shown that doing so would impose an undue burden. At the time a party files with the Board a document as to which such a waiver has been granted, he shall notify the other party that the same or a copy is available for inspection at the offices of the Board or of the party filing same.

(e) *Status of documents in appeal file.* Documents contained in the appeal file are considered, without further action by the parties, as part of the record upon which the Board will render its decision, unless a party objects to the consideration of a particular document in advance of hearing or of settling the record in the event there is no hearing on the appeal. If objection to a document is made, the Board will rule upon its admissibility into the record as evidence in accordance with §§ 1241.113 and 1241.120.

§ 1241.105 Dismissal for lack of jurisdiction.

Any motion addressed to the jurisdiction of the Board shall be promptly filed. Hearing on the motion shall be afforded on application of either party, unless the Board determines that its decision on the motion will be deferred pending hearing on both the merits and the motion. The Board shall have the right at any time and on its own motion to raise the issue of its jurisdiction to proceed with a particular case, and shall do so by an appropriate order, affording the parties an opportunity to be heard thereon.

§ 1241.106 Pleadings.

(a) *Appellant.* Within 30 days after receipt of notice of docketing of the

appeal, the appellant shall file with the Board an original and two copies of a complaint setting forth simple, concise and direct statements of each of his claims, alleging the basis, with appropriate reference to contract provisions, for each claim, and the dollar amount claimed. This pleading shall fulfill the generally recognized requirements of a complaint, although no particular form or formality is required. Upon receipt thereof, the Board shall serve a copy upon the respondent. Should the complaint not be received within 30 days, appellant's claim and appeal may, if in the opinion of the Board the issues before the Board are sufficiently defined, be deemed to set forth his complaint and the respondent shall be so notified.

(b) *Respondent.* Within 30 days from receipt of said complaint, or the aforesaid notice from the Board, respondent shall prepare and file with the Board an original and two copies of an answer thereto, setting forth simple, concise, and direct statements of respondent's defenses to each claim asserted by appellant. This pleading shall fulfill the generally recognized requirements of an answer, and shall set forth any affirmative defenses or counter-claims as appropriate. Upon receipt thereof, the Board shall serve a copy upon appellant. Should the answer not be received within 30 days, the Board may, in its discretion, enter a general denial on behalf of the Government, and the appellant shall be so notified.

§ 1241.107 Amendments of pleadings or record.

The Board upon its own initiative or upon application by a party may, in its discretion, order a party to make a more definite statement of the complaint or answer, or to reply to an answer. The Board may, in its discretion, and within the proper scope of the appeal, permit either party to amend his pleading upon conditions just to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings or the documentation described in § 1241.104, are tried by express or implied consent of the parties, or by permission of the Board, they shall be treated in all respects as if they had been raised therein. In such instances, motions to amend the pleadings to conform to the proof may be entered, but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings or the § 1241.104 documentation (which shall be deemed part of the pleadings for this purpose), it may be admitted within the proper scope of the appeal, provided, however, that the objecting party may be granted a continuance if necessary to enable him to meet such evidence.

§ 1241.108 Hearing election.

Upon receipt of respondent's answer or the notice referred to in the last sentence of § 1241.106(b), appellant shall advise whether he desires a hearing as prescribed in §§ 1241.117 through 1241.125, or whether, in the alternative, he

elects to submit his case on the record without a hearing, as prescribed in § 1241.111. In appropriate cases, the appellant shall also elect whether he desires the optional accelerated procedure prescribed in § 1241.112.

§ 1241.109 Prehearing briefs.

Based on an examination of the documentation described in § 1241.104, the pleadings, and a determination of whether the arguments and authorities addressed to the issues are adequately set forth therein, the Board may, in its discretion, require the parties to submit prehearing briefs in any case in which a hearing has been elected pursuant to § 1241.108. In the absence of a Board requirement therefor, either party may, in its discretion and upon appropriate and sufficient notice to the other party, furnish a prehearing brief to the Board. In any case where a prehearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party as previously arranged.

§ 1241.110 Prehearing or presubmission conference.

(a) Whether the case is to be submitted pursuant to § 1241.111, or heard pursuant to § 1241.117 through § 1241.125, the Board may upon its own initiative or upon the application of either party, call upon the parties to appear before an Administrative Judge for a conference to consider:

(1) The simplification or clarification of the issues;

(2) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;

(3) The limitation of the number of expert witnesses, or avoidance of similar cumulative evidence, if the case is to be heard;

(4) The possibility of agreement disposing of all or any of the issues in dispute; and

(5) Such other matters as may aid in the disposition of the appeal.

(b) *Conference record.* The results of the conference shall be reduced to writing by the Board member within 5 calendar days after the close of the conference. Copies shall be duly served on the parties who may, within 10 calendar days from receipt of the written record, file objection, comment, request for correction, or other motion pertaining to that record of prehearing conference. The record of prehearing conference, together with any objection, comment, request for correction, or other motion made by the parties shall become a part of the Board record.

§ 1241.111 Submission without a hearing.

Either party may elect to waive a hearing and to submit his case upon the record before the Board, as settled pursuant to § 1241.113. Submission of a case without hearing does not relieve the par-

ties from the necessity of proving the facts supporting their allegations or defenses. Affidavits, depositions, admissions, answers to interrogatories, and stipulations may be employed to supplement other documentary evidence in the Board record. The Board may permit such submission to be supplemented by oral argument (transcribed, if requested), and by briefs arranged in accordance with § 1241.123.

§ 1241.112 Optional accelerated procedure.

(a) In appeals involving \$25,000 or less, either party may elect, in his notice of appeal, complaint, answer, or by separate correspondence or statement prior to commencement of hearing or settlement of the record, to have the appeal processed under a shortened and accelerated procedure. For application of this rule the amount in controversy will be determined by the sum of the amounts claimed by either party against the other in the appeal proceeding. If no specific amount of claim is stated, a case will be considered to fall within this rule if the sum of the amounts which each party represents in writing that it could recover as a result of a Board decision favorable to it does not exceed \$25,000. Upon such election, a case shall then be processed under this rule unless the other party objects and shows good cause why the substantive nature of the dispute requires processing under the Board's regular procedures and the Board sustains such objection. In cases proceeding under this rule, parties are encouraged, to the extent possible consistent with adequate presentation of their factual and legal positions, to waive pleadings, discovery, and briefs.

(b) Written decision by the Board in cases proceeding under this rule normally will be short and contain summary findings of fact and conclusions only. The Board will endeavor to render such decisions within 30 days after the appeal is ready for decision.

(c) Except as herein modified, these rules otherwise apply in all respects.

§ 1241.113 Settling the record.

(a) The record upon which the Board's decision will be rendered consists of the appeal file described in § 1241.104 and, to the extent the following items have been filed, pleadings, prehearing conference memoranda or orders, prehearing briefs, depositions or interrogatories received in evidence, admissions, stipulations, transcripts of conferences and hearings, hearing exhibits, posthearing briefs, and documents which the Board has specifically designated be made a part of the record. The record will at all reasonable times be available for inspection by the parties at the office of the Board.

(b) Except as the Board may otherwise order in its discretion, no proof shall be received in evidence after completion of an oral hearing or, in cases submitted on the record, after notification by the Board that the case is ready for decision.

(c) The weight to be attached to any evidence of record will rest within the sound discretion of the Board. The Board

may in any case require either party, with appropriate notice to the other party, to submit additional evidence on any matter relevant to the appeal.

§ 1241.114 Discovery—depositions.

(a) *General policy and protective orders.* The parties are encouraged to engage in voluntary discovery procedures. In connection with any deposition or other discovery procedure, the Board may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, and those orders may include limitations on the scope, method, time and place for discovery, and provisions for protecting the secrecy of confidential information or documents.

(b) *When depositions permitted.* After an appeal has been docketed and complaint filed, the parties may mutually agree to, or the Board may, upon application of either party and for good cause shown, order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery. The application for order shall specify whether the purpose of the deposition is discovery or for use as evidence.

(c) *Orders on depositions.* The time, place, and manner of taking depositions shall be as mutually agreed by the parties, or failing such agreement, governed by order of the Board.

(d) *Use as evidence.* No testimony taken by depositions shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. It will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such instances, however, the deposition may be used to contradict or impeach the testimony of the witness given at the hearing. In cases submitted on the record, the Board may, in its discretion, receive depositions as evidence in supplementation of that record.

(e) *Expenses.* Each party shall bear its own expenses associated with the taking of any deposition.

§ 1241.115 Interrogatories to parties, admission of facts, and production and inspection of documents.

(a) *Interrogatories to parties.* After an appeal has been filed with the Board, a party may serve on the other party written interrogatories to be answered separately in writing, signed under oath and returned within 30 days. Upon timely objection by the party, the Board will determine the extent to which the interrogatories will be permitted.

(b) *Admission of facts.* After an appeal has been filed with the Board, a party may serve upon the other party a request for the admission of specified facts. Within 30 days after service, the party served shall answer each requested fact or file objections thereto. The factual propositions set out in the request

shall be deemed admitted upon the failure of a party to respond to the request for admission.

(c) *Production and inspection of documents.* Upon motion of any party showing good cause therefor, and upon notice, the Board may order the other party to produce and permit the inspection and copying or photographing of any designated documents or objects, not privileged, specifically identified, and their relevance and materiality to the cause or causes in issue explained, which are reasonably calculated to lead to the discovery of admissible evidence. If the parties cannot themselves agree thereon, the Board shall specify just terms and conditions in making the inspection and taking the copies and photographs.

§ 1241.116 Service of papers.

Papers shall be served personally or by mailing the same, addressed to the party upon whom service is to be made. Copies of complaints, answers, and simultaneous briefs shall be filed directly with the Board. The party filing any other paper with the Board shall send a copy thereof to the opposing party, noting on the paper filed with the Board, or on the letter transmitting the same, that a copy has been so furnished.

HEARINGS

§ 1241.117 Where and when held.

Hearings will ordinarily be held in the Washington, D.C., area, except that upon request seasonably made and upon good cause shown, the Board may set the hearing at another location. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals and other pertinent factors. On request or motion by either party and upon good cause shown, the Board may, in its discretion, advance a hearing.

§ 1241.118 Notice of hearings.

The parties shall be given at least 15 days notice of the time and place set for hearings. In scheduling hearings, the Board will give due regard to the desires of the parties and to the requirement for just and inexpensive determination of appeals without unnecessary delay. Notices of hearing shall be promptly acknowledged by the parties.

§ 1241.119 Unexcused absence of a party.

The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in § 1241.111.

§ 1241.120 Nature of hearings.

Hearings shall be as informal as may be reasonable and appropriate under the circumstances. Appellant and respondent may offer at a hearing on the merits such relevant evidence as they deem appropriate and as would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials, subject, however, to the

sound discretion of the presiding member in supervising the extent and manner of presentation of such evidence. In general, admissibility will hinge on relevancy and materiality. Letters or copies thereof, affidavits, or other evidence not ordinarily admissible under the generally accepted rules of evidence, may be admitted in the discretion of the presiding member. The weight to be attached to evidence presented in any particular form will be within the discretion of the Board, taking into consideration all the circumstances of the particular case. Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The Board may in any case require evidence in addition to that offered by the parties.

§ 1241.121 Examination of witnesses.

Witnesses before the Board will be examined orally under oath or affirmation, unless the facts are stipulated, or the Board member shall otherwise order. If the testimony of a witness is not given under oath or affirmation, the Board shall warn the witness that his statements may be subject to the provisions of Title 18, United States Code, Sections 287 and 1001, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

§ 1241.122 Copies of papers.

When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor, during the hearing or at the conclusion thereof.

§ 1241.123 Posthearing briefs.

Posthearing briefs may be submitted upon such terms as may be agreed upon by the parties and the presiding member at the conclusion of the hearing. Ordinarily, they will be simultaneous briefs, exchanged within 30 days after receipt of transcript.

§ 1241.124 Transcript of proceedings.

Testimony and argument at hearings shall be reported verbatim, unless the Board otherwise orders. Transcripts or copies of the proceedings shall be supplied to the parties at such rates as may be fixed by contract with the reporter.

§ 1241.125 Withdrawal of exhibits.

After a decision has become final the Board may, upon request, and after notice to the other party, in its discretion, permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board on its discretion as a condition of granting permission for such withdrawal.

REPRESENTATION

§ 1241.126 The appellant.

An individual appellant may appear before the Board in person, a corporation by an officer thereof, a partnership or joint venture by a member thereof, or any of these by an attorney at law duly licensed in any state, commonwealth, territory, or in the District of Columbia. An attorney representing an appellant shall file a written notice of appearance with the Board.

§ 1241.127 The respondent.

Government counsel may, in accordance with their authority, represent the interest of the Government before the Board. They shall file notices of appearance with the Board, and notice thereof will be given appellant or his attorney in the form specified by the Board from time to time. Whenever at any time it appears that appellant and the Government counsel are in agreement as to disposition of the controversy, the Board may suspend further processing of the appeal: *Provided, however,* That if the Board is advised thereafter by either party that the controversy has not been disposed of by agreement, the case shall be restored to the Board's calendar without loss of position.

DECISIONS

§ 1241.128 Decisions.

Decisions of the Board will be made in writing and copies thereof will be forwarded simultaneously to both parties. Decisions of the Board will be made solely upon the record, as described in § 1241.113. The rules of the Board, all final orders and decisions, and other records of, or before, the Board shall be available for inspection at its offices to the extent permitted by, and subject to the exemptions of, 5 U.S.C. 552.

MOTION FOR RECONSIDERATION

§ 1241.129 Motion for reconsideration.

A motion for reconsideration, if filed by either party, shall set forth specifically the ground or grounds relied upon to sustain the motion, and shall be filed within 30 days from the date of the receipt of a copy of the decision of the Board by the party filing the motion.

DISMISSALS

§ 1241.130 Dismissal without prejudice.

In certain cases, appeals docketed before the Board are required to be placed in a suspense status and the Board is unable to proceed with disposition thereof for reasons not within the control of the Board. In any such case where the suspension has continued, or it appears that it will continue, for an inordinate length of time, the Board may, in its discretion, dismiss such appeals from its docket without prejudice to their restoration when the cause of suspension has been removed. Unless either party or the Board acts within three years to re-

instate any appeal dismissed without prejudice, the dismissal shall be deemed with prejudice.

§ 1241.131 Dismissal for failure to prosecute.

Whenever a record discloses the failure of either party to file documents required by these rules, respond to notices or correspondence from the Board, comply with orders of the Board, or otherwise indicates an intention not to continue the prosecution or defense of an appeal, the Board may issue an order requiring the offending party to show cause why the appeal should not be either dismissed or granted, as appropriate. If the offending party shall fail to show such cause, the Board may take such action as it deems reasonable and proper under the circumstances.

EX PARTE COMMUNICATIONS

§ 1241.132 Ex parte communications.

No member of the Board or of the Board's staff shall entertain, nor shall any person directly or indirectly involved in an appeal submit to the Board or the Board's staff, off the record, any evidence, explanation, analysis, or advice, whether written or oral, regarding any matter at issue in an appeal. This provision does not apply to consultation among Board members nor to ex parte communications concerning the Board's administrative functions or procedures.

SANCTIONS

§ 1241.133 Sanctions.

If any party fails or refuses to obey an order issued by the Board, the Board may make such order in regard to the failure as it considers necessary to the just and expeditious conduct of the appeal.

Effective date. August 26, 1977.

FREDERICK J. LEES,
Chairman,
Board of Contract Appeals.

[FR Doc.77-24432 Filed 8-23-77; 8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 77-206]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Importation of Certain Pre-Columbian Art AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This rule adds Ecuador to the list of countries whose pre-Columbian monumental or architectural sculpture or murals are subject to certain restrictions upon importation into the United States. This action is being taken because Ecuador subjects these articles to export control.

EFFECTIVE DATE: August 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard M. Belanger, Attorney, Regulations and Legal Publications Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-8237.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Sections 12.105 through 12.109 of the Customs Regulations (19 CFR 12.105-12.109) set forth regulations for the importation into the United States of pre-Columbian monumental or architectural sculpture or murals.

Pub. L. 92-587 (19 U.S.C. 2095) defines the term "pre-Columbian monumental or architectural sculpture or mural" to include, among other things, any stone carving or wall art which is the product of a pre-Columbian Indian culture of Mexico, Central or South America, or the Caribbean Islands, and which is subject to export control by the country of origin.

Section 12.105(a) of the Customs Regulations specifies countries of origin by applying the term "pre-Columbian monumental or architectural sculpture or mural" to certain specified articles of a pre-Columbian Indian culture of Bolivia, British Honduras, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Panama, Peru, or Venezuela. Information has now been received from the Department of State that Ecuador also subjects these articles to export control. Therefore, Ecuador is added to the list of countries whose pre-Columbian monumental or architectural sculpture or murals are subject to certain restrictions upon importation into the United States.

Because this amendment merely implements a statutory requirement, notice and public procedure thereon is found to be unnecessary and good cause exists for dispensing with the delayed effective date provisions of 5 U.S.C. 553.

DRAFTING INFORMATION

The principal author of this document was Richard M. Belanger, Attorney, Regulations and Legal Publications Division of the Office of Regulations and Rulings, United States Customs Service. However, personnel from other offices of the Customs Service participated in developing the document, both on matters of substance and style.

AMENDMENTS TO THE REGULATIONS

Accordingly, § 12.105 of the Customs Regulations (19 CFR 12.105) is amended in the following manner:

§ 12.105 [Amended]

Paragraph (a) of § 12.105 is amended by inserting "Ecuador," between "Dominican Republic," and "El Salvador". (R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 204, 86 Stat. 1295 (19 U.S.C. 66, 1624, 2094)).

ROBERT E. CHASEN,
Commissioner of Customs.

Approved: August 3, 1977.

BETTE B. ANDERSON,
Under Secretary of the Treasury.
[FR Doc. 77-24440 Filed 8-23-77; 8:45 am]

Title 32—National Defense
CHAPTER VII—DEPARTMENT OF THE AIR FORCE
SUBCHAPTER E—SECURITY
PART 852—MOTOR VEHICLE TRAFFIC SUPERVISION

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is adding a new Part 852 to Title 32 CFR regarding motor vehicle traffic supervision on Keesler Air Force Base, Mississippi. It was found that, since the Mississippi Rules of the Road may not apply within the confines of Keesler Air Force Base, establishment of traffic rules for the base is necessary. This new rule is intended to result in a clearer understanding by visitors to the base and explicit procedures for disposition of Keesler traffic offenders.

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Colonel Robert G. Smith, Staff Judge Advocate, Keesler Law Center, Keesler Air Force Base, Mississippi 39534. (601-377-2329).

SUPPLEMENTARY INFORMATION: This rule is issued under the authority of 10 U.S.C. 8012 and 50 U.S.C. 797.

This new part establishes procedures for the registration, operation, and parking of motor vehicles, bicycles, boats, trailers, and similar towed items. It implements provisions of AFR 125-14, Motor Vehicle Traffic Supervision, and 125-15, Motor Vehicle Registration and Related Requirements, and applies to persons operating, registering, or parking any of the aforementioned items on Keesler Air Force Base, including housing areas and annexes. This rule also applies to tenants. It is applicable to both military and civilian personnel. The new Part 852 will read as follows:

Sec.	
852.1	Purpose.
852.2	Definitions.
852.3	Obedience and effect of traffic regulations.
852.4	Traffic signs, signals and markings.
852.5	General rules and restrictions.
852.6	Maximum speed limits.
852.7	Driving on right side of roadway; overtaking and passing; and following.
852.8	Turning and signaling.
852.9	Right-of-way.
852.10	Parking.
852.11	Operator's responsibility.
852.12	Rules for bicycle operators.
852.13	Pedestrian rights and duties to conform with the Mississippi Uniform Vehicle Code.
852.14	Off-limit areas on Keesler Air Force Base.
852.15	Prohibited areas of Keesler AFB.

AUTHORITY: 10 U.S.C. 8012; 50 U.S.C. 797.

§ 852.1 Purpose.

This Part establishes procedures for the registration, operation, and parking of motor vehicles, bicycles, boats, trailers, and similar towed items. It implements provisions of AFR 125-14, Motor

Vehicle Traffic Supervision, and AFR 125-15, Motor Vehicle Registration and Related Requirements, and applies to persons operating, registering, or parking any of the aforementioned items on Keesler Air Force Base, including housing areas and annexes. This part also applies to tenants. It is applicable to both military and civilian personnel. Violations of the provisions of this part may be cause for disciplinary action by military authorities for violation of Article 92, UCMJ, and by appropriate civilian and/or federal authorities.

§ 852.2 Definitions.

(a) "Vehicle" means every device, in, upon, or by which any person or property is or may be transported or drawn upon a roadway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "Motor Vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) "Motorcycle" means every motor vehicle rated at 1 or more horsepower, having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground but excluding a tractor.

(d) "Fractional Horsepower Cycle" means every motor vehicle rated under 1 horsepower having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground but excluding a tractor.

(e) "Authorized Emergency Vehicle" means every vehicle authorized to be such by the Base Commander. The squadrons authorized emergency vehicles are: Security Police, Fire Department, Hospital, and Disaster Preparedness.

(f) "School Bus" means every motor vehicle owned by a public or government agency and operated for the transportation of children to or from school, or privately owned and operated for compensation for the transportation of children to or from school.

(g) "Law Enforcement Officer" means every Security Policeman authorized to direct or regulate traffic or to make apprehensions/detentions for violations.

(h) "Driver" means every person who drives or is in actual physical control of a vehicle.

(i) "Owner" means any person who holds the legal title of a vehicle; in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this regulation.

(j) "Person" means every natural person, firm, co-partnership, association or corporation.

(k) "Pedestrian" means any person afoot.

(l) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and any other conveyances either singly or together while using any street or roadway for purposes of travel.

(m) "Street or Roadway" means any way or place of whatever nature designed and used for purposes of vehicular traffic.

(n) "Laned Roadway" means any roadway which is divided into three or more clearly marked lanes for vehicular traffic.

(o) "Sidewalk" means any way or place adjacent to a roadway and intended for the use of pedestrians.

(p) "Driveway" means every roadway or street designed specifically for access to a particular building or group of buildings.

(q) "Through Street or Roadway" means every street or roadway or portion thereof at the entrances to which vehicular traffic from intersecting streets or roadways is required by law to stop before entering or crossing the same.

(r) "Crosswalk" means that portion of a roadway or street ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections, or any portion of a roadway or street distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(s) "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways which join one another at or approximately at, right angles, or the area within which vehicles traveling upon different roadways joining at any other angle may come in conflict.

(t) "Official Traffic Control Devices" means all signs, signals, markings, and devices not inconsistent with this regulation placed or erected by authority of the Base Commander for the purpose of regulating, warning, or guiding traffic.

(u) "Official Traffic Control Signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

(v) "Right-of-Way" means the privilege of the immediate use of the highway.

(w) "Stop", when required, means the complete cessation from movement.

(x) "Stop, Stopping or Standing", when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Security Policeman or of a traffic control sign or signal.

(y) "Park", when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

§ 852.3 Obedience and effect of traffic regulations.

(a) It is unlawful and, unless otherwise declared in this part with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden by this part or to fail to perform any act

required in this part, and upon conviction thereof said person shall be liable to a fine of not to exceed \$5,000, or to imprisonment for not more than one year, or both.

(b) No person shall willfully fail or refuse to comply with any lawful order or direction of any Security Policeman invested by law with authority to direct, control, or regulate traffic.

§ 852.4 Traffic signs, signals and markings.

(a) The Uniform System of Traffic Control Devices adopted by the Commissioner of Public Safety for the State of Mississippi in accordance with Section 63-3-301 of the Mississippi Code of 1972 is hereby adopted as the system of traffic control devices for use upon Keesler Air Force Base.

(b) The Base Commander or his designee shall place and maintain such traffic control devices upon all base streets and roadways as he shall deem necessary to indicate and to carry out the provisions of this part, or to regulate, warn or guide traffic.

(c) Whenever traffic is controlled by traffic control signals exhibiting difference colored lights successively one at a time, only the following colors shall be used, and said lights shall indicate as follows:

(1) *Green alone.* (i) Vehicular traffic facing the signal may proceed straight through or turn right or left, unless a sign at such place prohibits either such turn. However, vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection at the time such signal is exhibited.

(ii) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) *Yellow alone when shown following the green signal.* (i) Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection, but if such stop cannot be made in safety, a vehicle may be driven cautiously through the intersection.

(ii) Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

(3) *Red alone.* (i) Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at such other point as may be indicated by a clearly visible line and shall remain standing until green is shown alone.

(ii) No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(iii) After coming to a complete stop, a vehicle may turn right only if turn can be made with reasonable safety to both crossing vehicles and pedestrians and if turn is not prohibited by a sign.

(4) *Red with green arrow.* (i) Vehicular traffic facing such signal may cautiously enter the intersection only to make movement indicated by such arrow, but shall not interfere with other

traffic or endanger pedestrians lawfully within a crosswalk.

(ii) No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(d) Whenever flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows:

(1) *Flashing red.* When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at the limit line when marked, and the right to proceed shall be subject to the rules applicable after making a stop at a stop-sign. (2) *Flashing yellow.* When a yellow lens is illuminated by rapid intermittent flashes, drivers of vehicles may proceed through the intersection or pass such signal only with caution.

(e) No driver of a vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this part, unless at the time otherwise directed by a Security Policeman.

(f) The driver of an authorized emergency vehicle when responding to an emergency call, upon approaching a red or stop signal or any stop-sign, shall slow down, as necessary for safety, but may proceed cautiously past such red or stop-sign or signal. At other times drivers of authorized emergency vehicles shall stop in obedience to a stop-sign or signal.

§ 852.5 General rules and restrictions.

(a) No person will:

(1) Place, maintain, or display any unauthorized signs, signals, markings, or devices that are similar, purport to be, or are an imitation of an official traffic control device, sign or signal. Persons will not erect signs, devices, etc., that interfere with, hide, or reduce the effectiveness of any traffic control sign, signal, or other device, or block the view of drivers and become a hazard. Dempsey dumpster containers will not be placed within 20 feet of an intersection.

(2) Attempt to or alter, deface, knock down, damage or remove any traffic control device, or official inscription, shield, or insignia or other parts thereof without lawful authority.

(b) The driver will:

(1) Drive at a speed that is safe and prudent with regard to actual existing conditions.

(2) Have his vehicle under control at all times to avoid endangering or colliding with another person, vehicle, or other property.

(3) Drive at a reduced speed when approaching or going around a curb, entering or crossing an intersection, or when a hazard exists due to pedestrians, other traffic, or road/weather conditions.

§ 852.6 Maximum speed limits.

Except as in § 852.5(b) (1), the following are the maximum speed limits and apply to all vehicles except emergency vehicles responding to emergency calls:

(a) Base streets and roadways—25 mph unless otherwise posted.

(b) Driveways and parking lot areas—10 mph.

(c) Family housing area—20 mph unless otherwise posted.

§ 852.7 Driving on right side of roadway; overtaking and passing; and following.

(a) Upon all roadways of sufficient width a vehicle shall be driven on the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.

(2) When the right half of a roadway is closed to traffic while under construction or repair.

(3) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon.

(4) Upon a roadway designated and signed-posted for one-way traffic.

(b) Whenever roadway has been divided into three or more clearly marked lanes for traffic, the following rules in addition to all others consistent herein shall apply:

(1) A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(2) A vehicle shall not be driven in the center lane upon a roadway which is divided into three lanes except when:

(i) Overtaking and passing another vehicle when the roadway is clearly visible and such center lane is clear of traffic within a safe distance.

(ii) Such vehicle is in preparation for a left turn.

(iii) Such center lane is at the time allocated exclusively to traffic moving in the direction such vehicle is proceeding and is sign-posted to give notice of such allocation.

(3) Official signs may be erected directing slow moving traffic to use a designated lane or allowing specified lanes to traffic moving in the same direction, and drivers of vehicles shall obey the directions of every such sign.

(c) Upon a roadway designated and sign-posted for one-way traffic, a vehicle shall be driven only in the direction designated; and a vehicle passing around a rotary traffic island shall be driven only to the right of such island.

(d) Drivers of vehicles proceeding in opposite directions shall pass each other to the right. Upon roadways having width for not more than one lane of traffic in each direction, each driver shall give to the other at least one-half of the main travel portion of the roadway as nearly as possible.

(e) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules otherwise provided in this article.

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at

a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(f) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event, the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

(1) No vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left side of the roadway under the following conditions:

(i) When approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed.

(ii) When approaching within 100 feet of or traversing any intersection or railroad grade crossing.

(iii) When official signs are in place directing that traffic keep to the right, or a distinctive centerline is marked, which distinctive line also directs traffic as declared in the sign manual adopted by the Mississippi State Highway Commission and by reference by Keesler Air Force Base.

(g) The driver of a vehicle:

(1) May overtake and pass upon the right of another vehicle which is making or about to make a left turn.

(2) May overtake and, allowing sufficient clearance, pass another vehicle proceeding in the same direction either on the left or right on a roadway with unobstructed pavement of sufficient width for four or more lines of moving traffic when such movement can be made in safety. No person shall drive off the pavement or upon the shoulder of the roadway overtaking or passing on the right.

(3) On a roadway or street upon meeting or overtaking any school bus which has stopped on the roadway or street for the purpose of receiving or discharging children shall come to a complete stop and shall not proceed until the children have crossed the street or roadway and the school bus has proceeded in the direction it was going.

(4) This section shall be applicable only in the event the school bus shall bear upon the front and rear thereon a plainly visible sign containing the words "School Bus" in letters not less than four inches in height which can be removed or covered when the vehicle is not in use as a school bus.

(h) It shall be unlawful for a driver of any truck or other vehicle to drive in or

near the center of any roadway for a distance of more than 200 yards, or at any time to refuse to turn to the right in order that a driver desiring to pass said truck or other vehicle, may drive at a higher legal rate of speed.

(i) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and condition of the roadway.

§ 852.8 Turning and signaling.

(a) The driver of a vehicle intending to turn at an intersection shall do so as follows:

(1) Both the approach for a right turn and the turn itself shall be made as close as practical to the right-hand curb or edge of the roadway.

(2) The approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof, and after entering the intersection, the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered.

(3) The approach for a left turn from a two-way street onto a one-way street shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the centerline of the street being entered upon leaving the intersection. When markers, buttons, or signs are placed within or adjacent to intersections, and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs.

(b) No vehicle shall be turned so as to proceed in the opposite direction (U-Turn) except at intersections on double-lane drives separated by median islands and only when such turn can be made in complete safety and without obstructing traffic.

(c) No person shall turn a vehicle from a direct course upon a roadway or street unless and until such movement can be made with reasonable safety, and then only after giving a clearly audible signal by sounding the horn. If any pedestrian may be affected by such movement or after giving an appropriate signal in the manner provided in this part, in the event any other vehicle may be affected by such movement.

(d) A signal of intention to turn right or left shall be given continuously for a reasonable distance before turning.

(e) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this regulation to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(f) Signals required in this part shall be given either by means of the hand and

arm or by a signal lamp or device of a type approved by the Mississippi Department of Public Safety. When a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then said signals must be given by such a lamp or device.

(g) All signals given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signal shall indicate as follows:

(1) Left turn—Hand and arm extended horizontally.

(2) Right turn—Hand and arm extended upward or moved with a sweeping motion from the rear to the front.

(3) Stop or decrease speed—Hand and arm extended downward.

§ 852.9 Right-of-way.

(a) Except as may otherwise be provided in this part, the driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different roadway. Except as may otherwise be provided in this part, when two vehicles enter an intersection from different roadways at the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(b) The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. However, said driver, having so yielded and having given a signal when and as required, may make such left turn, and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicle making the left turn.

(c) The driver of a vehicle shall stop as required by this part at the entrance to a through street or roadway and shall yield the right-of-way to other vehicles which have entered the intersection from said through street or roadway as to constitute an immediate hazard. However, said driver having so yielded may proceed, and the drivers of all other vehicles approaching the intersection on said through street or roadway shall yield the right-of-way to the vehicle so proceeding into or across the through street or roadway.

(d) The driver of a vehicle shall likewise stop in obedience to a stop-sign as required by this part at an intersection where a stop-sign is erected at one or more entrances thereto, although not a part of a through street, and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed.

(e) The driver of a vehicle about to cross or enter a street or roadway from a driveway shall yield the right-of-way to all vehicles approaching on said street or roadway.

(f) Upon the immediate approach of an authorized emergency vehicle, when the driver is giving audible signal by

siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by Security Policeman.

(g) Marching formations have the right-of-way over all except emergency vehicles on official call. Road guards will control vehicle traffic for marching formations. Vehicles traveling in the same direction as the troop formation will not approach the formation closer than 50 feet and will not pass the formation unless signalled to do so by personnel in charge. Vehicles traveling in the opposite direction may pass the formation at a speed not to exceed 10 mph.

(h) Vehicles will yield the right-of-way to pedestrians crossing a roadway within a marked crosswalk or at any intersection. When a vehicle has yielded to a pedestrian, vehicles approaching from the front or rear will not pass the stopped vehicle.

(i) Golf cart operators will stop the cart, look in both directions, assure he has proper clearance, and use extreme caution when attempting to cross a roadway. Golf cart operators will yield to all traffic.

§ 852.10 Parking.

Authorized parking is designated by painted white lines or signs. Yellow or red lines indicate no parking areas.

(a) Vehicles will park within the marked area of the parking space.

(b) Crossing the approaching traffic lane for the purpose of parking in an angle/parallel parking slot intended for approaching traffic is prohibited.

(c) Backing into or pulling through parking spaces, other than parallel parking spaces, to park or change directions is prohibited except for authorized emergency vehicles.

(d) No person will leave a vehicle unattended with the engine running. He will lock the ignition and remove the key; if on a grade, he will set the emergency brake and turn the wheels to prevent the vehicle from rolling.

(e) Reserve parking spaces for handicapped personnel will be based upon a doctor's statement attesting to disability and be approved by the Traffic Coordinating Committee (TCC). The TCC may designate general handicapped parking spaces at service facilities.

(f) The TCC will review and approve requests for parking spaces for government vehicles in work functional areas, loading zones, and time parking spaces for customers.

(g) The TCC will plan, develop, coordinate, and monitor parking and traffic control. Requests for reserved parking spaces must be reviewed by the TCC who will approve/disapprove each request and furnish a reply to the agency/individual concerned.

(h) Car-Pool parking: Car-pool parking areas reserved for personnel with

bona fide car-pool cards. Display cards inside of windshield.

(1) Squadrons will obtain car-pool cards from SPAR and complete KTTC Form 23, Car-Pool Application (original and one copy). Forward original to SPA and file copies numerically within the squadron. When individuals are reassigned/discharged, return car-pool card and KTTC Form 23 to SPA.

(2) Individuals will obtain car-pool cards from squadron orderly room.

(i) The BX and Commissary parking lots are restricted to two-hour customer parking.

(j) Parking (other than four-wheeled vehicles):

(1) Two-wheel vehicles will not use regular parking spaces unless two-wheeled parking spaces have not been provided. Additionally, two-wheel vehicles may park at the end of angle parking rows within the lines.

(2) Boats, trailers, and campers, 18 feet in length or less, may be parked in carports, driveways, or patios. Those exceeding 18 feet in length, or those less than 18 feet without previously mentioned facilities, will be parked in designated base storage areas, except for loading/unloading (not to exceed 48 hours) at which time they may park in housing areas.

(3) Boats, trailers, or campers will not be parked in the streets next to curbs, except for loading/unloading. They will never be parked on the grass.

(4) Personnel will not block up trailers parked in housing areas or install in a permanent or semipermanent manner.

(5) Secure any of the above or any other towed item so that no safety hazard is present.

(6) The parking facility for the above is available for base personnel on a "first-come, first-serve" basis. Individuals are responsible for the maintenance (cutting grass, policing area, etc.) of their assigned slot. Upon reassignment, separation, trade or sale, etc., individual is responsible to clear his assigned slot through SPAP. Failure to comply with any provisions of this paragraph will result in terminating the assigned slot. Further, items stored within this area that give appearance of not being used or moved within 120 days will be considered abandoned and will be disposed of in accordance with directives of this installation.

(7) Storage of POVs in the above parking area is prohibited. (Abandoned vehicles may be stored in this area at the direction of the Chief, Security Police).

(k) Stopping or parking a vehicle on any of the following areas is prohibited except when necessary to avoid conflict with other traffic or in compliance with directions of a security policeman or traffic control device:

- (1) In nondesignated areas.
- (2) On sidewalks.
- (3) On grass or shoulders of roadway.
- (4) In front of a driveway or service drive.
- (5) Within 10 feet of a hanger or maintenance dock.

(6) On a crosswalk or within 20 feet of a crosswalk at an intersection.

(7) Within an intersection.

(8) Within 15 feet of a fire hydrant or building, except when otherwise designated.

(9) On the left side of roadway, except on one-way streets. (This does not apply in housing areas).

(10) Adjacent to a yellow curb.

(11) Any place where prohibited by official signs.

§ 852.11 Operator's responsibility.

(a) Persons of any age that are not appropriately licensed will not operate any motor vehicle.

(b) Persons will not knowingly cause or permit a person without a license or under the influence of alcohol or drugs to operate a vehicle.

(c) Persons will not move a vehicle until it can be done with reasonable safety. Start in such a manner as to prevent spinning of wheels, throwing of gravel, or excessive revving of the engine.

(d) No driver will, other than the driver of an official vehicle responding to an alarm, follow any fire vehicle closer than 500 feet, nor stop or park within one block of the fire vehicle when it is being operated in response to an alarm. Drivers will not drive across an unprotected fire hose without the consent of the fire official in charge.

(e) Personnel will not operate privately owned vehicles on the ramp in front of Base Operations or any other portion of the flight line normally used for the movement or parking of aircraft.

(f) Drivers will, when necessary to insure safe operation, give audible warning with their horn. They will not use horn otherwise.

(g) Vehicles will not transport more passengers than the manufacturer's designated capacity.

(h) Do not affix a decal, inspection sticker, or similar item to the windshield or window so as to obstruct the vision of the driver.

(i) Do not throw litter from any vehicle.

(j) Emergency red or blue lights will not be installed or used on any privately owned vehicle without written approval from the Base Commander.

(k) No operator will allow his vehicle to tow or push, or to be towed or pushed by, another vehicle except by use of a properly secured A-frame tow bar.

(l) The wearing of stereo headphones, headsets, earphones, or any other item (except for hearing aids used to improve hearing) which would interfere with normal hearing of a motor vehicle operator, is prohibited.

(m) Viewing television by the motor vehicle operator is prohibited.

(n) Use headlights during inclement weather, limited visibility, and hours of darkness.

(o) Children under 10 years of age will not remain unattended in any vehicle.

(p) Inoperative vehicles will not be on base more than 24 hours except in the Hobby Shop.

(q) Modification of vehicles "lift and/or drop" that exceeds three inches in length (front or rear) is prohibited. Violations will be determined by a measurement of either bumper (bottom) to ground level. At no time will the gasoline tank be exposed by virtue of lift/drop modifications.

(r) Safety belt use is mandatory for all military personnel and civilian employees while operating or riding in vehicles on base. Off base, in all vehicles being used on government business, i.e., change of station, TDY, etc., IAW AFR 127-5.

(s) Major vehicle maintenance on base streets and parking lots is prohibited.

(t) Operation of Two and Three-Wheeled Motor Vehicles:

(1) Persons attached or assigned to KAFB operating such motor vehicles will: (i) Wear an approved safety helmet and shatterproof eye protection (applies to riders also). Ref: AFR 127-5.

(ii) Operate vehicle with lights on at all times.

(iii) Not carry passengers unless the vehicle is specifically designed to carry more than one person.

(2) Visitors and personnel with unregistered two and three-wheeled motor vehicles will comply with § 852.11(t). Assigned/attached personnel will comply with the 72-hour registration requirement as outlined in AFR 125-14.

(3) Fractional Horsepower cycles will not be registered on Keesler AFB, however, the wearing of an approved safety helmet and shatterproof eye protection are required. Ref: AFR 125-14, ATC Sup 1, para 3-2b.

(u) Defective Vehicles: Security Police will issue traffic citations to persons operating a defective motor vehicle in violation of the Mississippi Highway Patrol Inspection Station Regulation.

§ 852.12 Rules for bicycle operators.

Bicycle operators will:

(a) Obey all traffic signs and regulations.

(b) Keep to the right side of the roadway.

(c) Ride single file and at a safe distance behind the vehicle ahead.

(d) Stop to assure safe clearance before riding out of driveways, alleys, or from behind parked cars.

(e) Dismount and walk bicycle across heavily traveled roadways.

(f) Signal intention to turn.

(g) Carry parcels and books in a basket or luggage carrier.

(h) Never ride two on a bicycle; passengers interfere with vision and control.

(i) Never hitch onto other vehicles.

(j) Not stunt on streets and highways.

(k) Have a white light on front and red light or reflector on rear of bicycle and wear white or light-colored clothing

at night. Ref: AFR 127-101, 4 Sep 74, and Change 1, 13 Jun 75, Paras 13-14f(1).

(l) Keep bicycle in good condition.

(m) Park bicycle in a safe and proper place, standing upright.

(n) If children under 10 years of age, not ride bicycles on Ploesti Drive unless accompanied by adults.

§ 852.13 Pedestrian rights and duties to conform with the Mississippi Uniform Vehicle Code.

(a) Pedestrians crossing between intersections will yield the right-of-way to vehicles and cross with caution. Pedestrians will comply with traffic control signals and not step, walk, or run suddenly from the curb or other places of safety into the path of a vehicle that is so close that it is impossible for the driver to yield safely; will not walk upon or adjacent to a roadway where sidewalks are provided. When sidewalks are not provided, walk only on the left side of the roadway or road shoulder approaching traffic and cross streets at crosswalks or intersections when within 25 yards.

(b) Hitchhiking is prohibited.

(c) Pedestrians will not cross between or through units of marching troops after the column has started moving.

(d) All pedestrians must use the sidewalk along the roadway of Ploesti Drive to and from the Triangle Area to Gate No. 7. Pedestrians will not cross any portion of the runway due to the landing and takeoff of aircraft. The runway and the clear zone at the ends of the runway approach are part of the airdrome controlled area as established under AFR 125-37.

(e) Pedestrians will not wear radio headsets while traversing the thoroughfares of Keesler AFB.

§ 852.14 Off limit areas of Keesler AFB.

The following areas are off limits to dependents and military personnel (except in the performance of duties) on Keesler AFB, including annexes and noncontiguous housing areas:

(a) Construction sites, trenches, and excavation work in progress.

(b) Water towers, radar, radio masts and antennas; elevated platforms; utility poles and junction cabinets above, on, and below ground level.

(c) Rock, shell, sand piles, and other construction materials stacked in open storage areas.

(d) Emergency operation areas of police and fire service.

(e) All sites posted "Off Limits" by authority of the Base Commander or Base Civil Engineer.

(f) Fuels Storage Area and Liquid Oxygen (LOX) Storage Area.

§ 852.15 Prohibited areas of Keesler AFB.

Entrance into the following areas without the Commander's consent is prohibited:

Area	Acreage	Jurisdiction
Main base.....	1,239.88	Exclusive.
Bay Ridge.....	68.20	Exclusive (east 14.35 acres). Proprietary (west 53.85 acres).
Oak Park.....	63.57	Exclusive.
Falcon Park.....	64.39	Do.
Shadow Lawn.....	20.45	Do.
Harrison Court.....	43.64	Do.
Annex 1 (Thrower Park).	57.38	Exclusive (east 40 acres). Proprietary (west 17.38 acres).
Maltby Hall.....	24.50	Proprietary.
Radio Beacon (north Biloxi).	12.00	Exclusive.
Small arms range.....	1,938.00	Concurrent (1,874 acres under permit). Exclusive.
Track K-1 (adjoins Falcon Park).	23.20	Exclusive.
Track K-2 (adjoins Bay Ridge).	6.30	Do.

FRANKIE S. ESTEP,
Air Force Federal Register
Liaison, Directorate of Administration.

[FR Doc.77-24422 Filed 8-23-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 7—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[AIDPR Notice 77-8]

PART 7-7—CONTRACT CLAUSES

Mandatory Use of Visa Application Form DSP 66A by AID Participants, Correction
AGENCY: Agency for International Development, State.

ACTION: Correction to Interim Procurement Instruction.

SUMMARY: This rule amends AID Procurement regulation by correcting an erroneously numbered Section in AIDPR 77-7.

EFFECTIVE DATE: Effective as of July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. V. Henry Walker, CM/SD/POL
Agency for International Development, Department of State, Washington, D.C. Telephone: 703-235-9107.

SUPPLEMENTARY INFORMATION: This AIDPR Notice 77-8 amends Title 41 CFR, Chapter 7, AID Procurement Regulations to correct the numbering of a section in AIDPR Notice 77-7.

In AIDPR Notice 77-7, FR Doc. 77-15698, published at page 28540, June 3, 1977, make the following changes:

1. In amendatory paragraph 3 on page 28540, the reference to § 7-7.5003-5 should be changed to read § 7-7.5003-6.

2. Also on page 28540, the section heading which begins § 7-7.5003-5 *Mandatory use . . .* should be changed to read as set forth below:

§ 7-7.5003-6 Mandatory use of visa eligibility Form DSP 66A by participants.

AUTHORITY: 41 CFR 7-1.104-4. (42 FR 28540).

Dated: August 12, 1977.

JOHN F. OWENS,
Deputy Assistant Administrator
for Program and Management Services.

[FR Doc.77-24419 Filed 8-23-77;8:45 am]

Title 47—Telecommunication

CHAPTER 1—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20765]

PART 76—CABLE TELEVISION SERVICES

Modifying Certain Technical Standards; Correction

AGENCY: Federal Communications Commission.

ACTION: Correction.

SUMMARY: Editorial errors in rule revisions adopted under Docket 20765 are corrected.

EFFECTIVE DATE: June 6, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Robert S. Powers, Cable Television Bureau, 202-632-9797.

SUPPLEMENTARY INFORMATION:

Released: August 19, 1977.

In the matter of amendment of Part 76 of the Commission's rules to modify certain technical standards for Cable Television Systems, Docket 20765.

In the Report and Order in the above entitled matter, FCC 77-276, adopted April 20, 1977, released April 28, 1977, and published in the FEDERAL REGISTER at 42 FR 21779, Instruction 1 of the Appendix, through the words "is revised as follows", is corrected to read as follows:

1. In § 76.601, paragraph (b) is amended by replacing the words "community unit" by the words "cable television system"; paragraph (d) is amended by replacing the words "community unit" by the word "system"; paragraph (e) is deleted and marked [Reserved]; the Note following paragraph (e) is moved to the end of § 76.601 and is amended by replacing the words "community units" by the words "cable television systems"; paragraph (f) is revised by replacing the words "paragraphs (b), (c), and (e) of this section" by the words "paragraphs (b) and (c) of this section"; and paragraph (c) is revised as follows:

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-24448 Filed 8-23-77;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. MC-19 (Sub.-No. 30)]

PART 1100—GENERAL RULES OF PRACTICE

SUBCHAPTER D—TARIFFS AND SCHEDULES

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES AND CLASSIFICATIONS OF MOTOR CARRIERS

Special Procedures for Tariffs Governing Rates and Charges on Household Goods

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: Modifies the Commission's rules of practice applicable to proposed rate changes on household goods, to allow more time for interested parties to voice their views and to expedite Commission action thereon.

EFFECTIVE DATE: September 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak, Deputy Director, or Harvey Gobetz, Assistant Deputy Director, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 10423 (202-275-7693).

SUPPLEMENTARY INFORMATION:

The Interstate Commerce Commission in the above-entitled proceeding has modified its general rules of practice by adding to rule 40(b) (49 CFR 1100.40(b)) the provision that protests and requests for suspension of tariffs applicable to household goods, when published for the account of household goods carriers on no less than 45 days' notice, shall reach the Commission no later than 27 days before the effective dates of these tariffs; by adding to rule 40(f) (49 CFR 1100.40(f)) the provision that a reply to protest against such a 45-day-notice tariff shall be filed with the Commission not more than 5 days after the protest is filed; by adding a new subsection rule 40(h) (49 CFR 1100.40(h)), announcing that the Suspension and Fourth Section Board will act on such protests no later than 18 days before the effective dates; by adding to rule 200(c) (49 CFR 1100.200(c)) the provision that when the Suspension and Fourth Section Board has declined to suspend such a tariff any petition for reconsideration shall be filed within 2 work days after the Board has acted; and by adding a new rule 200(d) (49 CFR 1100.200(d)) providing that the designated appellate division will act on such petitions for reconsideration no later than 2 work days after they are filed. Appropriate additions are made to 49 CFR 1307.26(a) and 1307.44(d) to indicate in title pages and letters of transmittal, respectively, that they re-

late to tariffs published on not less than 45 days' notice.

These rules are issued under the authority of 49 U.S.C. 304(a)(1), 316(b) and 316(g), and 5 U.S.C. 553 and 559. Notice of proposed rulemaking was given by publication in the FEDERAL REGISTER on November 30, 1976 (41 FR 52501).

Issued in Washington, D.C. July 20, 1977.

H. G. HOMME, Jr.,
Acting Secretary.

Accordingly, the proposed modifications are as follows:

1. Rules 40 (b), (f) and (h), 49 CFR 1100.40 is amended by:

(a) In paragraph (b), change the period at the end of the second sentence to a semicolon and insert the following as set forth below:

(b) In paragraph (f), change the period at the end of the sentence to a semicolon and add the following as set forth below:

(c) Add a new paragraph (h) to read as set forth below.

As amended, § 1100.40 (b), (f), and (h) reads as follows:

§ 1100.40 Protests against applications.
(Rule 40)

(b) * * * *Provided, however,* That protests against and requests for suspension of tariffs applicable on household goods as defined in 49 CFR 1056.1(a), when published for the account of household goods carriers as defined in 49 CFR 1040.2(b) on not less than 45 days' notice, shall reach the Commission no later than 27 days before the effective dates of the tariffs, schedules, or parts thereof to which they refer. * * *

(f) * * * *Provided, however,* That a reply to protest against a tariff applicable on household goods as defined in 49 CFR

1056.1(a), when published for the account of household goods as defined in 49 CFR 1040.2(b) on not less than 45 days' notice, shall be filed with the Commission not more than 5 days after the protest is filed.

(h) Except in extraordinary circumstances, the Suspension and Fourth Section Board will act on protests against or requests for suspension of tariffs applicable on household goods as defined in 49 CFR 1056.1(a), when published for the account of household goods carriers as defined in 49 CFR 1040.2(b) on not less than 45 days' notice, no later than 18 days before the effective dates of the tariffs, schedules, or parts thereof to which they refer.

2. Rules 200 (c) and (d), 49 CFR 1100.200 is amended as follows: In paragraph (c), change the period at the end of the first sentence to a semicolon and insert the following and add a new paragraph (d). As amended, § 1100.200 (c) and (d) reads as follows:

§ 1100.200 Special rules of practice governing procedures in certain suspension and fourth-section matters.
(Rule 200).

(c) * * * *Provided, however,* That when the Suspension and Fourth Section Board has declined to suspend a proposed tariff or schedule applicable on household goods as defined in 49 CFR 1056.1(a) published for the account of a household goods carrier as defined in 49 CFR 1040.2(b) on not less than 45 days' notice, such petition shall be filed within 2 work days after the Suspension and Fourth Section Board has acted. * * *

(d) When the Suspension and Fourth Section Board has declined to suspend a proposed tariff or schedule applicable on household goods as defined in 49 CFR

1056.1(a) published for the account of a household goods carrier as defined in 49 CFR 1040.2(b) on not less than 45 days' notice, the designated appellate division will, except in extraordinary circumstances, act on petitions for reconsideration no later than 2 work days after the petition is filed.

3. In 49 CFR 1307.26 *Title page*, add a new paragraph (a)(10) to read as follows:

§ 1307.26 *Title page.*

(a) * * *

(10) in addition to the requirements of this section, the title page of publications containing rates on household goods as defined in 49 CFR 1056.1(a) when published for the account of household goods carriers as defined in 49 CFR 1040.2(b) on not less than 45 days' notice must show the following notation:

This tariff (or supplement or loose leaf amendment) is published on not less than 45 days' notice within the meaning of 49 CFR 1100.40 (b), (f), and (h), and 49 CFR 1100.200 (c) and (d).

4. In 49 CFR 1307.44, *Filing and posting tariffs*, add a new paragraph (d)(4) to read as follows:

§ 1307.44 *Filing and posting tariffs.*

(d) * * *

(4) when a tariff, supplement or loose leaf amendment containing rates on household goods as defined in 49 CFR 1056.1(a) is published for the account of household goods carriers as defined in 49 CFR 1040.2(b) on not less than 45 days' notice, the letter shall bear the following notation:

This tariff (or supplement or loose leaf amendment) is published on not less than 45 days' notice within the meaning of 49 CFR 1100.40 (b), (f), and (h), and 49 CFR 1100.200 (c) and (d).

[FR Doc. 77-24465 Filed 8-23-77; 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 917]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Proposed Extension of Grade, Size, and
Container Requirements

Correction

In FR Doc. 77-22781, appearing on page 39989 in the issue for Monday, August 8, 1977, in § 917.445(a)(4), between the sixth and seventh lines, insert the following line: "(ii) such pears are packed fairly tight;". The seventh line which now begins with "(ii)" should begin with "(iii)".

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 571]

[No. 77-500]

INVESTMENT IN STATE HOUSING CORPORATIONS

Insurance of Accounts

AUGUST 18, 1977.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board's present Statement of Policy concerning investment in "state housing corporations" by institutions insured by the Federal Savings and Loan Insurance Corporation provides that certain private corporations and agencies are considered "state housing corporations". The Board proposes to restrict investment under this Statement of Policy to investment in public corporations and agencies, because it believes, based on further consideration of the statute which the Statement of Policy implements, that private corporations are not "state housing corporations" within the meaning and purpose of the statute.

DATES: Comments must be received by September 24, 1977.

ADDRESS: Send comments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, N.W., Washington, D.C. 20552. Comments available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board (202-376-3556) at the above address.

SUPPLEMENTARY INFORMATION: Section 5 of Pub. L. 93-100 provides for investment by insured institutions in "state housing corporations", which are defined, in paragraph (e)(3) of that section, as corporations " * * * established by a State for the limited purpose of providing housing and incidental services, particularly for families of low or moderate income." The Board's Statement of Policy set forth at § 571.8 of the rules and regulations for Insurance of Accounts (12 CFR 571.8) sets out the Board's expectations regarding such investment by insured institutions. Section 571.8 states that the Board believes that such investment is meant to be restricted to investment in public corporations and agencies, and in private corporations and agencies (whose objectives and purposes are primarily of a civic or community nature and seem socially desirable to the savings and loan association's board of directors), which corporations and agencies were established to provide housing and incidental services, particularly for families of low or moderate income.

After reconsideration of the authority provided by 5, and particularly the paragraph (e)(3) definition, it is the Board's view that investment in private organizations is not appropriate under that section. The Board believes that investment under authority of § 5 should be restricted to investment in public corporations and agencies which were established under the laws of the state in which the corporation will carry on its operations and which were established to provide housing and incidental services, particularly for families of low or moderate income. This proposed restriction of the Board's view, as stated in § 571.8, of the scope of authorized investment under § 5 will not, however, apply to investment prior to August 24, 1977.

Accordingly, the Board hereby proposes to amend § 571.8, to read as follows:

§ 571.8 Investment in state housing corporations.

Sections 545.6-25 and 563.9-5 of this chapter authorize investment by Federal associations, and regulate investment by state-chartered insured institutions, in state housing corporations pursuant to section 5 of Pub. L. 93-100. A "state housing corporation" is defined in section 5(e)(3) of that law as "a corporation established by a State for the limited purpose of providing housing and incidental services, particularly for families of low or moderate income." The Federal Home Loan Bank Board be-

lieves the investment authority thereby provided is meant to be restricted to investment in public corporations and agencies which were established under the laws of the State in which the corporation will carry on its operation, and which corporations and agencies were established to provide housing and incidental services, particularly for families of low or moderate income. Although such investments may bear investment risks which are greater than usual, the Board further believes that they constitute a worthy effort and therefore holds that investments made pursuant to §§ 545.6-25 and 563.9-5 will not be subject to adverse comment on the quality of their investment grade by the Office of Examinations and Supervision, in the absence of default of such investments.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. §§ 1725, 1726, 1730). Reorg. Plan No. 3 of 1947. 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc. 77-24558 Filed 8-23-77; 8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 241, 245, 246]

[EDR-331A; Docket No. 31205]

MODEL CORPORATE DISCLOSURE REGULATIONS

Supplemental Advance Notice of Proposed
Rulemaking

AUGUST 19, 1977.

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental advance notice of proposed rulemaking.

SUMMARY: This notice extends for 30 days the filing date for comments and reply comments in a rulemaking proceeding concerning Model Corporate Disclosure Regulations developed by the Inter-agency Steering Committee on Uniform Corporate Reporting. The extension for the Comment due date was requested by the Air Transport Association (ATA).

DATES: Comments: September 21, 1977. Reply comments: October 6, 1977.

ADDRESSES: Comments should be sent to: Docket 31205, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Comments may be examined at the Docket Section, Civil Aeronautics Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Stephen L. Babcock, Rules Division, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202-673-5442).

SUPPLEMENTARY INFORMATION: By Advance Notice of Proposed Rule-making EDR-331, 42 FR 39115, August 2, 1977, the Board gave notice that it desired to solicit public views on whether it can and should adopt the Model Corporate Disclosure Regulations developed by the Interagency Steering Committee on Uniform Corporate Reporting.

In a letter dated August 12, 1977, the counsel for ATA requested an extension of 30 days for the filing of comments in response to EDR-331. In support of the request, counsel stated that additional time is required to arrange coordination among ATA members and to submit the specific information requested by the Board.

Upon consideration of the foregoing, the undersigned finds that good cause has been shown for the granting of the requested extension. It does not appear that this extension will prejudice any party to the proceeding.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.20 (d)), the time for filing comments is extended to September 21, 1977, and the time for filing reply comments to October 6, 1977.

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

SIMON J. ELENBERG,
Associate General Counsel,
Rules Division.

[FR Doc. 77-24474 Filed 8-23-77; 8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 772 3003]

CITY STORES CO.

Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent order, among other things, would require a New York City retail department store chain to cease imposing unauthorized collection fees on delinquent charge accounts; and to provide such disclosures and refunds as are set forth in the order.

DATE: Comments must be received on or before October 21, 1977.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Paul R. Peterson, Director, Cleveland Regional Office, Federal Trade Commission, 1339 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44189, 216-522-4207.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the FTC Act, 38 Stat. 721; 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b) (14) of the Commission's Rules of Practice (16 CFR 4.9(b) (14)).

UNITED STATES OF AMERICA BEFORE FEDERAL TRADE COMMISSION

FILE NO. 772 3003 AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

In the matter of City Stores Company, a corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of City Stores Company, a corporation, and it now appearing that City Stores Company, a corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between City Stores Company, by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent City Stores Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 500 Fifth Avenue, New York, New York.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives: a. Any further procedural steps;

b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby, and it understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied in the amount provided by law for each violation of the order after it becomes final.

ORDER

It is ordered that the respondent, City Stores Company, a corporation, and its successors and assigns, and its officers, representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the handling of customer charge accounts, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Except as otherwise authorized by law, imposing any fee or penalty on accounts which respondent deems to be uncollectable, or with respect to which delinquency collection procedures have been instituted (as "uncollectable" and "delinquency" are used in Section 226.7(b) of Regulation Z (12 C.F.R. 226) of the Truth In Lending Act (Pub. L. 90-321, 15 U.S.C. 1601, et seq.)), which is not set forth in the Retail Installment Credit Agreement or other agreement with the customer. (Such unauthorized fee or penalty is referred to herein as an "unauthorized collection fee")

2. Failing to send the disclosures and make the refunds required by this Order.

It is further ordered that, with respect to each unauthorized collection fee in excess of one dollar (\$1.00) which respondent has at any time heretofore imposed on a customer and which has been collected from any such customer on or after February 4, 1974, or which is collected at any time subsequent thereto:

1. Respondent shall refund to each such customer the full amount of such fee:

(i) within sixty (60) days of the date this Order becomes final, respecting all fees heretofore collected (unless such fee has previously been refunded); and

(ii) within 30 days after receipt, respecting any such fees which may be collected subsequent to the date of this Order; and

2. Respondent shall make a clear and conspicuous disclosure which shall state:

REFUND

The enclosed check represents a refund of a collection fee which you paid as part of a

previous bill. Since our account agreement with you does not provide for such a charge we are refunding the amount of the collection fee.

Each refund shall be given to the customer either in person or by mail, and shall be in the form of a check payable to the order of the customer. The check shall be sent to the last known address shown in respondent's records for said customer. If any such check is returned to respondent with a notification to the effect that the customer to whom it was mailed is not located at the address to which it was sent, respondent shall remail the check, with an address correction request, to the Post Office unless respondent has already done so. If the check or statement which has been remailed is returned to respondent and the amount to be refunded exceeds fifteen dollars (\$15.00), respondent shall obtain from a credit bureau the most current address available for the customer in the credit bureau's files by means of an in-file report or other credit bureau report. If the customer is not located by the preceding methods, respondent shall thereafter be relieved of any further obligation to send any additional notice and/or any refund with respect to the collection fee in question; provided, however, that in the event said customer should subsequently request such refund, respondent shall, within thirty (30) days from the date of such request, provide the disclosures and refund the collection fee in accordance with the provisions of this Order.

It is further ordered that respondent shall, upon request, produce for the purpose of examination and copying by representatives of the Federal Trade Commission, all records pertinent to disclosures and refunds made pursuant to this Order.

It is further ordered that respondent shall forthwith distribute a copy of this Order to each of its operating divisions and subsidiaries.

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

It is further ordered that respondent shall, within sixty (60) days after the service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

ANALYSIS OF PROPOSED CONSENT ORDER

CITY STORES COMPANY
FILE NO. 772 3003

The Federal Trade Commission has accepted an agreed-to order from City Stores Company. The proposed consent order has been placed on the public record for sixty (60) days for the reception of views and comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the consent order in light of the comments received, and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint alleges that City Stores Company added a 20 percent collection fee to delinquent charge accounts when those accounts were referred to a collection agency by Franklin Simon or Ltd Brothers division. This collection fee was imposed contrary to the terms of the charge agreement with the customer. The charge agreement requires the

customer to pay an attorney's fee when the account is referred for collection to an independent attorney. There is no mention of any collection fee in the charge agreement.

The order requires the company to return to customers unauthorized collection fees which total over \$81,000. Any fee collected on or after February 4, 1974, will be refunded within 60 days of the order. Any outstanding fee collected after the date of the order will be refunded within 30 days.

A consumer disclosure will accompany each refund. The disclosure will inform the customer that the refund check represents a collection fee which has been paid by the customer, but which was not part of the charge agreement with customer or otherwise ordered by a court.

Other important order provisions prohibit all divisions of City Stores from imposing a fee or penalty on delinquent accounts in the future, unless the fee is set forth in the customer charge agreement.

The purpose of this analysis is to facilitate public comment on the consent order and is not intended to constitute an official interpretation of the order or to modify in any way the terms of the order.

CAROL M. THOMAS,
Secretary.

[FR Doc.77-24424 Filed 8-23-77;8:45 am]

[16 CFR Part 441]

MOBILE HOME SALES AND SERVICE

Change of Dates for Washington, D.C. Hearing and Related Filing Requirements Concerning Proposed Trade Regulation Rule

AGENCY: FEDERAL TRADE COMMISSION

ACTION: Notice of Change of Date for Washington Hearing and Related Filing Requirements

SUMMARY: The Federal Trade Commission hereby gives notice that the date for commencing the Washington, D.C. public hearing is being changed from September 12, 1977 to October 11, 1977. The dates for filing word-for-word statements, outlines and exhibits and written comments are also being extended and the location of the hearing is being changed.

DATES: Hearing Date: October 11, 1977. Materials required for oral presentation must be filed by September 19, 1977. Written comments must be filed by September 7, 1977.

ADDRESSES: Send word-for-word statements, comprehensive outlines and exhibits to Charles A. Taylor, III, Attorney, Federal Trade Commission, Pennsylvania Avenue at 6th Street, NW., Washington, D.C. 20580 and send written comments to Raymond L. Rhine, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580.

Hearing address: Room 2008, New Executive Office Building, on 17th Street between Pennsylvania Avenue NW. and H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Charles A. Taylor, III, 202-523-3660, Federal Trade Commission, Pennsylvania Avenue at 6th Street, NW., Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: On May 23, 1977, the Presiding Officer published in the FEDERAL REGISTER (42 FR 26398) a Final Notice of Proposed Rulemaking concerning Mobile Home Sales and Service. The Notice included a schedule of dates for submission of word-for-word statements, outlines, written comments, and exhibits and for commencement of the public hearings in Washington, D.C.

As published in such Final Notice, the closing date set for the submission of word-for-word statements, comprehensive outlines and exhibits for the hearings in Washington was August 22, 1977 and the date for the submission of written comments was later established by Commission Notice (42 FR 38390, July 28, 1977) as August 29, 1977.

The closing date for the submission of word-for-word statements, comprehensive outlines and exhibits for the Washington hearings has been extended to September 19, 1977. The closing date for the submission of written comments and available exhibits has been extended to September 7, 1977.

The date for the Washington, D.C. hearings to commence is now October 11, 1977. Therefore, the public hearing will commence on October 11, 1977, at 9:30 a.m., in Washington, D.C., Room 2008, New Executive Office Building, on 17th Street between Pennsylvania Avenue NW. and H Street, NW.

Persons wishing to make an oral presentation at the hearing must inform Mr. Charles A. Taylor, III, Federal Trade Commission, 6th and Pennsylvania Avenue, NW., Washington, D.C. 20580 and furnish the required word-for-word statements, comprehensive outlines and exhibits no later than September 19, 1977. Persons desiring to file written comments and available exhibits must send them to Raymond L. Rhine, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580 no later than September 7, 1977.

The other provisions of the Presiding Officer's Final Notice of May 23, 1977 in Sections A and C remain the same and the instructions and requirements set forth therein shall be observed. The dates for the hearing and the filing requirements in connection with the San Francisco hearing remain the same.

Issued: August 19, 1977.

RAYMOND L. RHINE,
Presiding Officer.

[FR Doc.77-24587 Filed 8-24-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[24 CFR Parts 203 and 204]

[Docket No. R-77-461]

OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION)

Mutual Mortgage Insurance and Insured Home Improvement Loans, Coinsurance

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rules.

SUMMARY: These proposed rules will amend 24 CFR Parts 203 and 204 so as to limit that portion of an insurance benefit payment which relates to reimbursement of the mortgagee for hazard insurance payments to an amount which does not exceed a "reasonable rate" as defined by 24 CFR 203.379(b) (3).

DATES: Comments must be received on or before September 22, 1977.

ADDRESSES: Comments should be addressed to the Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. Communications should have reference to the above docket number and title.

FOR FURTHER INFORMATION CONTACT:

Julius Williams, Director, Single-Family Housing Division, Office of Loan Management, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5752.

SUPPLEMENTARY INFORMATION: The proposed amendment conforms with administrative practice in processing claims where hazard insurance has been obtained at more than a reasonable rate. See Handbook 4191.1 REV, Administration of Insured Home Mortgages, paragraph 29, and recently amended 24 CFR § 203.379, published at 41 FR 49730 dated November 10, 1976, which prevents mortgages from requiring mortgagors to pay premiums for hazard insurance at more than reasonable rates.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

It is hereby certified that the economic and inflationary impact of these proposed rules have been carefully evaluated in accordance with Executive Order No. 11821.

Accordingly, the Department proposes to amend Chapter II of Title 24 CFR as follows:

1. Amend § 203.402(c) to read as follows:

§ 203.402 Items included in payment-conveyed properties.

(c) Hazard insurance premiums on the mortgaged property not in excess of a "reasonable rate" as defined in § 203.379(b) (3);

2. Amend § 204.322(c) to read as follows:

§ 204.322 Items included in payment.

(c) Hazard insurance premiums on the mortgaged property not in excess of a "reasonable rate" as defined in § 203.379(b) (3), prorated to the date of disposition of the property;

Issued in Washington, D.C., on August 12, 1977.

MORTON BARUCH,
General Deputy Assistant
Secretary for Housing.

[FR Doc.77-24420 Filed 8-23-77; 8:45 am]

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs**

[25 CFR Part 11]

LAW AND ORDER ON INDIAN RESERVATIONS**Law Enforcement Standards**

AUGUST 18, 1977.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This action is needed because there have been recurrent reports that complaints of civil rights violations by Indian police are not fully and thoroughly investigated. The purpose of this action is to assure that the proper investigating authorities are promptly informed of such complaints.

DATES: Comments must be received on October 25, 1977.

ADDRESSES: Written comments should be directed to: Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets.

FOR FURTHER INFORMATION CONTACT:

Eugene F. Suarez, Sr., Chief, Division of Law Enforcement Services, Office of Indian Services, Bureau of Indian Affairs, Department of the Interior, Washington, D.C. 20245. Telephone: 202-343-5786.

SUPPLEMENTARY INFORMATION: The new paragraph (n) provides procedures for the prompt reporting of allegations that police officers have violated the civil rights of any person to the Federal Bureau of Investigation. Allegations against Bureau of Indian Affairs employees must also be reported to the Office of Audit and Investigation of the Department of the Interior. Allegations against employees of tribal contractors must be reported to the top BIA law enforcement officer at the Agency. If there is no BIA officer at the Agency, the allegation must be reported to the Area Special Officer.

The primary author of this document is: David C. Etheridge, Attorney, Division of Indian Affairs, Office of the Solicitor, Department of the Interior, Washington, D.C. 20240, 202-343-6967.

This proposed rule making is being published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

It is proposed to add a paragraph (n) to § 11.304 of Subchapter B, Chapter I, of Title 25 of the Code of Federal Regulations. This revision is proposed under the authority contained in 5 U.S.C. 301, 25 U.S.C. 2, and Section 102 of Title I of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638, 88 Stat. 2203).

It is proposed to amend Section 11.304 by adding paragraph (n) to read as follows:

§ 11.304 Minimum standards for police program.

(n) (1) When a law enforcement officer receives an oral or written allegation that a law enforcement officer employed by a program funded by the Bureau of Indian Affairs has violated the civil rights of any person, the officer receiving the allegation shall prepare a written report of the allegation and transmit it through the chain of command to the chief enforcement officer.

(2) Upon being notified of the allegation, the chief law enforcement officer shall take the following actions:

(i) Notify the Federal Bureau of Investigation, and the Agency's Superintendent or Contracting Officer's Representative.

(ii) If the officer against whom the allegation is made is an employee of the Bureau of Indian Affairs, prepare a memorandum to the Superintendent, who shall, through the Area Director and the Commissioner of Indian Affairs, transmit to the Director, Office of Audit and Investigation, a request that the allegation be investigated to determine whether any administrative action is warranted. The memorandum shall be transmitted through the Superintendent and the Area Director.

(iii) If the officer against whom the allegation is made is an employee of a tribal contractor, notify the top Bureau of Indian Affairs law enforcement officer assigned to the agency. If there is no Bureau of Indian Affairs law enforcement officer at the Agency, the Superintendent and the Area Special Officer shall be notified.

(3) If the chief law enforcement officer is accused of a civil rights violation, the report of the allegation shall be transmitted directly to the Agency Superintendent, who shall take the actions required by subparagraph (2) of this section. If there is no Agency Superintendent, the report of the allegation shall be transmitted directly to the Area Director, who shall take the actions required by subparagraph (2) of this section.

(4) As soon as all actions required by paragraphs (1), (2), and (3) of this Section have been completed, a copy of all documents concerning the allegation shall be transmitted to the Chief, Divi-

sion of Law Enforcement Services, in the Central Office.

RAYMOND V. BUTLER,
Acting Deputy
Commissioner of Indian Affairs.

[FR Doc.77-24498 Filed 8-23-77; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Parts 171, 177, 182, and 183]

INDIAN MINING REGULATIONS

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Extension of comment period; withdrawal of certain proposed rules; and announcement of meetings.

SUMMARY: The Bureau of Indian Affairs is extending the comment period on certain parts of proposed rules for mining on Indian lands. Also, a proposed subpart providing for operating and reclamation standards is being withdrawn in light of recent enactment of comprehensive legislation governing the regulation of surface mining operations on both public and Indian lands.

This document also announces meetings for discussion with tribes and Indian organizations on the proposed rules for Indian mineral development contracts.

DATES: Comment period is extended to September 2, 1977.

Meetings for discussion with tribes and Indian organizations on the proposed rules for Indian mineral development contracts will be held in the following locations:

Oklahoma City, Okla.—August 30, 1977.
Billings, Mont.—September 13, 1977.
Aberdeen, S. Dak.—September 15, 1977.
Phoenix, Ariz.—September 23, 1977.
Albuquerque, N. Mex.—September 26, 1977.
Window Rock, Navajo Nation—September 28, 1977.

ADDRESSES: Comments should be sent to: Commissioner of Indian Affairs—Code 202 Bureau of Indian Affairs, Washington, D.C. 20245.

For addresses and instructions for meetings with tribes and Indian organizations, see "Supplementary Information" below.

FOR FURTHER INFORMATION, CONTACT:

David C. Harrison, 202-343-8018.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the period for written comments on certain proposed rules for Mining on Indian Lands, published in the Federal Register on April 5, 1977 (42 FR 18083), is extended to September 2, 1977. This extension is applicable to proposed Parts 171, 177 (Subpart A only), and 182 of 25 CFR. The extension does not apply to proposed Part 183, governing oil and gas leasing of Osage lands.

Proposed Subpart B of Part 177, which provides for operating and reclamation standards for coal operations on Indian lands, is hereby withdrawn in light of the recent enactment of comprehensive leg-

islation governing the regulation of surface mining operations on both public and Indian lands. It is anticipated that the Interior Department will publish proposed rulemaking designed to implement the new law.

Meetings for discussion with tribes and Indian organizations on the proposed rules for Indian mineral development contracts will be held in the following locations:

Oklahoma City, Okla.—August 30, 1977.
Billings, Mont.—September 13, 1977.
Aberdeen, S. Dak.—September 15, 1977.
Phoenix, Ariz.—September 23, 1977.
Albuquerque, N.M.—September 26, 1977.
Window Rock, Navajo Nation—September 28, 1977.

The purpose of these meetings is to provide a forum for discussion and explanation of the proposed regulations and the issues raised in the written comments on them. Panelists will come from among those employees of the Interior Department who have been involved in drafting of the proposed regulatory scheme. Persons attending a meeting who wish to address some issue raised by the regulations should submit two copies of a written statement at least one week prior to that meeting. One copy should be sent to: Commissioner of Indian Affairs, Bureau of Indian Affairs, Code 202, 1951 Constitution Avenue NW., Washington, D.C. 20245, Attn: David C. Harrison.

The other copy should be submitted to the local Area Director of the Bureau of Indian Affairs at one of the following addresses:

Oklahoma City: Area Director, Anadarko Area Office, Bureau of Indian Affairs, Federal Building, P.O. Box 368, Anadarko, Okla. 73005, Attn: Realty Officer; or
Area Director, Muskogee Area Office, Bureau of Indian Affairs, Federal Building, Muskogee, Okla. 74401, Attn: Realty Officer.
Billings: Area Director, Billings Area Office, Bureau of Indian Affairs, 316 N. 28th Street, Billings, Mont. 59101, Attn: Realty Officer.
Aberdeen: Area Director, Aberdeen Area Office, Bureau of Indian Affairs, Federal Building, 115 4th Avenue SE., Aberdeen, S. Dak. 57401, Attn: Realty Officer.
Phoenix: Area Director, Phoenix Area Office, Bureau of Indian Affairs, 124 W. Thomas Road, P.O. Box 7007, Phoenix, Ariz. 85011, Attn: Realty Officer.
Albuquerque: Area Director, Albuquerque Area Office, Bureau of Indian Affairs, 5301 Central Avenue NE., P.O. Box 8327, Albuquerque, N. Mex. 87107, Attn: Realty Officer.
Window Rock: Area Director, Navajo Area Office, Bureau of Indian Affairs, Window Rock, Ariz. 86515, Attn: Realty Officer.

Oral comments at the meetings must be limited to 15 minutes. The meetings will begin at 9 a.m. For additional information on these meetings please contact the local Area Director. The specific location for each meeting will be set by the Area Director at least two weeks prior to the meeting.

RAYMOND V. BUTLER,
Acting Deputy Commissioner
of Indian Affairs.

AUGUST 12, 1977.

[FR Doc.77-24641 Filed 8-23-77; 8:45 am]

POSTAL SERVICE

[39 CFR Parts 241, 245, 246, 247, 248, 265]

DISCONTINUANCE OF POST OFFICE

Procedural Regulations

AGENCY: United States Postal Service.

ACTION: Proposed rule.

SUMMARY: These proposed regulations would revise the Postal Service procedures for considering whether to discontinue a post office, to bring the procedures into line with new statutory provisions that recently became effective. The new statute and proposed rules are intended to assure, first, that decision-making about the continuation of a post office takes into account all relevant factors; and second, that customers of the post office under review have an opportunity to participate in the decisionmaking process.

DATES: Written comments must be received on or before September 23, 1977.

ADDRESSES: Address comments to Assistant General Counsel, Legislative Division, U.S. Postal Service, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:

W. Allen Sanders (202-245-4636).

SUPPLEMENTARY INFORMATION: Pub. L. 94-421 enacted a new provision, 39 U.S.C. 404(b) (effective March 15, 1977), which establishes standards and procedures for the consideration of post office closings and consolidations. Present Postal Service regulations dealing with the discontinuance¹ of a post office have not yet been revised to reflect the statutory changes. See Regional Instruction, Discontinuance and Consolidation of Post Offices, Filing No. 361.2, dated November 20, 1975; Amendment No. 1, dated January 15, 1976; Amendment No. 2 dated March 25, 1976. The proposed rule is intended to bring Postal Service regulations into conformity with the statute, in a codified form that will be readily available to the public. When a final rule is adopted, the 1975 Regional Instruction and subsequent amendments will be revoked. No post office will be closed until the final rule has been adopted and its procedures are followed.

The Postal Service wishes to emphasize that the adoption of the proposed new

¹ Section 404(b) covers both "closing" and "consolidation". Under the proposed rule, the term "discontinuance" is used to include both closings and consolidations. In Postal Service usage, a "consolidation" combines two or more independent post offices by replacing at least one of them with a different kind of facility (a community post office, station, or branch) that is operated as an affiliate of one of the other post offices. A consolidation thus does not result in depriving the affected community of its own postal facility, and may or may not result in closing the facility that has served as the community's independent post office, since the same facility may or may not serve as the new affiliate facility.

rule will not signal the beginning of a campaign to close large numbers of post offices. It will simply bring postal regulations up to date. The new law contemplates that in some circumstances, the continuation of an existing post office may not be warranted. The proposed rule will provide necessary guidance to postal managers and to the public in such a case, to help them apply the criteria and follow the procedures outlined by new section 404(b).

The requirements of section 404(b) may be grouped in three categories. First, the section establishes criteria which must form the basis for assessing whether or not a post office should be discontinued. Second, it establishes procedures to be followed by the Postal Service in making such an assessment, including ample opportunity for public comment on the proposed action. These first two requirements would be implemented by the proposed rule. Third, section 404(b) provides for the affected customers' right of appeal of a Postal Service determination to the Postal Rate Commission. The Commission is authorized to set aside any determination found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; without observance of procedure required by law; or unsupported by substantial evidence on the record. The Commission has already established procedures for the implementation of this provision. See Subpart H, Part 3001 of Title 39, CFR, as added by 42 FR 10989-10994 (February 25, 1977).

The criteria to be considered in determining whether to discontinue a post office include the effect on the community and on the post office's employees, the requirement to maintain effective and regular postal services, the potential savings, and any other relevant factors identified by the Postal Service. In recent years, many of the reservations that have been expressed about discontinuing small post offices, even when substantial savings would be realized and as good or better service would be provided, have focused on the potential adverse effect on the continued identity of a small community, particularly where the demographic changes that make the office seem unnecessary already have led other institutions to abandon the community. In recent years, the Postal Service has attempted to mitigate potential effects of this kind, where possible, by establishing a category of contract postal facility known as a "community post office", which preserves the community name in the name of the postal facility and in the mailing address of the community residents served by the facility.

The present proposed rule, §§ 247.4 through 247.8, would go beyond previous policy, to enable the continuation of the community address in almost all cases when a post office is discontinued. Whenever the discontinuance is accomplished by consolidation—that is, when an independent post office is replaced by an affiliate facility still in the commu-

nity—the replacement facility will preserve the name of the discontinued post office. In addition, when a post office is simply closed, without being replaced by another type of postal facility in the community, the community's name will still be permitted to be used in the mailing address of the affected customers in most cases, along with the ZIP Code of the post office from which delivery is provided after the change. The only exception will be the unusual case when delivery can suitably be provided to the community only from several different offices with different ZIP Codes. In such a case, using the community name would not enable the Postal Service to route the mail properly if the mailer neglects to include the applicable ZIP Code in the address, as still too frequently happens. Finally, the names of all discontinued post offices would continue to appear in an appropriate fashion in published Postal Service directories. We believe that these adjustments would provide a significant step toward helping to preserve a community's identity despite discontinuance of the post office, where the discontinuance is warranted considering all relevant factors.

Proposed §§ 247.9 through 247.24 provide step-by-step procedures for considering whether a particular post office should be discontinued. Consideration would be begun by local postal management (the Sectional Center Manager). As provided by § 247.13, notice of the proposed action would be posted in the affected office. The notice would include a full explanation of the reasons for the proposed action, including an application of all of the required statutory criteria. Copies of the proposal and a blank comment form would be distributed at the post office. The administrative record upon which the proposal is based would be available for public examination in the affected post office. Additional actions to enhance customer participation, suited to the local context, would be encouraged. Postal customers would have 60 days to provide views and information, which would become part of the record for decision. If after taking customer comments into account, the local manager decided to continue with the proposal, he would have to revise his written explanation to reflect consideration of the information and arguments received from the customers. Thereafter, the matter would be reviewed at higher levels within the Postal Service. If the final determination is to proceed with the discontinuance, the decision would have to be explained in writing and made available in the affected post office. For a period of 30 days, any customer would be entitled to file an appeal to the Postal Rate Commission. The post office could not be discontinued until at least 60 days after the Postal Service's written determination is made available.

Certain supplementary changes are also proposed. Conforming amendments would revise the caption of § 241.1 and would delete present § 241.1(c). Pro-

posed new Part 248 would make it clear that an emergency suspension of post office operations for reasons of necessity—as in the case of a loss of quarters—would be temporary only, and that the provisions of Part 247 would apply to the discontinuance of such a post office as to any other. A proposed amendment to § 245.6(a)(2) would provide for the preservation of final written determinations to discontinue a post office, with supporting record, as a public record available for inspection.

Accordingly, although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking, 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed amendments to Title 39, CFR.

PART 241—ESTABLISHMENT AND CLASSIFICATION

1. Part 241 is amended by revising the caption as set forth above.

§ 241.1 [Amended]

2. Paragraph (c) of § 241.1 is deleted.

PART 245—[RESERVED]

PART 246—[RESERVED]

3. Parts 245 and 246 are reserved

PART 247—DISCONTINUANCE OF POST OFFICE

4. New Part 247 is added as follows:

Subpart A—Introduction	
Sec.	Coverage.
247.1	Requirements of law.
247.2	Additional requirements of this part.
247.3	
Subpart B—Policy on Preservation of the Community Address	
247.4	General
247.5	Assignment of ZIP Code.
247.6	Post office name in address.
247.7	Name of facility established by consolidation.
247.8	Listing of discontinued post office.
Subpart C—Initial Investigation and Proposal by Local Management	
247.9	General.
247.10	Consolidation.
247.11	Consultation with postmasters of affected offices.
247.12	Preparation of written Proposal to Discontinue Post Office.
Subpart D—Notice, Public Comment, and Administrative Record	
247.13	Posting and availability of proposal and comment form.
247.14	Other steps.
247.15	Administrative record.
Subpart E—Consideration of Public Comment and Final Local Recommendation	
247.16	Analysis of comments.
247.17	Evaluation of proposal in light of comments.
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- 247.21 Notice of final determination to discontinue post office.
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AUTHORITY: 39 U.S.C. 101(b), 401, 403(b), 404.

Subpart A—Introduction

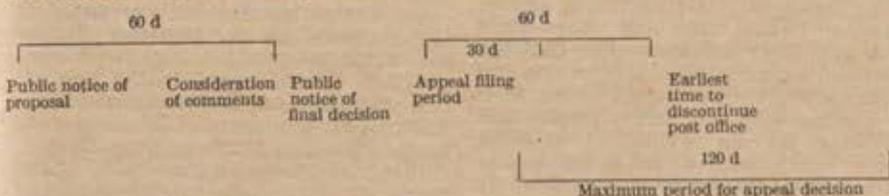
§ 247.1 Coverage.

This part establishes the rules which govern the Postal Service's consideration of whether an existing post office should be discontinued. The rules cover any proposal to replace a post office with a community post office, station, or branch through consolidation with another post office, as well as any proposal to discontinue a post office without providing a replacement facility.

§ 247.2 Requirements of law.

By law 39 U.S.C. 404(b), any decision to discontinue a post office must be based on certain specific criteria. These include the effect on the community served, the

effect on employees, the maintenance of effective and regular services, and the economic savings. In addition, certain mandatory procedures apply. These include providing 60 days' public notice of a proposed action in order to enable the public to evaluate the proposal and provide comments. In addition, any final determination to close an office, after public comments are received and taken into account, must be made in writing and must include findings covering all of the required considerations. The written determination must be made available to the affected customers at least 60 days before the discontinuance takes effect. Within the first 30 days after the written determination is made available, any customer served by the affected post office may appeal the decision to the Postal Rate Commission. The Commission is required by 39 U.S.C. 404(b) (5) to make a determination on the appeal no later than 120 days after receiving the appeal. (See Subpart H of Part 3001 of this title.) A summary table of the notice and appeal periods under the statute or these regulations follows:



§ 247.3 Additional requirements of this part.

Subpart B of this part establishes specific rules designed to assure that the community's identity as a postal address will be preserved. Subparts C through F of this part provide step by step rules for consideration of a proposed discontinuance and for its implementation if approved. These rules are designed to assure that the reasons which lead postal managers to propose the discontinuance of a particular post office are fully articulated and disclosed at a stage that will enable customer participation to make a helpful contribution toward the final decision.

Subpart B—Policy on Preservation of the Community Address

§ 247.4 General.

One of the most significant contributions that post offices traditionally have provided toward maintaining the identity of small communities has been the maintenance of a common mailing address using the name of the community. In order to avoid or mitigate any negative effect on the continuing identity of a community as a result of the discontinuance of its post office, it is the policy of the Postal Service to maintain the community's separate address to the maximum practical extent, in accordance with this subpart.

§ 247.5 ZIP Code.

The ZIP Code for each address formerly served from the discontinued post

office shall be the ZIP Code of the facility providing replacement service to that address. In the case of a consolidation, the ZIP Code provided for the replacement community post office, station, or branch shall be either the ZIP Code originally assigned to the discontinued post office or the ZIP Code of the replacement facility's parent post office, whichever will provide the most expeditious distribution and delivery of mail addressed to the customers of the replacement facility. If the parent post office is a multi-ZIP Code office, the ZIP Code shall be that of the delivery area within which the facility is located.

§ 247.6 Post office name in address.

If all of the delivery addresses using the name of the post office to be discontinued are assigned the same ZIP Code, each customer may continue to use the name of the discontinued post office in his address, instead of changing to the name of the post office from which delivery is provided after the discontinuance.

§ 247.7 Name of facility established by consolidation.

If a post office to be discontinued is to be consolidated with one or more other post offices, by establishing in the place of the discontinued post office a community post office or classified or contract station or branch affiliated with another post office involved in the consolidation, the name of the community post office or classified or contract station or branch

shall be the same as the name of the discontinued post office.

§ 247.8 Listing of discontinued post office.

The names of all post offices discontinued after March 14, 1977, shall be listed in an appropriate manner in Publication 26, the Directory of Post Offices, and in Publication 65, the National ZIP Code Directory, for mailing address purposes only. The ZIP Code or ZIP Codes listed for the discontinued office shall be the ZIP Code or ZIP Codes assigned in accordance with § 247.5.

Subpart C—Initial Investigation and Proposal by Local Management

§ 247.9 General.

If a Sectional Center Manager believes that the discontinuance of a post office within his responsibility may be warranted, he may investigate, and if found appropriate, may propose that it be discontinued, applying the standards and following the procedures of this subpart and Subpart D of this part.

§ 247.10 Consolidation.

If the communities served by two or more post offices are being merged into a single incorporated village, town, or city, or if providing a replacement facility is necessary to maintain regular and effective service to the area served by the post office being considered for discontinuance, the proposed action may include a consolidation of post offices to substitute a community post office or a classified or contract station or branch for the discontinued post office.

§ 247.11 Consultation with postmasters of affected offices.

Whether the discontinuance under consideration involves a consolidation or not, the Sectional Center Manager shall consult with the postmaster (or the officer-in-charge if there is a vacancy in the postmaster's position) of the post office being considered for discontinuance, together with the postmaster (or officer-in-charge) of any other post office that would be affected by the change. In addition, the Sectional Center Manager shall encourage these postmasters (or officers-in-charge) to submit their comments and suggestions in writing to be made part of the record for further consideration and review of the proposal.

§ 247.12 Preparation of written Proposal to Discontinue Post Office.

The Sectional Center Manager shall gather all relevant documentation to enable him to decide whether or not the proposed change is justified. Based on this documentation, if the change appears warranted, he shall prepare a written description entitled "Proposal to Discontinue Post Office," which shall provide a description and analysis of the proposal that is sufficient to disclose both to higher management and to the affected community the nature of the changes in service being proposed and the reasons why those changes are justified. The written description must ad-

PROPOSED RULES

dress each of the following matters in separate sections:

(a) *Responsiveness to community postal needs.* Whether or not it is proposed to consolidate the affected post office with another post office by establishing a replacement facility, the residents of the community must receive a maximum degree of regular and effective service. The Proposal should contrast the services available before and after the proposed change, should describe how the changes respond to the postal needs of the community, and should highlight any particular aspects of service which might be less advantageous to the persons served as well as those which would be more advantageous.

(b) *General effect on community.* The Proposal must include an analysis of the effect which the proposed discontinuance might have on the general character of the community. The application of the requirements of §§ 247.4 through 247.8 must be discussed and taken into account.

(c) *Effect on employees.* In preparing the Proposal, the Sectional Center Manager shall determine what actions he proposes to comply with the applicable Regional Instructions relating to personnel actions to be taken in connection with the discontinuance and consolidation of post offices. The written Proposal must include a summary of the contemplated effect of the proposed action on the postmaster and any supervisors and other employees of the post office proposed for discontinuance.

(d) *Economic savings.* The Proposal must include an analysis of the economic savings to be gained from the proposed action, including the cost or savings expected from each of the major factors contributing to the overall estimate.

(e) *Other factors.* The Proposal should include an analysis of any other factors that the Sectional Center Manager considers relevant to the need for the proposed change, to be weighed in favor or to be weighed against the proposed action.

(f) *Summary.* The Proposal must include a summary that explains why the proposed action is needed, including an assessment of how the factors supporting the need for the proposed change outweigh any negative factors. In taking competing considerations into account, the need to provide regular and effective service shall be paramount.

(g) *Notices.* The Proposal must include the following notices:

(1) *Supporting materials.* Copies of all unpublished materials upon which this proposal is based are available for public inspection at the post office during normal office hours.

(2) *Appeal rights.* A final determination to discontinue this post office may be appealed by any person served by the office to the Postal Rate Commission at 2000 L Street NW., Washington, D.C. 20268, within 30 days after the final

written determination is made available to the public."

Subpart D—Notice, Public Comment, and Administrative Record

§ 247.13 Posting and availability of proposal and comment form.

A copy of the Proposal to Discontinue Post Office, together with a signed Invitation for Comments, shall be prominently posted in each post office that would be affected. The Invitation for Comments shall include a request that interested persons provide written comments within 60 days, to a stated address, offering specific opinions and information, favorable or unfavorable, regarding the potential effect of the proposed change on postal services or on the community generally. It shall also indicate that copies of the proposal with attached optional comment forms (see Appendix) are available upon request in the affected post offices and shall provide a name and telephone number to call for further information and questions.

§ 247.14 Other steps.

In addition to providing notice and inviting comment, the Sectional Center Manager should take any other steps that seem needed to make sure that the community understands the nature and implications of the proposed action, such as meeting with community groups and following up on comments received which which seem to be based on incorrect assumptions or information. If oral contacts develop views or information not previously documented, whether favorable or unfavorable to the proposal, he should encourage the person offering the views or information to provide written comments, in order to preserve them for the record.

§ 247.15 Administrative record.

The Sectional Center Manager shall maintain as part of the record for his consideration and for review by higher management all of the unpublished documentation he has gathered concerning the need for the proposed change. The proposal shall be assigned a docket number, which he shall obtain by calling the Regional Director, Customer Services, in his Region. The record shall include a chronological index in which each document contained in the record is identified and numbered as filed. As written communications are received in response to the public notice and invitation for comments, they shall be included in the record. The Sectional Center Manager shall assure that a complete up-to-date copy of the record is available for public inspection during normal office hours at the post office proposed for discontinuance, beginning no later than the date upon which notice is posted under § 247.13, and extending through the comment period. Copies of documents in the record shall be provided upon request and (except for the Proposal and comment form) payment of fees prescribed by § 265.8.

Subpart E—Consideration of Public Comment and Final Local Recommendation

§ 247.16 Analysis of comments.

After waiting not less than 60 days after notice has been posted in accordance with § 247.13, the Sectional Center Manager shall prepare an analysis of the public comments received. Comments subsequently received should also be included in the analysis if possible. The analysis should list and briefly describe each of the points made favorable to the proposal and each of the points made unfavorable to the proposal, and should identify how many comments supported each point listed. It should also identify any points which seem to be irrelevant or based on a misunderstanding of what has been proposed.

§ 247.17 Evaluation of proposal in light of comments.

Upon completion of the analysis, the Sectional Center Manager shall review the Proposal to Discontinue Post Office and re-evaluate all of the tentative conclusions previously made in light of the additional information and public views received.

(a) *Discontinuance not warranted.* If the Sectional Center Manager decides not to proceed with the proposed discontinuance, he shall post, in the post office considered for discontinuance, a notice that the proposed discontinuance has been determined not to be warranted.

(b) *Discontinuance warranted.* If the Sectional Center Manager decides that the proposed discontinuance is justified, he shall revise the appropriate sections of the Proposal to Discontinue Post Office to take into account the comments received from the public. Upon completing the necessary revisions, he shall forward the revised proposal together with the entire record through his District Manager and Regional Postmaster General to the Senior Assistant Postmaster General, Operations Group, for final review. The documents (including customer comments) in the record sent forward must be the originals or certified copies.

Subpart F—Final Determination

§ 247.18 Standard of review.

The District Manager, Regional Postmaster General, and Senior Assistant Postmaster General each shall conduct his review under this subpart on the basis of the administrative record developed by the Sectional Center Manager. The decision of each reviewing authority shall be fully supported in the record. As necessary, each reviewing authority may provide instructions to the Sectional Center Manager, through appropriate channels, to supplement the record.

§ 247.19 Review by district and regional management.

The District Manager shall review the revised Proposal to Discontinue Post Office and may approve it, with or without making revisions, and send it forward with the record to his Regional

Postmaster General, or may disapprove it and return it with the record to the Sectional Center Manager with his reasons for disapproval. If the Proposal is returned disapproved, the Sectional Center Manager shall post a notice, in the post office considered for discontinuance, that the proposed discontinuance has been determined not to be warranted. If the District Manager sends it forward, the Regional Postmaster General may approve it, with or without making revisions, and send it forward to the Senior Assistant Postmaster General, Operations Group, or may disapprove it and return it with the record and with his reasons for disapproval, through the District Manager to the Sectional Center Manager for posting of the required notice.

§ 247.20 Final determination by Senior Assistant Postmaster General, Operations Group.

The Senior Assistant Postmaster General, Operations Group, may approve a revised Proposal forwarded for his review, with or without making further revisions, or may disapprove it and return it with the record and with his reasons for disapproval, through the Regional Postmaster General and the District Manager to the Sectional Center Manager for posting of the notice required in § 247.19. If he approves it, the Proposal (with revisions) shall be retitled the "Determination to Discontinue Post Office", shall be signed by him, and shall constitute the determination and findings of the Postal Service for purposes of 39 U.S.C. 404(b). He shall return a copy through the Regional Postmaster General and the District Manager to the Sectional Center Manager and shall forward a copy with a copy of the record to be placed on public file as provided in § 265.6(a)(2).

Subpart G—Notice and Implementation of Final Determination

§ 247.21 Notice of final determination to discontinue post office.

The Sectional Center Manager shall provide notice of the Determination to Discontinue Post Office by having a copy prominently posted in the affected post office or offices. The date of posting shall be noted on the first page of the posted copy.

§ 247.22 Implementation of determinations not appealed.

If no appeal is filed pursuant to 39 U.S.C. 404(b)(5), the Sectional Center Manager may schedule an appropriate date for implementing the approved discontinuance. However, the post office may not be discontinued sooner than 60 days after the notice required by § 247.21 has been posted.

§ 247.23 Actions during appeal.

(a) Implementation of discontinuance. If an appeal is filed, the affected post office may be discontinued, without waiting for final disposition of the appeal,

unless otherwise directed by the Senior Assistant Postmaster General, Operations Group, or unless otherwise ordered by the Postal Rate Commission in accordance with law. However, the post office may not be discontinued sooner than 60 days after the notice required by § 247.21 has been posted.

(b) Display of appeal documents. The Regional Counsel shall provide the Sectional Center Manager with copies of the Postal Rate Commission's service list and all pleadings, notices, orders, briefs, and opinions filed in the appeal proceeding. The Sectional Center Manager shall assure that a copy of each of these documents is prominently displayed and made available for reading by the public in the post office to be discontinued, or if it has been or is discontinued, in the post office or post offices serving the customers affected. All documents except the Commission's final order and opinion must be displayed until the final order and opinion are issued. The final order and opinion must be displayed for a period of 30 days.

§ 247.24 Actions following appeal decision.

(a) Determination affirmed. If the Commission dismisses the appeal or affirms the Postal Service's determination, the Sectional Center Manager may schedule an appropriate date for implementing the approved discontinuance if not previously implemented. However, the post office may not be discontinued sooner than 60 days after the notice required under § 247.21 has been posted.

(b) Determination returned for further consideration. If the Commission returns the matter for further consideration, the Senior Postmaster General, Operations Group shall direct either that notice be provided in accordance with § 247.19 that the proposed discontinuance has been determined not to be warranted, or shall direct that the matter be returned to an appropriate stage under these regulations for further consideration according to such instructions as he may provide.

(APPENDIX—PART 245)

UNITED STATES POSTAL SERVICE

DEAR POSTAL CUSTOMER: Attached is a description of a proposal which we are considering to attempt to provide your community's postal service more efficiently and economically, while also providing regular and effective service. Please read the proposal carefully and then let us have your comments and suggestions on the form provided below. Your comments will be carefully considered and will be made a part of a public record. If additional room is required, please attach additional sheets of paper as needed. Return the completed form to..... by.....

In considering this proposal, if you have any questions you want to talk about with a postal official, you may call..... whose telephone number is.....

I. Effect on Your Postal Service

Please describe any favorable or unfavorable effects which you believe the proposal

would have on the regularity or effectiveness of your postal service.

II. Effect on Your Community

Please describe any favorable or unfavorable effects which you believe the proposal would have on your community generally.

III. Other Comments

Please provide any other views or information which you believe the Postal Service should consider in deciding whether to adopt the proposal.

(Signature of Postal Customer) (Date)

(Mailing Address)

(City) (State) (ZIP Code)

PART 248—SUSPENSION OF POST OFFICE OPERATIONS

5. New Part 248 is added as follows:
§ 248.1 Emergency suspension.

In emergencies, when it is absolutely necessary to suspend operations of a post office without a full review and evaluation, as in the case of a natural disaster or in the termination of a lease when alternative quarters are not quickly available, the Sectional Center Manager, through the District Manager and the Regional Postmaster General, shall notify the Senior Assistant Postmaster General, Operations Group, by telephone or TWX, of the action taken. In such cases, operations must be restored as soon as possible and the post office may not be discontinued except in full compliance with Part 247 of this chapter. (39 U.S.C. 401)

PART 265—RELEASE OF INFORMATION

§ 265.2 [Amended]
4. Paragraph (a)(2) of § 265.6 is amended by inserting immediately after "Board of Contract Appeals," the fol-

lowing: "all determinations pursuant to § 245.20 of Title 39, Code of Federal Regulations, to close a post office, together with supporting record."

An appropriate amendment to title 39, CFR to reflect this change will be published if the proposal is adopted.

(39 U.S.C. 101(b), 401, 403(b), 404)

LOUIS A. COX,
General Counsel,

[FR Doc.77-24469 Filed 8-23-77; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21363; RM-2891]

FM BROADCAST STATION IN COLUMBIA, LA.

Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: Action herein proposes the assignment of a first Class A FM channel to Columbia, La. Petitioner, KCTO Broadcasting Co., states the proposed channel will provide Columbia with its first FM broadcast service.

DATES: Comments must be received on or before October 3, 1977, and reply comments must be received on or before October 25, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau (202-632-7792).

SUPPLEMENTARY INFORMATION:

Adopted: August 16, 1977.

Released: August 22, 1977.

In the matter of Amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Columbia, La.). Docket No. 21363T RM-2891.

1. *Petitioner, proposal and comments.* (a) Petition for rulemaking filed¹ by KCTO Broadcasting Co. ("KCTO"), licensee of daytime-only AM Station KCTO, Columbia, La., proposing the assignment of Channel 276A to Columbia, La., as a first FM assignment to the community. No oppositions to the petition were received.

(b) Channel 276A could be assigned to Columbia without affecting any existing FM assignments, provided the transmitter is located 8.8 kilometers (5.5 miles) west of the community. From such a location, petitioner states, it would be possible to provide the requisite signal level over Columbia.

(c) KCTO states that it will promptly file an application for the channel, if assigned.

2. *Community Data*—(a) *Location.* Columbia, seat of Caldwell Parish, is located approximately 47 kilometers (29 miles) south of Monroe, La.

(b) *Population.* Columbia—1,000; Caldwell Parish—9,354.²

(c) *Local Broadcast Service.* Columbia has a daytime-only station, licensed to petitioner.

3. *Economic data.* KCTO states that Columbia is governed by a mayor and city council. The parish derives its income from farming, logging and pulp operations. KCTO also submitted information with respect to education, churches and civic organizations. It has no daily newspaper.

4. In view of the apparent need for a first full-time local broadcast service in Columbia, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, with regard to Columbia, La., as follows:

City	Channel No.	
	Present	Proposed
Columbia, La.....		276A

5. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained below and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 below before a channel will be assigned.

6. Interested parties may file comments on or before October 3, 1977, and reply comments on or before October 25, 1977.

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, It is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and Regulations, as set forth in this Notice of Proposed Rule Making.

2. *Showings required.* Comments are invited on the proposal(s) discussed in this notice of proposed rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

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

(a) Counterproposals advanced in this proceeding itself will be considered,

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

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

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

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

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

[FR Doc.77-24451 Filed 8-23-77; 8:45 am]

[47 CFR Part 73]

[Docket No. 21362; RM-2881]

FM BROADCAST STATION, IN LOUISA, VIRGINIA

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: Action herein proposes the assignment of a first Class A FM channel to Louisa, Va. Petitioner, Louisa County Broadcasting Co., states that the proposed channel will provide Louisa with its first FM broadcast service.

DATES: Comments must be received by October 3, 1977, and reply comments must be received by October 25, 1977.

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

FOR FURTHER INFORMATION CONTACT:

¹ Public Notice of the filing of the petition was given on May 24, 1977 (Report No. 1048).

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

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202 (b), *Table of Assignments*, FM Broadcast Stations, (Louisa, Virginia), Docket No. 21362, RM-2881.

Adopted: August 16, 1977.

Released: August 22, 1977.

1. *Petition, proposal and comments.* (a) Petition for rulemaking,¹ filed April 27, 1977, by Louisa County Broadcasting Co. ("petitioner"), proposing the assignment of Channel 288A to Louisa, Va., as a first FM assignment to that community.

(b) The channel could be assigned in full conformity with the minimum distance separation requirements. There were no oppositions to the proposal.

(c) Petitioner states that, if the channel is assigned, it would file an application to construct a station.

2. *Community data*—(a) *Location.* Louisa, seat of Louisa County, is located approximately 80 kilometers (50 miles) southeast of Richmond, Va., and 40 kilometers (25 miles) west of Charlottesville, Va.

(b) *Population.* Louisa—633; Louisa County—14,004.²

(c) *Local Broadcast Service.* There is no local broadcast service in Louisa or Louisa County.

3. *Economic Data.* Petitioner states that Louisa County's economy is based on farming, agriculture and timber production. In support of its proposal, petitioner has submitted population and demographic data and a profile of the local economy. It adds that the proposed station would provide for a first local radio service to Louisa and Louisa County.

4. In view of the apparent need for a local broadcast service in Louisa and Louisa County, we believe that consideration of the proposed FM assignment in a rulemaking proceeding would be in the public interest.

5. Accordingly, it is proposed to amend the FM Table of Assignments, § 73.202 (b) of the Commission's rules, with regard to Louisa, Va., as follows:

City	Channel No.	
	Present	Proposed
Louisa, Va.		288A

6. Authority to institute rule making proceedings, showings required; cut-off procedures; and filing requirements are contained below and are incorporated herein.

¹ Public Notice of the filing of the petition was given on May 9, 1977 (Report No. 1044).

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

NOTE.—A showing of continuing interest is required by paragraph 2 below before a channel will be assigned.

7. Interested parties may file comments on or before October 3, 1977, and reply comments on or before October 25, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules. It is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in this notice of proposed rulemaking.

2. *Showings required.* Comments are invited on the proposal(s) discussed in this notice of proposed rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

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

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

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

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

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

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

[FR Doc. 77-24450 Filed 8-23-77; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1241 and 1249]

MOTOR CARRIERS OF PASSENGERS AND PROPERTY

Depreciation Policy Disclosure

AGENCY: Interstate Commerce Commission.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Bureau of Accounts is considering a revision of reporting requirements for motor carriers of passengers and property. The revision would require disclosure of depreciation policies for several major categories of assets. Our objective is to provide users of financial statements with increased comparability among the reports of different carriers. To further our research, we are requesting comments and suggestions on the proposed disclosures described below. *This discussion is intended solely for comment and does not order changes to the reporting regulations.*

DATE: Comments by September 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Ronald Young, Chief, Section of Accounting, Interstate Commerce Commission, Washington, D.C. 20423, Phone No.: 202-275-7448.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Commission does not presently prescribe depreciation rates for motor carriers, yet depreciation expense can have a significant impact on net income. Thus, we believe motor carriers should be required to disclose depreciation policy in their annual reports. Such disclosure would facilitate general comparison of carriers' financial statements as well as an evaluation of the impact of different depreciation policies on carrier financial statements.

RECOMMENDED DISCLOSURE

We believe motor carriers with \$10 million or more of gross operating revenues should disclose their depreciation policies for these major categories of

PROPOSED RULES

assets: (1) Structures, (2) Revenue Equipment, and (3) Service Cars and Equipment.

The proposed disclosures would include:

- (1) Book cost,
- (2) Service life (and how determined),
- (3) Net salvage value (and how determined),
- (4) A statement as to consistency of application of depreciation policies, and
- (5) Percentage of fully depreciated assets in service (which would indicate the reasonableness of depreciation policy).

These disclosures would be included in explanatory notes to annual report schedules.

Issued at Washington, D.C., August 16, 1977.

JOHN A. GRADY,
Director, Bureau of Accounts.

[FR Doc.77-24512 Filed 8-23-77;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.

DEPARTMENT OF AGRICULTURE

Forest Service

BUCK CREEK SPECIAL USE ROAD APPLICATION

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a Final Environmental Statement for the Buck Creek Special Use Road Application, Forest Service report number USDA-FS-FES(Adm) R1(11) 76-24.

The environmental statement concerns alternatives for road access to Burlington Northern Inc. lands in the Buck Creek and Yellow Mule drainages of the Gallatin National Forest. Approximately 3.4 miles of road will be built across National Forest land to access private lands situated in a checkerboard ownership pattern in Gallatin and Madison Counties, Montana.

This final environmental statement was transmitted to CEQ on August 19, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service, South Agriculture Bldg., Rm. 3210, 12th Street and Independence Avenue SW., Washington, D.C. 20013.

USDA Forest Service, Northern Region, Federal Building, Missoula, Mont. 59807.

USDA Forest Service, Gallatin National Forest, Federal Building, Bozeman, Mont. 59715.

USDA Forest Service, Bozeman Ranger District, 234 E. Babcock, Suite D, Bozeman, Mont. 59715.

A limited number of single copies are available upon request to the Forest Supervisor, Gallatin National Forest, P.O. Box 130, Bozeman, Mont. 59715.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

R. MAX PETERSON,
Deputy Chief.

AUGUST 19, 1977.

[FR Doc. 77-24497 Filed 8-23-77; 8:45 am]

COMMISSION ON CIVIL RIGHTS

AGE DISCRIMINATION

Hearing

Notice is hereby given pursuant to the provisions of the Civil Rights Act of 1957, as amended, 42 U.S.C. § 1975 et seq. (1976), that the U.S. Commission on Civil Rights will hold a public hearing dealing specifically with the provisions of the Age Discrimination Act of 1975, enacted as part of the Older Americans Amendments of 1975, 42 U.S.C. § 6101 et seq. (1976). The hearings will be held on September 26, 27, and 28, 1977 in the Loy Henderson Conference Room (No. 1309A) at the Department of State, 2201 C Street NW., Washington, D.C. An Executive Session, if appropriate, will be convened on September 26, at the same location as the hearing.

The Commission has been conducting an extensive study of age discrimination in federally assisted programs with emphasis on the following programs and activities: Comprehensive Employment and Training Act-Public Service Employment Programs; Community Mental Health Centers; Community Health Centers; Vocational Rehabilitation; Legal Services; Title XX of the Social Security Act; Food Stamps; Medicaid; admissions and financial aid policies and procedures of institutions of higher education; and elementary and secondary education including Adult Basic Education, and Vocational Education.

This represents the last in a series of four public hearings held by the Commission on the issue of age discrimination. The first three were conducted in San Francisco, California; Denver, Colorado; and Miami, Florida.

The purpose of these hearings has been to elicit the views of interested parties, including Federal departments and agencies, on issues relating to age discrimination in programs and activities receiving Federal financial assistance and particularly with respect to the reasonableness of distinguishing on the basis of age among potential participants in, or beneficiaries of, specific federally assisted programs.

The Washington, D.C. hearing is intended specifically to obtain the views of officials from Federal agencies administering programs covered by the Age Discrimination Act, and from national

organizations working in areas relevant to the problem of age discrimination, on issues identified in the study and the three previous hearings; on the projected effects of the Act on current program policy and operations; on how the agencies of the Federal Government can effectively implement the intent and provisions of the Act; and on any issues or problems which may arise in light of the current provisions of the Act.

Further information on the hearing may be obtained by contacting Ms. Eileen Bradley, Age Discrimination Study, U.S. Commission on Civil Rights, 1730 K Street NW., Suite 214, Washington, D.C. 20006, 202-634-7138.

Dated at Washington, D.C., August 18, 1977.

ARTHUR S. FLEMING,
Chairman.

[FR Doc. 77-24470 Filed 8-23-77; 8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census SPECIAL CENSUSES

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. The content of a special census is ordinarily limited to questions on household relationship, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the decennial census.

Summary results of special censuses are published semiannually in the Current Population Reports—Series P-28, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special censuses conducted since December 31, 1976, for which tabulations were completed between July 1, 1977, and July 31, 1977.

Dated: August 18, 1977.

MANUEL D. PLOTKIN,
Director, Bureau of the Census.

State/Place or Special Area	County	Date of Census	Population
Arkansas			
Arkansas City city	Desha	May 16, 1977	784
Cabot city	Lonoke	May 10, 1977	3,970
Calico Rock city	Izard	May 2, 1977	1,015
Fort Smith city	Sebastian	March 17, 1977	68,006
McCaskill town	Hempstead	May 26, 1977	91
Sherwood city-annexed areas only	Pulaski	April 18, 1977	1,274
Colorado			
Delta County	-----	March 19, 1977	18,949
Garfield County	-----	March 11, 1977	18,800
Mesa County	-----	March 21, 1977	66,848
Moffat County	-----	April 1, 1977	10,303
Rio Blanco County	-----	March 16, 1977	5,100
Routt County	-----	March 18, 1977	10,516
Illinois			
Carol Stream village	DuPage	April 21, 1977	9,460
Collinsville township-excluding Collinsville city	Madison	May 9, 1977	9,426
Diamond village	Grundy	May 3, 1977	915
Geneseo city	Henry	April 26, 1977	6,154
Hinsdale village	Cook and DuPage	March 29, 1977	16,844
Mokena village	Will	May 23, 1977	3,121
Naperville city	DuPage and Will	May 9, 1977	35,062
Palos Heights city	Cook	May 3, 1977	10,725
Riverwoods village	Lake	April 25, 1977	2,182
Indiana			
Hobart city	Lake	April 7, 1977	22,268
Mishawaka city	St. Joseph	March 31, 1977	39,002
North Dakota			
Stanton city	Mercer	May 25, 1977	583
Washburn city	McLean	May 23, 1977	1,397

State/Place or Special Area	County	Date of Census	Population
Pennsylvania			
Richland township	Cambria	May 10, 1977	11,805
Ridgebury township	Bradford	April 29, 1977	2,068
Tinicum township	Bucks	May 3, 1977	3,242
Upper Uwchlan township	Chester	May 2, 1977	1,343
Virginia			
Ashland town	Hanover	April 25, 1977	4,688
Suffolk city	-----	April 4, 1977	46,574

[FR Doc.77-24438 Filed 8-23-77; 8:45 am]

Domestic and International Business Administration

COMPUTER SYSTEMS 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 Computer Systems Technical Advisory Committee will be held on Thursday, September 8, 1977, at 1:00 pm. in Room 3708,

Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production and technology, (C) licensing procedures which may affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda has four parts:

GENERAL SESSION

- (1) Opening remarks by the Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Review of Licensing Procedures Subcommittee recommendations for the clarification and simplification of the Export Administration Regulations.

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 Committee. 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 delegates of the General Counsel, formally determined on January 27, 1977, 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 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, Room 3012, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Divisions, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Wash-

ington, D.C. 20230, telephone A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on February 2, 1977 (42 FR 6374).

Dated: August 18, 1977.

RAUER H. MEYER,
Director, Office of Export Administration,
Bureau of East-West Trade, United States
Department of Commerce.

[FR Doc. 77-24421 Filed 8-23-77; 8:45 am]

National Oceanic and Atmospheric
Administration

PACIFIC FISHERY MANAGEMENT COUNCIL AND ITS SCIENTIFIC AND STATISTICAL COMMITTEE

Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I, notice is hereby given of a joint meeting of the Pacific Fishery Management Council, and its Scientific and Statistical Committee.

The Pacific Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) has authority, effective March 1, 1977, over fisheries within the fishery conservation zone off the coasts of California, Oregon, and Washington. The Council will, among other things, 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 Council has established a Scientific and Statistical Committee under Section 302(g) of the Act, to assist the Council in the development and amendment of fishery management plans.

The meetings will be Wednesday, Thursday, and Friday, September 14-16, 1977, at the Cosmopolitan Motor Hotel, located at 1030 Northeast Union, Portland, Oregon 97232.

The Scientific and Statistical Committee will meet in the Hall of Fame Room at 1 p.m. and adjourn about 5 p.m. on September 14, 1977. The Committee will tentatively reconvene, dependent upon Council developments, at 8 a.m. and adjourn about 5 p.m. on September 15, 1977.

PROPOSED AGENDA

1. Consideration of development of fishery management plans, including the salmon fishery management plan for 1978.
2. Organization of the Council, including fishery advisory panels and management development teams, and operational and procedural matters.
3. Other Committee Business.

This meeting will be open to the public and there will be seating for approximately 30 members of the public, on a first-come, first-served basis.

The Pacific Fishery Management Council will convene in the Capri/Del Rio Room at 8 a.m. and adjourn about 5 p.m. on September 15, 1977, and reconvene at 10 a.m. and adjourn about 5 p.m. on September 16, 1977.

PROPOSED AGENDA

SEPTEMBER 15

1. Organization of the Council, including its staff, advisory panels, and committees, and operational and procedural matters.
2. Consideration of a first draft of the salmon fishery management plan for 1978.
3. Consideration of a report from Council's Subcommittee on Coordination with North Pacific Council.
4. Consideration of a report from Council's Subcommittee on Charters.

SEPTEMBER 16

1. Closed Session to discuss classified material on preparations for and actual negotiations in connection with the International North Pacific Fisheries Commission (INPFC), the International Pacific Halibut Commission (IPHC) and continuing negotiations with the Canadians. (Council only.)
2. Review of communications from other agencies and organizations.
3. Budget and administrative matters.
4. Other Council Business.

A closed session of the Council is planned for the early morning of the last day, September 16, from 8:00 a.m. through 10:00 a.m. to hear Department of State reports and other related Council business on preparations for and actual negotiations in connection with the International North Pacific Fisheries Commission, the International Pacific Halibut Commission, and continuing negotiations with the Canadians, properly classified under Executive Order 11652. Only those Council members having security clearances will be allowed to attend this closed session. The Scientific and Statistical Committee will not attend this session.

After the closed meeting adjourns, a public hearing will be held on September 16, at approximately 10 a.m., at the same location. Interested members of the public are invited to testify at this hearing on matters relating to fishery management plans under development by the Council and other related Council functions.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined, on August 18, 1977, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in executive session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because these items will be concerned with matters listed in 5 U.S.C. 552b(c)(1), i.e., it is specifically required by E.O. 11652 that they be kept secret in the interest of national security. (A copy of the determination is available for public inspection and copying.)

The meeting will be open to the public (except the closed session of the Council) and there will be seating for approximately 100 members of the public 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 meetings. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about September 6, 1977:

Mr. Lorry M. Nakatsu, Executive Director,
Pacific Fishery Management Council, 526
S.W. Mill Street, Second Floor, Portland,
Oregon 97201, (503) 221-6352.

At the discretion of the Council and its Committee, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing Mr. Lorry M. Nakatsu at the above address. The public is permitted to file written statements at any time before or after the meeting. However, to receive due consideration and facilitate inclusion in the record of the meeting, typewritten statements which relate to the agenda items should be received no later than ten (10) days after the close of the joint meeting.

Dated: August 19, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc. 77-24436 Filed 8-23-77; 8:45 am]

National Oceanic and Atmospheric
Administration

TAKING OF MARINE MAMMALS INCIDENTAL TO TUNA PURSE SEINING OPERATIONS

DEIS Correction Notice

A draft environmental impact statement (DEIS) was submitted to the Council on Environmental Quality on August 12, 1977, by the National Marine Fisheries Service concerning the promulgation of regulations and proposed issuance of permits to commercial fishermen allowing the taking of marine mammals in the course of yellowfin tuna purse seining operations from 1978 through 1980. It has come to our attention that the charts comprising Figures 3, 4, and 5 (pages 32, 34, and 36 respectively) of the DEIS, which depict the known ranges of the major porpoise stocks and species involved, are incorrect. The charts published in the DEIS are working drafts which include unsubstantiated porpoise sighting data. The population estimates published in the proposed 1978 to 1980 regulations (42 FR 37217-37224) were not based on the porpoise stocks distributions shown in the published DEIS figures, rather they were based on the confirmed porpoise stock distributions published in the "Report of the Workshop on Stock Assessment of Porpoises Involved in the Eastern Pacific Yellowfin

Tuna Fishery" (SWFC Admin. Report No. LJ-76-29). The recent increase in the estimate of the whitebelly spinner stock size was based on late-1976 sighting data from within the range established by the workshop.

The corrected DEIS Figures 3, 4, and 5 have been forwarded to CEQ and to all individuals who received the original DEIS. All questions concerning these corrections should be directed to:

William P. Jensen, Marine Mammal Program Manager, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235; Telephone 202-634-7461.

Dated: August 19, 1977.

WINFRED H. MEIBOHM,
Acting Deputy Director, National
Marine Fisheries Service.

[FR Doc. 77-24437 Filed 8-23-77; 8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

TEXTILE CATEGORY SYSTEM

Effective January 1, 1978

Correction

In FR Doc. 77-23081 appearing at page 40610 in the issue for Wednesday, August 10, 1977, the telephone number directly above the signature on page 40610, now reading "202-337-4212", should read "202-377-4212".

FEDERAL COMMUNICATIONS COMMISSION

FM AND TV TRANSLATOR APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: August 16, 1977.

Released: August 19, 1977.

Notice is hereby given pursuant to Sections 1.572(c) and 1.573(d) of the Commission's Rules, that on October 14, 1977, the TV and FM translator applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to Section 1.227 (b) (1) and Section 1.519(b) of the Commission's Rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on October 13, 1977, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on October 13, 1977.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to Section 309(d) (1) of the Communications Act of 1934, as amended, is directed to Section 1.580(i) of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

VHF TV TRANSLATOR APPLICATIONS

- BPTTV-5843 (new), Wanship, Utah, Summit County. Req: Channel 6, 82-88 MHz, 1 watt. Primary: KUTV-TV, Salt Lake City, Utah.
- BPTTV-5844 (new), Wanship, Utah, Summit County. Req: Channel 8, 180-186 MHz, 1 watt. Primary: KTVX-TV, Salt Lake City, Utah.
- BPTTV-5847 (new), Crockett Heights, Texas, I. & M. Communications. Req: Channel 6, 32-38 MHz, 1 watt. Primary: KCTV-TV, San Angelo, Texas.
- BPTTV-5848 (new), Crockett Heights, Texas, I. & M. Communications. Req: Channel 10, 192-198 MHz, 1 watt. Primary: KRBC-TV, San Angelo, Texas.
- BPTTV-5850 (KOTFD), Meeker, Wilson Oil Camp, Rural Area West of Meeker and Rural Area South of Meeker, Colorado, Rio Blanco County TV Association. Req: Change frequency to Channel 6, 82-88 MHz, change primary TV station to KBTV, Channel 9, Denver, Colorado.
- BPTTV-5851 (K12EO), Buford, Colorado, Rio Blanco County TV Association. Req: Change frequency to Channel 5, 76-82 MHz, add Upper White River Rural Area, Colorado to present principal community.
- BPTTV-5852 (K10HE), Buford and Upper White River, Rural Area, Colorado, Rio Blanco County TV Association. Req: Increase output power to 10 watts, change primary TV station to KOA-TV, Channel 4, Denver, Colorado.
- BPTTV-5854 (new), Salda and Buena Vista, Colorado, Chaffee County TV Translator Association. Req: Channel 4, 66-72 MHz, 10 watts. Primary: KWGN-TV, Denver, Colorado.
- BPTTV-5855 (new), McDermitt, Nevada, Quinn River Television Maintenance District. Req: Channel 12, 204-210 MHz, 1 watt. Primary: KOLO-TV, Reno, Nevada.
- BPTTV-5856 (new), Aromas, California, Monterey County Supt. of Schools. Req: Channel 13, 210-216 MHz, 1 watt. Primary: KQED-TV, San Francisco, California.
- BPTTV-5857 (new), Tununak, Alaska, Bethel Broadcasting, Inc. Req: Channel 2, 54-60 MHz, 10 watts. Primary: KYUK-TV, Bethel, Alaska.
- BPTTV-5858 (new), Kwiguk, Alaska, Bethel Broadcasting, Inc. Req: Channel 2, 54-60 MHz, 10 watts. Primary: KYUK-TV, Bethel, Alaska.
- BPTTV-5859 (new), Kotlik, Alaska, Bethel Broadcasting, Inc. Req: Channel 7, 174-180 MHz, 1 watt. Primary: KYUK-TV, Bethel, Alaska.
- BPTTV-5860 (new), Alukanuk, Alaska, Bethel Broadcasting, Inc. Req: Channel 10, 192-198 MHz, 10 watts. Primary: KYUK-TV, Bethel, Alaska.
- BPTTV-5861 (new), Relay to Alukanuk, Kwiguk & Kotlik, Alaska, Bethel Broadcasting, Inc. Req: Channel 13, 210-216 MHz, 5 watts. Primary: KYUK-TV, Bethel, Alaska.
- BPTT-2948 (new), Hugo, Oklahoma, Oklahoma Educational Television Authority. Req: Channel 15, 476-482 MHz, 1,000 watts. Primary: KETA-TV, Eufaula, Oklahoma.
- BPTT-2949 (new), Idabel, Oklahoma, Oklahoma Educational Television Authority. Req: Channel 63, 764-770 MHz, 100 watts. Primary: KETA-TV, Eufaula, Oklahoma.
- BPTT-3223 (new), Falls City, Nebraska, Nebraska Educational Television Commission. Req: Channel 24, 530-536 MHz, 1,000 watts. Primary: KUON-TV, Lincoln, Nebraska.
- BPTT-3285 (new), Mullin, Texas, Pompey Mountain Broadcasting, Inc. Req: Channel 67, 788-794 MHz, 100 watts. Primary: KTVT-TV, Fort Worth, Texas.

- BPTT-3292 (new), Woodland & Kamas, Utah, Summit County. Req: Channel 48, 674-680 MHz, 100 watts. Primary: KUT-TV, Salt Lake City, Utah.
- BPTT-3293 (new), Woodland & Kamas, Utah, Summit County. Req: Channel 50, 686-692 MHz, 100 watts. Primary: KTVX-TV, Salt Lake City, Utah.
- BPTT-3294 (new), Woodland & Kamas, Utah, Summit County. Req: Channel 52, 698-704 MHz, 100 watts. Primary: KSL-TV, Salt Lake City, Utah.
- BPTT-3295 (new), Woodland & Kamas, Utah, Summit County. Req: Channel 54, 710-716 MHz, 100 watts. Primary: KUED-TV, Salt Lake City, Utah.
- BPTT-3296 (new), White River Area (East-West) & Piceance Creek Area, Colorado, Rio Blanco County TV Association. Req: Channel 57, 728-734 MHz, 100 watts. Primary: KOA-TV, Denver, Colorado.
- BPTT-3297 (new), Piceance Creek Rural Area (Central), Colorado, Rio Blanco County TV Association. Req: Channel 64, 770-776 MHz, 20 Watts. Primary: KBTV-TV, Denver, Colorado.
- BPTT-3298 (new), Wilson Creek & Meeker Including White River Rural Area, Colorado, Rio Blanco County TV Association. Req: Channel 66, 782-788 MHz, 100 watts. Primary: KBTV-TV, Denver, Colorado.
- BPTT-3299 (new), Piceance Creek Rural Area (Central), Colorado, Rio Blanco County TV Association. Req: Channel 67, 788-794 MHz, 20 watts. Primary: KOA-TV, Denver, Colorado.
- BPTT-3300 (new), White River Area (East-West) & Piceance Creek Area, Colorado, Rio Blanco County TV Association. Req: Channel 69, 800-806 MHz, 100 watts. Primary: KBTV-TV, Denver, Colorado.
- BPTT-3301 (new), Bear Creek, Pennsylvania, Scranton Broadcasters, Inc. Req: Channel 63, 764-770 MHz, 100 watts. Primary: WDAU-TV, Scranton, Pennsylvania.
- BPTT-3311 (new), Arrey & Derry, New Mexico, New Mexico Broadcasting, Co. (NSL). Req: Channel 67, 788-794 MHz, 10 watts. Primary: KGGM-TV, Albuquerque, New Mexico.
- BPTT-3151 (new), Deming, New Mexico, New Mexico Broadcasting, Co. Req: Channel 57, 728-734 MHz, 10 watts. Primary: KGGM-TV, Albuquerque, New Mexico.

The following entry appeared on the Public Notice (Mimeo No. 82462) released May 26, 1977, listing translator applications which would be considered as ready and available for processing on July 18, 1977.

BPTTV-5813 (new), Phoenix, Arizona, Bouse Booster Club, Inc. Req: Channel 4, 66-72 MHz, 1 watt. Primary: KOOL-TV, Phoenix, Arizona.

The entry is corrected to read as follows:

BPTTV-5813 (new), Bouse Arizona, Bouse Booster Club, Inc. Req: Channel 4, 66-72 MHz, 1 watt. Primary: KOOL-TV, Phoenix, Arizona.

[FR Doc. 77-24455 Filed 8-23-77; 8:45 am]

[Docket Nos. 21367 and 21368; File Nos. 21249-CD-P-75 and 21578-CD-P-75]

MEDICAL BUREAU, INC. AND METROTEC, INC.

Designation of Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted August 15, 1977.

Released August 23, 1977.

In re application of the Medical-Dental Bureau, Inc., for a construction permit to establish a new one-way signaling station on frequency 35.22 MHz in the Domestic Public Land Mobile Radio Service at Youngstown, Ohio and Metrotec, Inc., for a construction permit for additional facilities for one-way Station KTS283 to operate on frequency 35.22 MHz in the Domestic Public Land Mobile Radio Service at Youngstown, Ohio.

1. The Commission, by the Chief of the Common Carrier Bureau acting pursuant to delegated authority, has before it an application filed on February 27, 1975¹ by the Medical-Dental Bureau, Inc. (Medical-Dental), File No. 21249-CD-P-75, for a Construction Permit to establish a new one-way signaling station on frequency 35.22 MHz in the Domestic Public Land Mobile Radio Service at Youngstown, Ohio, and an application filed on May 13, 1975 by Metrotec, Inc. (Metrotec), File No. 21578-CD-P-75, for a Construction Permit for additional facilities for one-way Station KTS283 to operate on frequency 35.22 MHz in the Domestic Public Land Mobile Radio Service at Youngstown, Ohio. Petitions to Deny filed by Anserphone, Inc. against both applications have been withdrawn, and the applications are now unopposed.

2. Medical-Dental is the licensee of one-way signaling Station KEK302 which provides tone-only and tone-plus-voice service at Youngstown, Ohio.² Pursuant to Section 21.516 of the Commission's Rules,³ Medical-Dental has submitted a traffic load study setting forth for certain periods the number of calls made per hour and the air time used per hour in connection with the base station facilities of KEK302. The Bureau cannot conclude from this traffic load study that Medical-Dental has adequately demonstrated a need for the requested additional channel. The air time for each paging transmission was calculated at 30 seconds per transmission whether operator dispatched or through

an automatic terminal.⁴ In any case, the air time figures ranging from nine to 40 minutes are not so compelling as to conclusively demonstrate a need for the requested additional channel. Moreover, Medical-Dental has not presented information as to why its proposed one-way signaling service could not be provided in connection with the base station facilities of Station KLF512, over which it currently provides mobile telephone service in the Youngstown, Ohio area.⁵ Accordingly, the Bureau will designate as an issue herein whether Medical-Dental has adequately demonstrated a need for the requested additional channel and whether its proposed one-way signaling service could not be provided in connection with the base station facilities of Station KLF512 at Youngstown, Ohio.

3. Metrotec has caused a survey to be conducted in the Youngstown, Ohio area to determine the need for its proposed one-way signaling service. Metrotec reports requests for 190 paging units. Although this number would appear to be sufficient evidence of substantial unsatisfied need, for other reasons the showing appears deficient under the standards of *Long Island Paging* 30 FCC 2d 405 (1971) and *New York Telephone Company*, 47 FCC 2d 264 (1974), *aff'd sub nom. Pocket Phone Broadcast Service, Inc. v. FCC*, 538 F.2d 447 (D.C. Cir. 1976). In particular, there is no description of the methodology employed in the survey, or an indication as to the total number of individuals or businesses contacted or a statement as to whether those contacted were informed of the cost and the reliable service area of its proposed one-way signaling service. Accordingly, the Bureau will designate as an issue herein whether Metrotec has adequately demonstrated a need for its proposed service.

4. Since the above-referenced applications request use of the same frequency, they are electrically mutually exclusive. For this reason, and because the applicants appear to be legally, financially, technically and otherwise qualified to construct and operate the proposed facilities, except to the extent indicated in the following issues, a comparative hearing must be held to determine which applicant, if any, would better serve the public interest. *Ashbacker Radio Corp. v. FCC*, 36 U.S. 327 (1945).

number of calls held, (iii) the total holding time; or for systems that do not provide message relay service; (iv) the total number of minutes the channel is utilized for transmission between the base station and the mobile receiver during each hour.

⁴By means of an automatic terminal, a tone-only call can be executed in less than one second. Medical-Dental employs an automatic terminal. The Bureau has not been informed as to what portion of Medical-Dental's calls are tone-only.

⁵Section 21.501(d)(2) of the Commission's Rules provides: "If an applicant for authorization to provide an exclusive one-way signaling service provides or proposes to provide, General or Dispatch service * * * the application for a one-way facility should be supported with full information to show why the proposed signaling service could not be provided in connection with the base station facilities used for such General or Dispatch service."

5. In view of the foregoing, *It is ordered*, pursuant to Section 309(e) of the Communications Act of 1934, as amended, That the application of The Medical-Dental Bureau, Inc., File No. 21249-CD-P-75 and the application of Metrotec, Inc., File No. 21578-CD-P-75, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine in accordance with Sections 21.516 and 21.501(d)(2) of the Commission's Rules the nature and extent of services now rendered by The Medical-Dental Bureau, Inc. and the capacity of its existing facilities;

(b) To determine whether Metrotec, Inc. has adequately demonstrated a public need for its proposed facilities;

(c) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance personnel, practices, classifications, regulations, and facilities pertaining thereto;

(d) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective 43 dbu contours, based upon the standards set forth in Section 21.504(a) of the Commission's Rules,⁶ and to determine the need for the proposed services in said areas;

(e) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-referenced applications, would best serve the public interest, convenience and necessity.

6. *It is further ordered*, That the hearing shall be held at the Commission offices in Washington, D.C. at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

7. *It is further ordered*, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

8. *It is further ordered*, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to Section 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc. 77-24453 Filed 8-23-77; 8:45 am]

Noncommercial Educational FM Broadcast Applications Ready and Available for Processing

Adopted: August 17, 1977.

Released: August 18, 1977.

Notice is hereby given, pursuant to Section 1.573(d) of the Commission's Rules, that on September 27, 1977, the

⁶Section 21.504(a) of the Commission's Rules and Regulations describes a field strength contour of 43 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in one-way communications service. Propagation data set forth in Section 21.504(b) are the proper bases for establishing the location of service contours (F50, 50) for the facilities involved in this proceeding.

noncommercial educational FM broadcast applications listed in the attached Appendix, which are being processed expeditiously since they are potentially eligible for funding in this fiscal year from the Department of Health, Education and Welfare, will be considered as ready and available for processing. Pursuant to Section 1.227(b)(1) and Section 1.591(b) of the Commission's Rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on September 26, 1977, which involves a conflict necessitating a hearing with any application appearing on the attached list or with any other application on file by the close of business on September 26, 1977. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to Section 1.573(d) of the Commission's Rules.

The attention of any party in interest desiring to file pleadings concerning any pending noncommercial educational FM broadcast application, pursuant to Section 309(d)(1) of the Communications Act of 1934, as amended, is directed to Section 1.580(i) of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPENDIX

- BPED-10620 (WFBE), Flint, Mich., Flint Board of Education. Has: 95.1 mHz; Channel No. 236B, ERP: 3.7 kW; HAAT: 115 ft. (Lic). Req: 95.1 mHz; Channel No. 236B, ERP: 10 kW; HAAT: 241 ft.
- BPED-2174 (KUT-FM), Austin, Tex., the University of Texas. Has: 90.7 mHz; Channel No. 214A, ERP: 4.1 kW; HAAT: 225 ft. (Lic). Req: 90.5 mHz; Channel No. 213C, ERP: 100 kW; HAAT: 957.7 ft.
- BPED-2452 (new), KESHENA, Wis., Menominee Indian Tribe. Req: 83.3 mHz; Channel No. 202A, ERP: 21.4 kW; HAAT: 300 ft.
- BPED-2453 (WBFO), Buffalo, N.Y., State University of New York. Has: 88.7 mHz; Channel No. 204A, ERP: .770 kW; HAAT: 230 ft. (Lic). Req: 88.7 mHz; Channel No. 204B, ERP: 21.4 kW; HAAT: 239.5 ft.
- BPED-2462 (KHCC-FM), Hutchinson, Kans., Hutchinson Community Junior College. Has: 90.1 mHz; Channel No. 211A, ERP: .063 kW; HAAT: 57 ft. (Lic). Req: 90.1 mHz; Channel No. 211C, ERP: 100 kW; HAAT: 1080 ft.
- BPED-2479 (new), Wheeling, W. Va., West Virginia Educational Broadcasting Authority. Req: 89.9 mHz; Channel No. 210B, ERP: 24.7 kW; HAAT: 500 ft.
- BPED-2481 (KTOO), Juneau, Alaska, Capital Community Broadcasting, Inc. Has: 104.3 mHz; Channel No. 282C, ERP: .01 kW; HAAT: ft. (Lic). Req: 104.3 mHz; Channel No. 282C, ERP: 1.40 kW; HAAT: -1042 ft.

BMPED-1511 (KACC), Alvin, Tex., Alvin Community College. Has: 91.3 mHz; Channel No. 217D, TPO: .01 kW (CP). Req: 91.3 mHz; Channel No. 217A, ERP: .80 kW; HAAT: 118 ft.

[FR Doc.77-24456 Filed 8-23-77; 8:45 am]

[Docket Nos. 21364-21366; File Nos. 22016-CD-P-76, 22022-CD-P-76, and 22339-CD-P-76]

PINE MOUNTAIN COMMUNICATIONS, INC.
ET AL.

Designation of Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

In re Applications of Pine Mountain Communications, Inc., Custom Radio, Inc., and Specialized Telephone Service, For Construction Permits to establish new one-way signaling stations, or for additional facilities, to operate on frequency 152.24 MHz in the Domestic Public Land Mobile Radio Service at or near Casper, Wyoming.

Adopted: August 16, 1977.

Released: August 23, 1977.

1. The Commission, by the Chief, Common Carrier Bureau, acting pursuant to delegated authority, has before it the following applications: an application filed May 13, 1976, by Pine Mountain Communications, Inc. (Pine Mountain), File No. 22016-CD-P-76, for a Construction Permit to establish a new one-way station to operate on frequency 152.24 MHz at Casper Mountain near Casper, Wyo.; an application filed May 11, 1976, by Custom Radio, Inc. (Custom), File No. 22022-CD-P-76, for a Construction Permit for a new one-way station to operate on frequency 152.24 MHz at Casper, Wyo.; and an application filed June 25, 1976, by Specialized Telephone Service (Specialized), File No. 22339-CD-P-76, licensee of one-way Station KWH348 currently operating on frequency 158.70 MHz at Casper, Wyo., for a Construction Permit to establish additional facilities to operate on frequency 152.24 MHz. A letter opposition was filed against the Pine Mountain application by Custom. In addition, both Custom and Pine Mountain have filed for our consideration copies of pleadings filed in connection with the Pine Mountain application for two-way mobile telephone service, File No. 22017-CD-P-(3)-76. The applications of Specialized Telephone Service and of Custom Radio, Inc., are unopposed.

2. The above-captioned application of Pine Mountain has been opposed by Custom on the ground of failure to demonstrate state certification as required by section 21.13(f) of the Rules,¹ and on the

¹Section 21.13(f) of the Rules provides: "Where required by applicable local law, an applicant shall include a copy of the franchise or other authorization issued by appropriate regulatory authorities. If no such local requirement exists, or if Commission authority is a prerequisite for such authorization, a statement to this effect shall be included in the application."

ground that Pine Mountain's need survey is in part fraudulent. These issues were also raised against Pine Mountain in its application for two-way mobile telephone service, File No. 22017-CD-P-(3)-76. The Bureau has fully discussed these issues in the Memorandum Opinion and Order disposing of that application issued this same day. Accordingly, it is unnecessary to repeat that discussion here. With respect to the state certification issue, however, the Bureau notes that Pine Mountain has submitted a letter from the Wyoming Public Service Commission indicating that its proposed noninterconnected paging service does not require state certification. However, prior to offering an interconnected service the Bureau will require Pine Mountain to obtain state certification.

3. Pine Mountain has requested a waiver of section 21.505 of the Rules² to permit operation at a power greater than that authorized by Rule 21.505. Pine Mountain contends the requested waiver is necessary in order for it to provide reliable service to those who have expressed an interest in its proposed service. Pine Mountain has offered meager factual support for this contention, and normally the Bureau would deny the request in such circumstances.³ However, because the application must be designated for hearing, the Bureau has decided to afford Pine Mountain the opportunity of presenting evidence on this issue. Accordingly, the Bureau will designate as an issue herein Pine Mountain's request for a waiver of Section 21.505 of the Rules.

4. By a Memorandum Opinion and Order issued this same day, Pine Mountain has been granted a Construction Permit to establish facilities to offer two-way mobile telephone service from the same site proposed by the applicant in the instant application. Accordingly, pursuant to section 21.501(d)(2) of the Rules,⁴ the Bureau will designate as an issue herein why Pine Mountain's proposed one-way signaling service cannot be provided in connection with the base station facilities of that station.

5. Specialized is currently operating a one-way signaling service over the facilities of station KWH348. The instant application is for an additional channel for this station. By letter dated December 16, 1976, the Bureau requested a traffic load study pursuant to section 21.516 of

²Section 21.505 of the Commission's Rules prescribes required reductions in effective radiated power for antenna heights in excess of 500 feet above average terrain.

³The Bureau has denied Pine Mountain's request for a waiver of Section 21.505 in connection with its application for two-way service, File No. 22017-CD-P-(3)-76.

⁴Section 21.501(d)(2) provides: "If an applicant for authorization to provide an exclusive one-way signaling service provides or proposes to provide, General or Dispatch service * * * the application for a one-way facility should be supported with full information to show why the proposed signaling service could not be provided in connection with the base station facilities used for such General or Dispatch service."

NOTICES

the Rules² to demonstrate the current usage of station KWH348. In response, Specialized submitted a traffic load study showing the number of calls transmitted each hour of a 12-hour period for three consecutive days. It further stated that it currently has 260 paging units in service and that its channel was becoming congested. The Bureau concludes, however, that Specialized has not sufficiently demonstrated a need for the requested additional channel for station KWH348. Accordingly, the Bureau will designate as an issue herein whether Specialized has adequately demonstrated loading of its existing channel so that grant of an additional channel would be justified.

6. Custom is currently serving 48 paging units, on a secondary basis, on the facilities of its two-way station KOK342. Although it has stated that further paging growth cannot efficiently be accommodated on station KOK342, it has failed to demonstrate pursuant to section 21.501(d)(2) why its proposed paging service cannot be provided in connection with the base station facilities of this station. Accordingly, we shall designate this issue for further exploration at the hearing ordered herein. With respect to this issue, a relevant factor will be the Bureau's grant today of Custom's application, File No. 21879-CD-P-76, for an additional channel for two-way station KOK342.

7. Since the above-referenced applications all request use of the same frequency, they are electrically mutually exclusive. For this reason, and because all three applicants appear to be legally, financially, technically and otherwise qualified to construct and operate the proposed facilities, except to the extent indicated in the following issues, a comparative hearing must be held to determine which applicant, if any, would better serve the public interest. *Ashbacker Radio Corp. v. FCC*, 326 U.S. 327 (1945).

8. In view of the foregoing, *It is ordered*, That pursuant to sections 309 (d) and (e) of the Communications Act of 1934, as amended (47 U.S.C. sections

309 (d) and (e), the above-captioned applications of Pine Mountain Communications, Inc., Custom Radio, Inc., and Specialized Telephone Service are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine, in accordance with section 21.516(b) of the Commission's Rules, the nature and extent of services now rendered by Specialized Telephone Service and the capacity of its existing facilities;

(b) To determine, in accordance with section 21.501(d)(2) of the Commission's Rules, the nature and extent of services now rendered by Custom Radio, Inc., and the capacity of its existing facilities including its additional facilities authorized this same day;

(c) To determine, in accordance with section 21.501(d)(2) of the Commission's Rules, the nature and extent of services rendered or to be rendered by Pine Mountain Communications, Inc., and the capacity of its facilities authorized this same day;

(d) To determine whether section 21.505 of the Commission's Rules should be waived to allow operation of the facilities proposed in the application of Pine Mountain Communications, Inc., at a power in excess of that prescribed by section 21.505;

(e) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance personnel, practices, classifications, regulations, and facilities pertaining thereto;

(f) To determine on a comparative basis the areas and populations that each applicant will serve within the prospective 43 dbu contours, based upon the standards set forth in section 21.504(a) of the Commission's Rules;³ and to determine the need for the proposed services in said area;

(g) To determine in light of the evidence adduced pursuant to the foregoing issues what disposition of the above-referenced applications would best serve the public interest, convenience, and necessity.

9. *It is further ordered*, That the hearing shall be held at the Commission offices in Washington, D.C., at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

10. *It is further ordered*, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

³Section 21.504(a) of the Commission's Rules and Regulations describes a field strength contour of 43 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in one-way communications service. Propagation data set forth in section 21.504(b) are the proper bases for establishing the location of service contours (P50, 50) for the facilities involved in this proceeding.

²Section 21.516 requires: "An applicant requesting the assignment of an additional channel or channels at an existing Domestic Public Land Mobile Radio Station (other than control dispatch or repeater), in addition to the information required by other sections of the rules, shall include a showing of the following: * * * (b) Data showing the actual traffic loading on each channel assignment of the present radio systems during the busiest 12-hour periods on three days (within a seven-day period) having normal message traffic not more than 60 days prior to the date of filing. This information should be reported separately for each of the three days selected, which should be identified by dates, and should disclose the following: * * * (4) For systems that provide one-way signaling as a primary service; (i) the number of mobile receivers in operation during the study period, (ii) the number of calls held, (iii) the total holding time; or for systems that do not provide message relay service; (iv) the total number of minutes the channel is utilized for transmission between the base station and the mobile receiver during each hour."

11. *It is further ordered*, That applicants may avail themselves of an opportunity to be heard by filing with the Commission, pursuant to section 1.221 (c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.77-24454 Filed 8-23-77; 8:45 am]

PURAC TASK AREA GROUP ON GENERAL MOBILE RADIO SERVICE

Meeting

In preparation for the next meeting of the Personal Use Radio Advisory Committee (PURAC), the PURAC task area group investigating the General Mobile Radio Service will meet September 9, 1977, at 9 A.M. in Room 7327 of the offices of the Federal Communications Commission at 2025 "M" Street NW., Washington, D.C. 20554 to discuss its fact finding progress for presentation to the full PURAC.

This meeting is open to the public. Individuals interested in the personal radio aspects of the General Mobile Radio Service are invited to attend. For further information, contact the Task Area Coordinator, Corwin Moore, c/o Highway Safety Research Institute, University of Michigan, Huron Parkway and Baxter Road, Ann Arbor, Mich. 48109, 313-763-3232.

FEDERAL COMMUNICATIONS
COMMISSION,

VINCENT J. MULLINS,
Secretary.

[FR Doc.77-24452 Filed 8-23-77; 8:45 am]

FEDERAL ENERGY ADMINISTRATION

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

Negative Determination of Environmental Impact; Construction Orders to Certain Powerplants

Pursuant to 10 CFR §§ 208.4(c) and 307.7, the Federal Energy Administration (FEA), hereby gives notice that, in accordance with 10 CFR §§ 307.7(c) and 208.3(a)(4), it has performed an analysis and review of the environmental impact of the issuance to the following powerplants of Notices Effectiveness of construction orders:

Docket No.	Owner	Power-plant no.	Generating station	Location
OFU-001-N	Carolina Power & Light Co.	1	Mayo	Person County, N.C.
OFU-002-N	do	2	do	Do
OFU-004-N	Louisville Gas & Electric Co.	4	Mill Creek	Louisville, Ky.
OFU-006-N	Montana Power Co.	3	Colstrip	Colstrip, Mont.
OFU-007-N	do	4	do	Do
OFU-007-N	Sierra Pacific Power Co.	2	North Valmy	Humboldt County, Nev.
OFU-072-N	Wisconsin Electric Power Co.	1	Pleasant Prairie	Pleasant Prairie, Wis.
OFU-073-N	do	2	do	Do
OCU-087-N	Columbus and Southern Ohio Electric Co.	5	E. M. Poston	Athens, Ohio.
OCU-088-N	do	6	do	Do
OCU-091-N	Brazos Electric Power Cooperative Inc., and South Texas Electric Cooperative, Inc.	1	San Miguel	South of Christine, Tex.

Docket No.	Owner	Power-plant no.	Generating station	Location
OCU-105-N.....	Kentucky Utilities Co.....	3	Ghent.....	Ghent, Ky.
OCU-106-N.....	Lower Colorado River Authority.....	2	Fayette power project.....	LaGrange, Tex.
OCU-118-N.....	Texas Power & Light Co., Texas Electric Service Co., and Dallas Power & Light Co. (Texas Utilities Generating Co.—agent/operator).	1	Forest Grove.....	Near Athens, Tex.
OCU-119-N.....	Texas Power & Light Co. and Aluminum Co. of America (Texas Utilities Generating Co.—agent/operator).	4	Sandow.....	Near Rockdale, Tex.
OCU-120-N.....	do.....	1	Twin Oak.....	Near Franklin, Tex.
OCU-121-N.....	do.....	2	do.....	Do.
OCU-183-N.....	Nebraska Public Power District.....	2	Gerald Gentleman.....	Sutherland, Nebr.

On June 30, 1975, September 30, 1976, and February 11, 1977, FEA issued construction orders to the above listed powerplants in the early planning process, which required the powerplants to be designed and constructed so as to be capable of using coal as their primary energy source (40 FR 28436, July 3, 1975; 41 FR 45909, October 18, 1976; and 42 FR 10721, February 23, 1977). The construction orders provided, however, that in accordance with the requirements of 10 CFR Parts 303 and 307, the orders would not become effective until FEA had considered the environmental impact of the orders, pursuant to 10 CFR § 307.7, and until FEA had served the affected powerplants with a Notice of Effectiveness.

On the basis of an analysis and review of the effect on the human environment of issuance of the Notices of Effectiveness, FEA has determined it is clear that issuance of Notices of Effectiveness for construction orders to the above listed powerplants are not "major Federal action(s) significantly affecting the quality of the human environment." Section 102(2)(c) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C). Therefore, pursuant to 10 CFR § 208.4(c) FEA concludes that environmental impact statements are not required.

Additional copies of this Negative Determination and copies of the analyses upon which it is based are available upon request from the FEA National Energy Information Center, Room 1404, Federal Building, 12th Street and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of the documents are also available for public review in the FEA Freedom of Information Reading Room, 2107, 12th Street and Pennsylvania Avenue NW., Washington, D.C.

Interested persons are invited to submit data, views, or arguments with respect to the environmental impacts of the Notices of Effectiveness and the associated environmental analyses to Executive Communications, Box OS, Room 3317, Federal Energy Administration, 12th Street and Pennsylvania Avenue NW., 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, "Negative Determination—Proposed NOE to [powerplant]." Fifteen copies should be

submitted on or before September 13, 1977.

Any information or data considered by the person furnishing 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., August 18, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-24506 Filed 8-23-77;8:45 am]

STRATEGIC PETROLEUM RESERVE

Notice of Availability of the Final Environmental Impact Statement for the Central Rock Mine Storage Site

Pursuant to section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C), the Federal Energy Administration (FEA) has prepared a final environmental impact statement (EIS) on the proposed storage of crude oil at the Central Rock Mine site.

The draft EIS on the Central Rock Mine site was made available to the Council on Environmental Quality and to the public on January 12, 1977. The final Central Rock EIS includes comments received by FEA on the draft EIS and FEA analyses and responses to these comments.

The Central Rock Mine has been proposed as an element of the Strategic Petroleum Reserve. The Reserve (mandated by Part B of Title I, Energy Policy and Conservation Act, 42 U.S.C. 6231-6246) will be created for the storage of crude oil and/or petroleum products for use in the event of a Presidential determination of a severe energy supply interruption or a requirement to meet the obligations of the United States under the International Energy Program.

Single copies of the final Central Rock EIS (FES 76/77-9) may be obtained from the National Energy Information Center, Room 1404, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of this final EIS will also be available for public review in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Interested persons are invited to submit data, views, and arguments with respect to this EIS to Executive Communications, Box OT, Room 3317, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on the documents submitted to FEA Executive Communications with the designation "Central Rock Final EIS (FES 76/77-9)." Fifteen copies should be submitted.

All comments should be received by FEA by September 23, 1977, in order to receive full consideration.

Any information or data, submitted in response to the final Central Rock EIS, considered by the person furnishing 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. August 18, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-24504 Filed 8-23-77;8:45 am]

STRATEGIC PETROLEUM RESERVE

Notice of Availability of a Supplement to the Final Environmental Impact Statements for the Weeks Island and Cote Blanche Salt Dome Storage Sites

Pursuant to section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C), the Federal Energy Administration (FEA) has prepared a supplement to the environmental impact statements (EIS's) for the Weeks Island and Cote Blanche salt dome sites. The supplement describes the environmental impacts of a proposed change in pipeline siting associated with both storage facilities.

The Weeks Island and Cote Blanche sites have been selected as a key element of the Strategic Petroleum Reserve. The Reserve (mandated by Part B of Title I, Energy Policy and Conservation Act, 42 U.S.C. 6231-6246) will be created for the storage of crude oil and/or petroleum products for use in the event of a Presidential determination of a severe energy supply interruption or a requirement to meet the obligations of the United States under the International Energy Program.

FEA will allow for a minimum of 30 days for interested parties to comment before taking any administrative action with regard to the proposed pipeline alteration. Moreover, FEA will endeavor to comply with any requests (received during the 30-day period) for extensions of the review period up to a maximum of 15 days.

Single copies of the supplement to the Weeks Island EIS (FES 76/77-8) and the Cote Blanche EIS (FES 76/77-7) may be obtained from the National Energy Information Center, Room 1404, 12th and Pennsylvania Avenue NW.,

Washington, D.C. 20461. Copies of the supplement will also be available for public review in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Interested persons are invited to submit data, views or arguments with respect to the supplement to Executive Communications, Box OU, Room 3317, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on the documents submitted to FEA Executive Communications with the designation "Supplement to the Final Environmental Impact Statements for the Weeks Island (FES 76/77-8) and Cote Blanche (FES 76/77-7) Salt Dome Storage Sites." Fifteen copies should be submitted. All comments should be received by FEA by September 23, 1977, in order to receive full consideration.

Any information or data considered by the person furnishing 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., August 18, 1977.

Eric J. Fryx,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-24505 Filed 8-23-77;8:45 am]

FEDERAL MARITIME COMMISSION

MED-GULF CONFERENCE, ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before September 13, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances

said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated herein-after) and the statement should indicate that this has been done.

Notice of Agreements Filed by:

Stanley O. Sher, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Agreements Nos. 9522-32, 5660-24, 2846-31, 10261-2, 9548-15 and 8090-15, among the member lines of the above named Mediterranean trade conferences respectively, authorize each of these conferences to share office space, equipment, personnel, administrative and related facilities with other conferences or rate agreements.

By Order of the Federal Maritime Commission.

Dated: August 19, 1977.

JOSEPH C. POLKING,
Acting Secretary.

Notice of Agreement Filed

Notice is hereby given that the following agreements, accompanied by a statement of justification, have been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W. Room 10126; or may inspect the agreements and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Wade S. Hooker, Jr., Casey, Lane & Mitten-dorf, 26 Broadway, New York, New York 10004.

Agreement No. 9876-3, among the members of the Associated Latin Ameri-

can Freight Conferences (ALAFCA), provides that ALAFCA shall appoint a neutral body for self-policing, enforcement and cargo inspection under the terms set forth in the agreement. The neutral body shall perform these functions on behalf of those member conferences which shall adopt the said provisions themselves.

By Order of the Federal Maritime Commission.

Dated: August 19, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-24444 Filed 8-23-77;8:45 am]

FEDERAL RESERVE SYSTEM

ACTIONS OF THE BOARD; APPLICATIONS AND REPORTS RECEIVED DURING THE WEEK ENDING JULY 30, 1977

ACTIONS OF THE BOARD

Statement by Chairman Arthur F. Burns before the House Committee on Banking, Finance and Urban Affairs presenting the views of the Board on H.R. 8094, the "Federal Reserve Reform Act of 1977".

Statement by Chairman Arthur F. Burns before the House Committee on Banking, Finance and Urban Affairs on the condition of the national economy and the course of monetary policy.

Letter to Chairman Reuss, House Committee on Banking, Finance and Urban Affairs in response to request for Board's views on the need for additional legislation to "clarify ambiguities" in the area of bank securities activities.

Issuance of a subordinated capital note by European American Bank and Trust Company, New York, New York.

Dime Bank, Canton, Ohio, proposed acquisition by The Central Trust Company of Northeastern Ohio, N.A., Canton, Ohio, report to the Comptroller of the Currency on competitive factors.

Western Michigan Corporation, Niles, Michigan, extension of time to October 27, 1977, within which to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of Cassopolis, Cassopolis, Michigan.¹

Farmers Trust Company of Lebanon, Pennsylvania, Lebanon County, Pennsylvania, to increase its investment in bank premises.¹

Atlantic Bancorporation, Jacksonville, Florida, subsidiaries of, proposed merger with Atlantic National Bank of West Hollywood, Hollywood, Florida, report to the comptroller of the Currency on competitive factors.¹

Florida National Banks of Florida, Inc., Jacksonville, Florida, subsidiaries of, proposed merger with Florida First National Bank of Jacksonville, Jacksonville, Florida, report to the Comptroller of the Currency on competitive factors.¹

Golden State Bank, Downey, California, proposed merger with The Sanwa Bank of California, San Francisco, California, report to the Federal Deposit Insurance Corporation on competitive factors.¹

Morgan Bank and Trust, Spartanburg, South Carolina, proposed merger with Southern Bank and Trust Company, Greenville, South Carolina, report to the Federal Deposit Insurance Corporation on competitive factors.¹

¹ Application processed on behalf of the Board of Governors under delegated authority.

Peoples Bank and Trust Company, Wilmington, Delaware, proposed merger with Peoples Corporation, Wilmington, Delaware, report to the Federal Deposit Insurance Corporation on competitive factors.²

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

The Toledo Trust Company, Toledo, Ohio. Branch to be established at the southeast corner of Wales Road and Oregon Road, Village of Northwood, Wood County.²

The bank of Waverly, Waverly, Virginia. Branch to be established at the intersection of State Routes 735 and 634, Sussex Courthouse, Sussex.²

The Citizens Bank, Batesville, Arkansas. Branch to be established in the Wal-Mart Shopping Center on Harrison Street, Batesville, Independence County.²

The United California Bank, Los Angeles, California. Branches to be established in the following locations:

- A. At the intersection of Imperial Highway and Santa Ana Canyon Road, City of Anaheim, Orange County.
- B. At the intersection of Pacific Coast Highway and East Second Street, Long Beach, Los Angeles County.
- C. At the intersection of Victoria Avenue and Telephone Road, San Buenaventura, Ventura County.
- D. At the intersection of the Santa Ana and San Diego Freeways, in the Irvine Center, Orange County.²

International Investments and Other Actions Pursuant to Sections 25 and 25(a) of the Federal Reserve Act and Sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as amended.

APPROVED

The Industrial Bank of Japan, Limited: To continue to hold the shares of the Chuo Trust and Banking Company Limited, after the latter establishes an agency in New York City.²

The Dai-Ichi Kangyo Bank Limited: To continue to hold the shares of Chuo Trust and Banking Company, Limited, after the latter establishes an agency in New York.

Security Pacific Corporation: Investment—additional shares respectively: 50 per cent of Security Universe, Ltd., Bermuda; 10 per cent of Security Universe (Hong Kong) Ltd.; and 25 per cent of Security Universe Espana, S.A.

The Tokai Bank, Ltd. To continue to hold the shares of the Chuo Trust and Banking Company, Limited, after the latter established an agency in New York City.

To Establish an Overseas Branch of a Member Bank Pursuant to Section 25 of the Federal Reserve Act.

APPROVED

New Jersey National Bank: Branch—George Town, Grand Cayman, Cayman Islands.

Union Trust Company of Maryland: Branch—George Town, Grand Cayman, Cayman Islands.

First International Bank in Houston, National Association: Branch—George Town, Grand Cayman, Cayman Islands.

² Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

Wells Fargo Bank, National Association: Branch—London, England.

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

APPROVED

Banco Central, S.A., Madrid, Spain, for approval to acquire all the voting shares of Banco Central y Economias, Hato Rey, Puerto Rico, a new bank.

Peotone Bancorp, Inc., Peotone, Illinois, for approval to acquire 80 per cent or more of the voting shares of Peotone Bank and Trust Company, Peotone, Illinois.

American State Financial Corporation, Lubbock, Texas, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to American State Bank, Lubbock, Texas.²

Sandy Holding Company, Sandy, Utah, for approval to acquire 100 per cent (except directors' qualifying shares) of the voting shares of Sandy State Bank, Sandy, Utah, a proposed new bank.²

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

APPROVED

Northeast United Bancorp, Inc. of Texas, Fort Worth, Texas, for approval to acquire 51 per cent or more of the voting shares of First State Bank, Bedford, Texas.

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

WITHDRAWN

Platte Valley Bancorp, Inc., Brighton, Colorado, notification of intent to engage in *de novo* activities (providing bookkeeping or data processing services for the internal operations of the holding company, its subsidiary banks, and other unaffiliated organizations such as commercial banks and credit unions) at 25 North Spruce Street, Colorado Springs, Colorado, through a 25 per cent owned subsidiary, First Financial Services, Inc. (7/28/77)²

PERMITTED

Citicorp, New York, New York, notification of intent to engage in *de novo* activities (making consumer installment personal loans, purchasing and servicing for its own account consumer installment sales finance contracts; and acting as agent or broker for the sale of credit related life/accident and health insurance) at Centre 71, 71st Street and Memorial Drive, Tulsa, Oklahoma and Southroads Shopping Center, 4945 E. 41st Street, Tulsa, Oklahoma, through its subsidiary, Citicorp Person-to-Person Financial Center, Inc. (7/30/77)²

Citicorp, New York, New York, notification of intent to engage in *de novo* activities (making consumer installment personal loans, purchasing and servicing of its own account consumer installment sales finance contracts; and acting as agent or broker for the sale of credit related life/accident and health insurance) at 714 Lincoln Highway, Fairview Business Campus, Fairview Heights, Illinois, through its subsidiary, Citicorp Person-to-Person Financial Center, Inc. (7/23/77)²

² 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

Citicorp, New York, New York, notification of intent to relocate *de novo* activities (purchasing consumer installment sales finance contracts for its own account; sale of credit related life/accident and health insurance; sale by a licensed agent of insurance which protects personal property) from 4305-07 Plank Road, Baton Rouge, Louisiana to Village Square Shopping Center, College Drive and I-10, Baton Rouge, Louisiana, through its subsidiary, Nationwide Financial Services Corporation. (7/30/77)²

Citicorp, New York, New York, notification of intent to engage in *de novo* activities (making loans for the account of others such as one-to-four family unit mortgage loans) from 4520 N.W. 50th, Oklahoma City, Oklahoma to Jamestown Executive Center, 3011 N.W. 63rd Street, Suite 110, Oklahoma City, Oklahoma and from 1514 North Rockwell, Oklahoma City, Oklahoma to 2507 N.W. 23rd Street, Oklahoma City, Oklahoma, through its subsidiary, Nationwide Financial Services Corporation. (7/25/77)²

Citicorp, New York, New York, notification of intent to relocate *de novo* activities (making of consumer installment personal loans; purchasing consumer installment sales finance contracts; sale of credit related life/accident and health insurance; sale by a licensed agent of insurance which protects personal property subject to a security agreement with Nationwide Financial Corporation of Oklahoma, Inc.) from 4520 N.W. 50th, Oklahoma City, Oklahoma and 1514 North Rockwell, Oklahoma City, Oklahoma to Jamestown Executive Center, 3011 N.W. 63rd Street, Suite 110, Oklahoma City, Oklahoma and 2507 N.W. 23rd Street, Oklahoma City, Oklahoma, respectively, through its subsidiary, Nationwide Financial Services Corporation. (7/25/77)²

Citicorp, New York, New York, notification of intent to relocate *de novo* activities (making of consumer installment personal loans; purchasing consumer installment sales finance contracts; sale of credit related life/accident and health insurance; sale by a licensed agent of insurance which protects personal property subject to a security agreement with Citicorp Person-to-Person Financial Center) from #3, 28 East 21st Street, Salt Lake City, Utah to 3828 South Main Street, Salt Lake City, Utah, through its subsidiary, Nationwide Financial Services Corporation. (7/25/77)²

Citicorp, New York, New York, notification of intent to relocate *de novo* activities (making of consumer installment personal loans; purchasing consumer installment sales finance contracts; sale of credit related life/accident and health insurance; sale by a licensed agent of insurance which protects personal property) from 5935 E. Admiral Place, Tulsa, Oklahoma to Main Park Plaza, Tulsa, Oklahoma, through its subsidiary, Nationwide Financial Services Corporation. (7/28/77)²

Horizon Bancorp, Morristown, New Jersey notification of intent to engage in *de novo* activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit as would be made by a mortgage company; and servicing loans and other extensions of credit for any person) at Jefferson Office Complex, 7500 West Mississippi, Denver, Colorado, through its subsidiary, Mortgage Investment Securities, Inc. (7/24/77)²

Manufacturers Hanover Corporation, New York, New York, notification of intent to engage in *de novo* activities (arranging, making or acquiring for its own account or for the account of others, loans and other extensions of credit such as would

be made or acquired by a mortgage company and servicing such loans and other extensions of credit) at 1052 Forstdale Boulevard, Birmingham, Alabama, through its subsidiary, Citizens Mortgage Corporation. (7/26/77)²

Philadelphia National Corporation, Philadelphia, Pennsylvania, notification of intent to engage in *de novo* activities (second mortgage lending which consists of making personal installment loans secured by mortgages other than first liens on the borrowers real estate and by security interests in personal property of borrowers; and selling credit life insurance in connection with such personal installment loans and reinsuring such insurance through Patrick Henry Life Insurance Company an indirect subsidiary of Philadelphia National Corporation) at 3600 North Duke Street, North Duke Mall, Durham, North Carolina and 530 East Innes Street, Salisbury, North Carolina, through an indirect subsidiary, Signal Mortgage Corporation of North Carolina. (7/24/77)²

Pittsburgh National Corporation, Pittsburgh, Pennsylvania, notification of intent to engage in *de novo* activities (leasing personal property, or acting as agent, broker, or adviser in leasing such property, on a full pay-out basis, in accordance with the provisions of Section 225.4 of Regulation Y of the Federal Reserve Board) at Pittsburgh National Building, Fifth Avenue and Wood Street, Pittsburgh, Pennsylvania, through its wholly-owned subsidiary, Pittsburgh National Leasing Corporation. (7/28/77)²

Union Trust Bancorp, Baltimore, Maryland, notification of intent to engage in *de novo* activities (making installment loans to individuals for personal, family or household purposes; purchasing sales finance contracts executed in connection with the sale of personal, family or household goods or services; and acting as agent in the sale of credit life and credit accident and health insurance directly related to its extension of credit) at 119 East Innes Street, Salisbury, North Carolina, through its subsidiaries, Landmark Financial Corporation of North Carolina and Landmark Mortgage Corporation (wholly-owned subsidiaries of Landmark Financial Services, Inc.). (7/28/77)²

Sun Banks of Florida, Inc., Orlando, Florida, notification of intent to engage in *de novo* activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit; and servicing loans and other extensions of credit for any person) at 1501 NE 26th Street, Wilton Manors (Fort Lauderdale), Florida, through a subsidiary, Sunbank Mortgage Company. (7/28/77)²

BankAmerica Corporation, San Francisco, California, notification of intent to relocate *de novo* activities (making and acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company; such activities will include, but not be limited to, making loans and other extensions of credit to small businesses, purchasing installment sales finance contracts, and making loans secured by real property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance and credit related property insurance in connection with extensions of credit made or acquired by FinanceAmerica Mortgage Services, Inc.) from 490 Valley Street to 50 Bridge Street, Manchester, New Hampshire, through its indirect subsidiary, FinanceAmerica Mortgage Services, Inc. (7/24/77)²

Security Pacific Corporation, Los Angeles, California, notification of intent to relocate *de novo* activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit including secured and unsecured consumer, commercial and agricultural loans, sale contracts and other forms of receivables and such other types of loans and credit extension as are customarily made or acquired by a finance company; and acting as broker or agent for the sale of credit-related life/accident and health insurance and credit-related property and casualty insurance) from 110 N. Wewoka, Wewoka, Oklahoma to 1707 N. Milt Phillips Avenue, Seminole, Oklahoma, through its subsidiary, The Bankers Investment Company. (7/25/77)²

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in *de novo* activities (the financing of personal property and equipment and real property and the leasing of such property or the acting as an agent, broker, or adviser in the leasing and/or financing of such property where at the inception of the initial lease the effect of the transaction (and, with respect to governmental entities only, reasonably anticipated future transactions) will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease and the servicing of such financings and/or leases as is authorized by the Federal Reserve Board under Regulation Y and the Bank Holding Company Act) at 5100 Westheimer, Houston, Texas, through its subsidiary, Security Pacific Leasing Corporation. (7/23/77)²

Security Pacific Corporation, Los Angeles, California, notification of intent to relocate *de novo* activities (the origination and acquisition of mortgage loans including development and construction loans on multi-family and commercial properties for its own account or for the sale to others and the servicing of such loans for others) from 8316 Claremont Mesa Boulevard to 591 Camino de Reina, San Diego, California, through its subsidiary, Security Pacific Mortgage Corporation. (7/28/77)²

Wells Fargo & Company, San Francisco, California, notification of intent to engage in *de novo* activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit; servicing loans and other extensions of credit for other persons; acting as an insurance agent or broker with respect to the following types of insurance that are directly related to the extension of credit by Wells Fargo & Company or its subsidiaries: credit life and credit accident and health insurance and mortgage redemption life insurance and group mortgage disability insurance) at 22 W. Osborn Road, Phoenix, Arizona, through its subsidiaries, Wells Fargo Mortgage Company and WFCM Corporation. (7/29/77)²

Wells Fargo & Company, San Francisco, California, notification of intent to relocate *de novo* activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit; servicing loans and other extensions of credit for other persons; acting as an insurance agent or broker with respect to the following types of insurance that are directly related to the extension of credit by Wells Fargo & Company or its subsidiaries: credit life and credit accident and health insurance and mortgage redemption life insurance and group mortgage disability insurance) from One East

First Street, Reno, Nevada to 1135 Terminal Way, Reno, Nevada, through its subsidiaries, Wells Fargo Mortgage Company and WFCM Corporation. (7/25/77)²

Certifications Issued Pursuant to the Bank Holding Company Tax Act of 1976.

Union Financial Corporation, Denver, Colorado (formerly Stuarco Oil Company, Inc.), (1) prior certification pursuant to section 6158(a) of the Internal Revenue Code ("Code") that its sales of various oil and gas properties during 1973 and 1974 were necessary or appropriate to effectuate section 4 of the Bank Holding Company Act ("BHC Act"); and (2) final certification pursuant to section 6158(e)(2) of the Code that it has (before the expiration of the period prohibited property is permitted to be held under the BHC Act by a bank holding company) disposed of all of the property and disposition of which is necessary or appropriate to effectuate section 4 of 76-126)²

APPLICATIONS RECEIVED

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

The Oakwood Deposit Bank Company, Oakwood, Ohio. Branch to be established at 100 South Main Street, Grover Hill, Paulding County

WITHDRAWAL

Application received from the Oberlin Savings Bank Co., Oberlin, Ohio to withdraw the request of establishing a branch at 56 South Pleasant Street, Oberlin, Lorain County.

To Establish an Overseas Branch of a Member Bank Pursuant to Section 25 of the Federal Reserve Act.

Chase Manhattan Bank National Association: Branch—Abijan, Ivory Coast.
Continental Illinois National Bank & Trust Company of Chicago: Branch—Seoul, Korea.

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

Banco Central, S.A., Madrid, Spain, for approval to acquire all the voting shares of Banco Central y Economias, Hato Rey, Puerto Rico, a new bank. (Received 6/28/77)

Royal Trustco Limited, Ottawa, Ontario, Canada, for approval to acquire 100 percent of the voting shares of Royal Trust Bank Corp., Miami, Florida and indirectly acquire Royal Trust Bank of Miami, N.A., Miami, Florida; Royal Trust Bank of Tampa, Tampa, Florida; Royal Trust Bank of St. Petersburg, Gulfport, Florida; Royal Trust Bank of Palm Beach, N.A., Palm Beach, Florida; First Bank of Pembroke Pines, Pembroke Pines, Florida; Royal Trust Bank of South Dade, N.A., Dade County, Florida and The American Bank of Orange County, Orlando, Florida.

Summit Holding Corporation, Tamarac, Florida, for approval to acquire 90 per cent of the voting shares of Summit Bank, Tamarac, Florida.

WISCUB, Inc., Milwaukee, Wisconsin, for approval to acquire 86.7 per cent or more of the voting shares of Cleveland State Bank, Cleveland, Wisconsin.

² Processed on behalf of the Board of Governors under delegated authority.

Central Bancshares, Inc., Browerville, Minnesota, for approval to acquire 92 per cent of the voting shares of The Lee State Bank, Browerville, Minnesota.

Crete State Corporation, Crete, Nebraska, for approval to acquire 80 per cent or more of the voting shares of Crete State Bank, Crete, Nebraska.

Fairlawn Bancshares, Inc., Topeka, Kansas, for approval to acquire 80 per cent of the voting shares of Fairlawn Plaza State Bank, Topeka, Kansas.

To Expand a Bank Holding Company Pursuant to Section 3(a) (3) of the Bank Holding Company Act of 1956.

Florida Coast Banks, Inc., Pompano Beach, Florida, for approval to acquire 99 per cent of the voting shares of Florida Coast Bank of South Palm Beach, N.A. Boca Raton, Florida, a proposed new bank.

Hawkeye Bancorporation, Des Moines, Iowa, for approval to acquire 60 per cent or more of the voting shares of Morningside State Bank, Sioux City, Iowa.

B.O.C. Corporation, Sheridan, Wyoming, for approval to acquire 100 per cent (less directors' qualifying shares) of the voting shares of The Wyoming Security Bank, Sheridan, Wyoming.

To Expand a Bank Holding Company Pursuant to Section 4(c) (8) of the Bank Holding Company Act of 1956.

Citicorp, New York, New York, notification of intent to engage in *de novo* activities (making or acquiring, for its own account or the account of others, commercial loans) at 1300 E. 9th Street, Cleveland, Ohio, through its wholly-owned subsidiary, Citicorp Commercial, Inc. (a Delaware Corporation). (7/27/77)²

Mellon National Corporation, Pittsburgh, Pennsylvania, notification of intent to engage in *de novo* activities (making or acquiring, for its own account secured and unsecured loans and extensions of credit such as would be made by a finance company which activities include making direct consumer installment loans and purchasing consumer installment sales finance contracts; providing credit life and credit accident and health insurance in conjunction with the above lending activities; such insurance will be provided only in connection with extensions of credit by Local Loan Co., and its wholly-owned subsidiaries and will be available solely at the option in advance) at 1917 Irving Park Road, Schaumburg, Illinois, through its wholly-owned subsidiary, Local Loan Co., Chicago, Illinois. (7/27/77)²

CleveTrust Corporation, Cleveland, Ohio, for approval to acquire Lake Life Insurance Company, Wilmington, Delaware (and thereby engage in acting as underwriter of credit life and credit accident and health insurance directly related to extensions of credit by the bank holding company system).

Commercial Bankshares, Inc., Grand Island, Nebraska, notification of intent to engage in *de novo* activities (operating an industrial loan and investment company pursuant to the laws of the State of Nebraska, including the issuance of installment and paid-up certificates of indebtedness and making consumer loans, commercial loans, agricultural loans and first and second mortgages on real estate; and also to act as an insurance agent for the sale of decreasing term credit life insurance and credit accident and health insurance which

coverages are directly related to extensions of credit by commercial Savings Company of Grand Island) at 1616 South Locust, Grand Island, Nebraska, through a subsidiary, Commercial Savings Company of Grand Island. (7/29/77)²

UB Financial Corp., Phoenix, Arizona, for approval to retain the Mesa, Arizona office of H. S. Pickrell Company, Phoenix, Arizona and to engage in the following activities (the origination, making, acquiring, purchasing, arranging for, holding, warehousing and selling for its own account and for the account of others, loans of all types and other extensions of credit, secured by mortgages or deeds of trust on real property such as would be made by a mortgage company; and servicing loans and other extensions of credit for any person).

UB Financial Corp., Phoenix, Arizona, for approval to continue to engage in acting as insurance agent or broker for credit life and accident and health insurance by H. S. Pickrell Company, Phoenix, Arizona and to engage in the following activities (the origination, purchase, sale and servicing of mortgage loans, and acting as broker or agent for the sale, by mail solicitation, of credit related life and accident and health insurance, solely in connection with extensions of credit by H. S. Pickrell Company).

To Expand a Bank Holding Company Pursuant to Section 4(c) (12) of the Bank Holding Company Act of 1956.

N L Industries, Inc., New York, New York, notification of intent to acquire all the assets of Dripdroco, Inc., Hobbs, New Mexico, engaged primarily in the manufacture for sale and rent of roller reamers and other stabilizers used as downhole tools in the drilling of oil wells. (7/28/77)²

N L Industries, Inc., New York, New York, notification of intent to acquire all the outstanding stock of Jett Engineering, Inc., Charlotte, North Carolina, a distributor of hydraulic components used in a variety of agricultural and manufacturing activities. (7/27/77)²

For Certification Pursuant to the Bank Holding Company Tax Act of 1976.

King Ranch, Inc., Kingsville, Texas to divest shares of Kleberg First National Bank, Kleberg, Texas and shares of State Bank of Kingsville, Kingsville, Texas (Legal Division Docket TCR 76-144)⁴

REPORTS RECEIVED

Current Report Filed Pursuant to Section 13 of the Securities Exchange Act. Seattle Trust and Savings Bank, Seattle, Washington.

PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, August 18, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-24472 Filed 8-23-77; 8:45 am]

²4(c) (8) and 4(c) (12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

COUNTRY BANCSHARES, INC.

Formation of Bank Holding Company

Country Bancshares, Inc., Jamesport, Mo., has applied for the Board's approval under § 3(a) (1) of the Bank Holding Company Act (12 U.S.C. § 1842(a) (1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of the Home Exchange Bank of Jamesport, Jamesport, Mo. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 16, 1977.

Board of Governors of the Federal Reserve System, August 18, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-24471 Filed 8-23-77; 8:45 am]

[Docket No. R-0091]

PRIVACY ACT OF 1974

Adoption of New System of Records

On March 11, 1977, the Board of Governors of the Federal Reserve System issued a notice for publication in the FEDERAL REGISTER (42 FR 16854) that it proposed to adopt a new system of records entitled, "Municipal Securities Principal and Municipal Securities Representative Records." Interested persons were given until May 2, 1977, to submit comments to the Board on the proposed system of records. The Board did not receive any comments objecting to the system of records and has adopted it without change effective September 15, 1977. The new system of records replaces a system of records identified as "Regulation F Ownership Reports," System Identification number BGFRS-17, which was erroneously published as part of the systems of records maintained by the Board on September 15, 1976, 41 FR 39702, but which had been deleted in its entirety on July 23, 1976, 41 FR 30574. The new system of records is adopted as proposed except that "Categories of individuals covered by the system" have been narrowed; and two technical changes have been made in "System location" and "System manager and address." The new system of records as adopted is set forth below.

Board of Governors of the Federal Reserve System, August 8, 1977.

THEODORE E. ALLISON,
Secretary of the Board.
BGFRS-17

System name:

FRB—Municipal Securities Principal and Municipal Securities Representative Records.

System location:

Board of Governors of the Federal Reserve System, 20th and Constitution Avenue NW., Washington, D.C. 20551. Records stored in computerized files are maintained off Board premises at the National Association of Securities Dealers, 1735 K Street NW., Washington, D.C. 20036.

Categories of individuals covered by the system:

Persons who are or seek to be municipal securities principals or municipal securities representatives associated with a municipal securities dealer which is a State member bank of the Federal Reserve System or a subsidiary or a department or division thereof.

Categories of records in the system:

These records may contain identifying information as well as educational, employment, and disciplinary information, and, where applicable, information regarding termination of employment of individuals covered by the system. Identifying information includes name, address, date and place of birth, and may include social security account number.

Authority for maintenance of the system:

Sections 15B, 17, and 23 of the Securities Exchange Act of 1934 (15 U.S.C. §§ 780-4(c)(5), 78q, and 78w) and section 11(a) of the Federal Reserve Act (12 U.S.C. § 248(a)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in these records may be used:

a. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate governmental authority, whether Federal, State, local, or foreign, or self-regulatory organization, as defined in section 3(a)(26) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(26)).

b. To refer, in the event of litigation, whether civil, criminal, or regulatory in nature, to the appropriate court, magistrate, or administrative law judge.

c. To assist in any proceeding in which the Federal securities or banking laws are in issue or in which the Federal Reserve Board or a past or present member of its staff is a party or otherwise involved in an official capacity.

d. To disclose to a Federal, State, local, or foreign governmental authority or a self-regulatory organization if necessary in order to obtain information relevant to a Federal Reserve Board inquiry concerning a person who is or seeks to be associated with a municipal securities dealer described in Categories of individuals covered by the system as a municipal securities principal or municipal securities representative.

e. To respond to a request from a Federal, State, local, or foreign governmental authority or a self-regulatory organization for information in connection with the issuance of a license or other

benefit to the extent that such information is relevant and necessary.

f. To disclose to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Records are maintained in file folders and on computer discs.

Retrievability:

Records are indexed by name.

Safeguards:

File folders are stored in lockable metal cabinets and computer discs are accessed only by authorized personnel.

Retention and disposal:

Records may be maintained indefinitely.

System manager and address:

Secretary of the Board, Board of Governors, Federal Reserve System, 20th and Constitution, NW., Washington, D.C. 20551.

Notification procedure:

Inquiries, including name and date and place of birth, should be addressed to the System Manager, address above. Inquirers may be required to include a notarized statement attesting to identity.

Record access procedures:

Same as *Notification* above.

Contesting records procedures:

Same as *Notification* above.

Record source categories:

Individuals on whom the records are maintained as well as municipal securities dealers described in Categories of individuals covered by the system and Federal, State, local, and foreign governmental authorities, and self-regulatory organizations, which regulate the securities industry.

System exempted from certain provisions of the Act:

None.

[FR Doc.77-24408 Filed 8-23-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL FOR CAREER EDUCATION

Meeting

AGENCY: National Advisory Council for Career Education, HEW/OE.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meeting of the National Advisory Council for Career Education. It also de-

scribes the functions of the Council. Notice of the meeting is required by the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: September 19-20, 1977; September 19-8:45 a.m.-4 p.m.; September 20-9 a.m.-4 p.m.

ADDRESS: Howard Johnson's Motor Lodge (Near National Airport), 2650 Jefferson Davis Highway, Arlington, Virginia 22202, 703-684-7200.

FOR FURTHER INFORMATION CONTACT:

Dr. Robert D. Bhaerman, Office of Education, Office of Career Education, Room 3100-ROB No. 3, 7th and D Sts. SW., Washington, D.C. 20202. 202-245-2547.

SUPPLEMENTARY INFORMATION: The National Advisory Council for Career Education is established under Section 406 of the Education Amendments of 1974, Pub. L. 93-380, (88 Stat. 552, 553.) The Council is directed to:

Advise the Commissioner of Education on the implementation of Section 406 of the Education Amendments of 1974 and carry out such advisory functions as it deems appropriate, including reviewing the operation of this Section and all other programs of the Division of Education pertaining to the development and implementation of career education, evaluating their effectiveness in meeting the needs of career education throughout the United States, and in determining need for further legislative remedy in order that all citizens may benefit from the purposes of career education as described in Section 406.

The Council with the assistance of the Commissioner conducted a survey and assessment of the current status of career education programs, projects, curricula and materials in the United States and submitted to Congress a report on such survey.

The meeting of the Council shall be open to the public. The meeting on September 19 will begin at 8:45 a.m. and end at 4 p.m. and on September 20 the meeting will begin at 9 a.m. and end at 4 p.m. The meeting will be held at the Howard Johnson's Motor Lodge (Near National Airport), 2650 Jefferson Davis Highway, Arlington, Virginia 22202, 703-684-7200.

This special meeting will bring together the members of the National Advisory Council for Career Education, resource people active in the field, State Coordinators of Career Education, and State Advisory Board Representatives in an effort to explore the many major issues facing Career Education.

The proposed agenda includes:

(1) Discussion of the purpose of this meeting.

(2) Assessment, evaluation and research background presentations: College entrance examination board—assessment program National assessment for educational progress—career and occupational development data. Recommendations from the States (State coordinators of career education and State

advisory board members from the fifty States and six Trust Territories).

(3) Legislation—Background presentations: The legislative process: Where have we been? Where are we now? Where do we expect to go?

(4) Future directions—Communications, innovations, and new developments (e.g. experienced base models, training, inservice, adult, and postsecondary programs). Background Presentations: A perspective from the education and work group of the National Institute of Education. Discussion on the issues—Panel of participants from the States.

(5) Business session.

Records shall be kept of all Council proceedings and shall be available 14 days after the meeting for public inspection at the Office of Career Education located at 7th and D Streets SW., Washington, D.C. 20202. The room number is 3100—ROB No. 3.

Signed at Washington, D.C. on August 18, 1977.

JOHN LINDIA,
Delegate, National Advisory
Council for Career Education.

[FR Doc.77-24409 Filed 8-23-77; 8:45 am]

Office of the Secretary

OFFICE OF THE GENERAL COUNSEL

Statement of Organization, Functions, and Delegations of Authority

Part A of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary, is amended to reflect certain changes in Chapter AG "Office of the General Counsel". (38 FR 17032, dated 6/28/73, as amended by 38 FR 22667, dated 8/23/73).

The Secretary's reorganization has necessitated certain changes in Office of the General Counsel/client relationships. These changes are reflected in revisions to Section AG-10, *Organization*, Subsection AG-18, *Divisions in the Office of the General Counsel*, and Section AG-20, *Functions*, Subsection AG-22, *Divisions of the Office of the General Counsel*. The revisions are as follows:

Subsec. AG-18. *Divisions in the Office of the General Counsel*.

- A. The Divisions in the Office of the General Counsel are:
- Business and Administrative Law Division.
 - Civil Rights Division.
 - Education Division.
 - Food and Drug Division.
 - Legislation Division.
 - Public Health Division.
 - Health Care Financing and Human Development Services Division.
 - Social Security Division.
 - Inspector General Division.

Subsec. AG-22. *Divisions in the Office of the General Counsel*.

7. *Health Care Financing and Human Development Services Division*. The Health Care Financing and Human Development Services Division shall provide legal services for programs administered by the Health Care Financing Administration and by the Office of Human Development Services.

8. *Social Security Division*. The Social Security Division shall provide legal services for programs administered by the Social Security Administration and by the Office of Child Support Enforcement.

9. *Inspector General Division*. The Inspector General Division shall provide legal services to the Office of Inspector General.

Dated: August 15, 1977.

JOHN D. YOUNG,
Assistant Secretary
for Management and Budget.

[FR Doc.77-24445 Filed 8-23-77; 8:45 am]

NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

Meeting

The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research will meet on September 9 and 10, 1977, in Conference Room 6, C Wing, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. The meeting will convene at 9:00 a.m. each day and will be open to the public, subject to the limitations of available space. Topics included in the mandate to the Commission under the National Research Act (Pub. L. 93-348), as amended, including research involving the institutionalized mentally infirm, the performance of Institutional Review Boards, the application of research guidelines to the delivery of health services by DHEW, and other matters identified in the legislative mandate to the Commission, will be the agenda for this meeting.

Written materials of any length may be submitted to the Commission at any time. Requests for information should be directed to Ms. Betsy Singer, Information Officer, 301-496-7776, Room 125, Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland 20016.

MICHAEL S. YESLEY,
Staff Director, National Commission
for the Protection of Human
Subjects of Biomedical and
Behavioral Research.

AUGUST 16, 1977.

[FR Doc.77-22446 Filed 8-23-77; 8:45 am]

PROTECTION OF PUBLIC HEALTH CARE RECIPIENTS

Public Hearing

Ethical principles and guidelines that should govern the delivery of health services under programs conducted or supported by the Department of Health, Education, and Welfare (DHEW) will be the subject of a public hearing to be held by the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. The hearing will provide an opportunity for interested members of the public and government officials to present relevant views to the Commission, which is charged under Public Law 93-348 to make recom-

mendations to the Secretary, DHEW, and to report to Congress regarding the protection of patients receiving health services under DHEW programs.

The hearing will be held on October 14, 1977, commencing at nine a.m., in Conference Room 6, C Wing, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. Persons wishing to testify are invited to submit their requests to the Commission in accordance with the directions given below. The hearing will be open to the public, subject to the limitation of available space.

Background information. The Commission for the Protection of Human Subjects was established under Pub. L. 93-348 to identify the basic ethical principles that should underlie the conduct of research involving human subjects, and to recommend guidelines to assure that such principles are followed. The Commission's recommendations are made to the Secretary of Health, Education, and Welfare with respect to research conducted or supported by that department, and to Congress with respect to research not subject to regulation by DHEW. To date, the Commission has issued reports and recommendations on research on the fetus, research involving prisoners, the use of psychosurgery, and disclosure of research information under the Freedom of Information Act. A report on research involving children is in publication and will shortly be available.

In addition to these and other topics relating to the protection of human subjects of research, the Commission is directed to consider the applicability of the ethical principles and guidelines to the protection of patients who receive health services under DHEW programs. Such health programs include services provided by DHEW employees (e.g., Public Health Service hospitals, the Indian Health Service), capacity-building programs (e.g., grant support for health maintenance organizations, community health centers, migrant health centers, family planning services), and programs that pay for services delivered through the private health care system (e.g., Medicare, Medicaid).

To develop guidelines for the protection of human subjects of research, the Commission has considered requirements and conditions in the following areas: assessment of risks and benefits, selection of human subjects, informed consent, and mechanisms to review research. Many of these requirements and conditions implement or derive from such basic ethical principles as beneficence, justice (the equitable distribution of burdens and benefits), and respect for persons. The applicability of such principles, requirements and conditions to the delivery of health services under DHEW programs will be explored in the hearing and thereafter in the Commission's public deliberations that will lead to the adoption of recommendations.

Requests to testify. Each presentation at the hearing will be limited to 10 minutes, followed by a question-and-answer period. Anyone wishing to speak at the

hearing must submit his or her statement in writing not later than September 30, 1977. The Commission desires to receive a wide range of views on the subject to be covered at the hearing. Accordingly, the Commission reserves the right to accept for the record, but not for oral presentation, statements that are not relevant to the subject of the hearing or that duplicate previously received statements. Written materials of any length may be submitted for the record or to the Commission at any time. Written statements or requests for information should be directed to Ms. Betsy Singer, Public Information Officer, Westwood Building, Room 125, 5333 Westbard Avenue, Bethesda, Md. 20016 (301/496-7776).

Dated: August 17, 1977.

MICHAEL S. YESLEY,
Staff Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

[FR Doc. 77-24447 Filed 8-23-77; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

SISSETON-WAHPETON (DEVILS LAKE) SIOUX

Plan for the Use and Distribution of Sisseton-Wahpeton (Devils Lake) Sioux Judgment Funds in Docket 363, Second Claim, Act of 1904, Before the Indian Claims Commission

AUGUST 17, 1977.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of December 18, 1975, 89 Stat. 826, in satisfaction of the award granted to the Sisseton-Wahpeton (Devils Lake) Sioux Tribe in Indian Claims Commission Docket 363, Second Claim, Act of 1904.

The plan for the use and distribution of the funds was submitted to the Congress with a letter dated April 27, 1977, and was received (as recorded in the Congressional Record) by the House of Representatives on May 3, 1977, and as reported by the Senate on May 4, 1977. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on July 23, 1977, as provided by section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Act of December 18, 1975, 89 Stat. 826, in satisfaction of an award granted to the Sisseton-Wahpeton (Devils Lake) Sioux Tribe in Docket 363, Second Claim, Act of 1904, before the Indian Claims Commission, less attorney fees and litigation expenses, shall be utilized as herein provided.

PER CAPITA PAYMENT ASPECT

The Devils Lake Sioux Tribe's latest approved membership roll shall be brought current, pursuant to the Devils Lake Sioux Tribe's Constitution and Bylaws, to include all eligible members born on or prior to and living on the effective date of this plan.

Subsequent to the preparation and approval of the membership roll referred to above, the Secretary of the Interior (hereinafter "Secretary") shall make a per capita distribution of eighty (80) percent of the funds, including all interest and investment income accrued on this portion, in a sum as equal as possible, to each Devils Lake Sioux tribal enrollee.

The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be handled pursuant to 25 CFR 104.5. The per capita shares of minors shall be handled pursuant to 25 CFR 60.10 (a) and (b) (1) and 104.4, as amended November 5, 1976 (41 FR 48735, 48736). The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D.

The per capita shares of adults who are determined by the tribal governing body and the Agency Superintendent to be in arrears in debts to the tribe shall be placed in individual Indian money (IIM) accounts. Subsequent to the placement of such shares in IIM accounts, the Agency Superintendent shall have authority to collect all or part of such shares and apply the collections to the payment of the delinquent debts pursuant to 25 CFR 104.9.

PROGRAMMING ASPECTS

1. INDUSTRIAL DEVELOPMENT PROGRAM

Three (3) percent of the funds, including all interest and investment income accrued on this portion and any amounts remaining after the per capita payment provided above, shall be utilized by the Devils Lake Sioux Tribe for the purchase of shares of stock, in the name of the tribe, in the Devils Lake Sioux Manufacturing Corporation.

2. LAND ACQUISITION PROGRAM

Ten (10) percent of the funds, and all interest and investment income accrued on this portion, shall be utilized by the Devils Lake Sioux Tribe on an annual budgetary basis, subject to the approval of the Secretary, for the purchase of land pursuant to the tribe's Land Acquisition Program.

3. SOCIAL, HEALTH, AND ECONOMIC PROGRAMS

Seven (7) percent of the funds, and all interest and investment income accrued on this portion, shall be utilized by the Devils Lake Sioux Tribe on an annual budgetary basis, subject to the approval of the Secretary, for the following:

- (a) Activities for elderly persons.
- (b) Higher education.
- (c) Burial fund.
- (d) Small business loans.
- (e) Health insurance.
- (f) Credit union.
- (g) Road construction, maintenance, and equipment purchase.
- (h) Business development.
- (i) Miscellaneous fund.

Should any funds in any of the three above-cited general program categories not be needed or be found in excess of programming goals in any given annual budget, such funds may be transferred by the tribal governing body, with the approval of the Secretary, to another of the above-cited general program categories, including any specific categories within Social, Health and Economic Programs.

GENERAL PROVISION

Only enrolled members of the Devils Lake Sioux Tribe may benefit from the per capita payment aspect or any other aspect of this plan; lineal descendants of Sisseton or Wahpeton Sioux Indians not enrolled with the Devils Lake Sioux Tribe are not eligible for benefits under this plan.

RAYMOND V. BUTLER,
Acting Deputy Commissioner
of Indian Affairs.

[FR Doc. 77-24499 Filed 8-23-77; 8:45 am]

Bureau of Land Management

[NM 22547]

NEW MEXICO

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

AUGUST 11, 1977.

The Forest Service, U.S. Department of Agriculture, filed application serial number NM 22547 on July 1, 1974, for a withdrawal in relation to the following described land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

CIBOLA NATIONAL FOREST

CIBOLA RECREATION AREA ADDITION

T. 11 N., R. 5 E.,

Sec. 14, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 23, lot 1 (approximately 10 acres not included in PLO 4757), N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ (less approximately 2 acres included in PLO 4757), E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ (less approximately 2 acres in PLO 4757).

The area described aggregates 128.50 acres in Bernalillo County, New Mexico.

The applicant desires the land for the enlargement of an existing recreation area in the Cibola National Forest in New Mexico.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on October 29, 1974, page 38118, FR Doc. 74-25078.

Pursuant to Sec. 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the State Director, Bureau of Land Management, Department of the Interior, P.O. Box 1449, Santa Fe, N. Mex. 87501, on or before September 20, 1977. If a public hearing is scheduled, a notice will be published in the FEDERAL REGISTER.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before September 20, 1977.

The above-described national forest land is withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2,

but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture. Current administrative jurisdiction over the segregated land will not be affected by the temporary segregation. In accordance with Section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, P.O. Box 1449, Santa Fe, N. Mex. 87501.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.77-24466 Filed 8-23-77; 8:45 am]

[NM 31275 and 31408]

NEW MEXICO
Applications

AUGUST 16, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), EL Paso Natural Gas Company has applied for a cathodic protection station site and a 4½-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 27 N., R. 9 W.,
Sec. 14, NE¼ SE¼.
T. 13 N., R. 11 W.,
Sec. 34, SW¼ NW¼ and NW¼ SW¼.

The site and pipeline will be used in connection with natural gas operations and will cross 0.233 of a mile of public lands in McKinley and San Juan Counties, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.77-24467 Filed 8-23-77; 8:45 am]

[NM 31296 and 31297]

NEW MEXICO
Notice of Applications

AUGUST 15, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act

of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for three 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 22 E.,
Sec. 7, N¼ NE¼, SE¼ NE¼ and NE¼ SE¼.
T. 23 S., R. 29 E.,
Sec. 27, W¼ SW¼ and SE¼ SW¼;
Sec. 28, E¼ SE¼.

These pipelines will convey natural gas across 1.280 miles of public lands in Eddy County, N. Mex. 88201.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.77-24416 Filed 8-23-77; 8:45 am]

PACIFIC OUTER CONTINENTAL SHELF
Availability of Official Protraction Diagram

Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagram approved on the date indicated, is available, for information only, in the Pacific Outer Continental Shelf, Bureau of Land Management, Los Angeles, Calif. In accordance with Title 43, Code of Federal Regulations, this protraction diagram is the basic record for the description of mineral and oil and gas lease offers in the geographic area it represents.

OUTER CONTINENTAL SHELF OFFICIAL
PROTRACTION DIAGRAM

Description:	Approval date
Channel Islands Area, Calif., Map No. 6C revised.	Apr. 25, 1977

Copies of this diagram are for sale at two dollars (\$2.00) per copy by the Manager, Pacific Outer Continental Shelf Office, Bureau of Land Management, 300 N. Los Angeles St., Rm. 7127, Los Angeles, Calif 90012. Checks or money orders should be made payable to the Bureau of Land Management.

WILLIAM E. GRANT,
Manager, Pacific Outer
Continental Shelf Office.

[FR Doc.77-24417 Filed 8-23-77; 8:45 am]

**INTERNATIONAL TRADE
COMMISSION**

[AA1921-169-172]

**ANIMAL GLUE AND INEDIBLE GELATIN
FROM YUGOSLAVIA, SWEDEN, THE
NETHERLANDS, AND WEST GERMANY**

Corrected Notice of Investigation

Having received advice from the Department of the Treasury on July 29, 1977, that animal glue and inedible gelatin from Yugoslavia, Sweden, the Netherlands, and West Germany (except that produced and sold by Electro Chemische Fabric Kempen G.m.b.H. of West Germany) are being, or are likely to be, sold at less than fair value, the United States International Trade Commission on August 8, 1977, instituted investigations Nos. AA1921-169, 170, 171, and 172, respectively, under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being, or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the investigation and hearing was published in the FEDERAL REGISTER of August 15, 1977 (42 F.R. 41190).

By order of the Commission.

KENNETH R. MASON,
Secretary.

AUGUST 18, 1977.

[FR Doc.77-24427 Filed 8-23-77; 8:45 am]

[Investigation 337-TA-35]

CERTAIN MOLDED GOLF BALLS
Preliminary Conference

Notice is hereby given that a Preliminary Conference will be held in connection with the above styled investigation at 10 a.m. on Wednesday, August 31, 1977 in Room 610 Bicentennial Building, 600 E Street NW., Washington, D.C. Notice of this investigation was published in the FEDERAL REGISTER on July 6, 1977 (42 FR 34558). The purposes of this preliminary conference are to establish a discovery schedule, to discuss the procedures to be followed in pursuing such discovery, to set the dates for the Prehearing Conference, and to resolve any other matters necessary to the conduct of this investigation.

If any questions should arise not covered by these instructions, the parties or their counsel shall call the chambers of the undersigned Presiding Officer.

The Secretary shall serve a copy of this Notice upon all parties of record and shall publish it in the FEDERAL REGISTER.

MYRON R. RENICK,
Presiding Officer.

AUGUST 18, 1977.

[FR Doc.77-24426 Filed 8-23-77; 8:45 am]

OFFICE OF THE FEDERAL REGISTER

EDUCATIONAL WORKSHOPS ON HOW TO USE THE FEDERAL REGISTER

St. Louis, Missouri

WHO: Any person who must use the FEDERAL REGISTER publications to keep track and to gain an understanding of Federal regulations.

WHAT: The free public workshops are being presented by the Office of the FEDERAL REGISTER, National Archives and Records Service, General Services Administration. Each workshop will last approximately three hours, will be identical in content, and will cover the following areas:

1. A brief history of the FEDERAL REGISTER system.
2. The difference between legislation and regulations.
3. The relationship of the FEDERAL REGISTER and the Code of Federal Regulations.
4. Important elements of a typical FEDERAL REGISTER document.
5. An Introduction to the finding aids of the Office of the Federal Register.

The workshops will not provide a forum for the discussion of substantive questions pertaining to specific agency regulations.

WHY: These workshops are one way of providing the public with access to information about Federal agency actions which directly affect them. They are designed to help the public better use and understand the FEDERAL REGISTER and to seek suggestions on ways to improve FEDERAL REGISTER publications.

WHEN: 9:30 a.m. on September 28 and 29, 1977 (Reservations required).

WHERE: Room 3250, Federal Building, 1520 Market Street, St. Louis, Missouri. Reservations: Delores O'Guin, 314-425-4106.

FRED J. EMERY,
*Director of the
Federal Register.*

AUGUST 18, 1977.

[FR Doc.77-24328 Filed 8-23-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

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 08/18/77 (44 USC 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 thru 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 AGRICULTURE

Economic Research Service: New York Agricultural District Survey, single-time, active farmers in Erie Co., N.Y., Gaylord Worden, 395-4730.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary: A study of general assistance programs, OS-10-77, single-time, State and local welfare directors, Human Resources Division, 395-3532.

DEPARTMENT OF TRANSPORTATION

Coast Guard: Spill cleanup inventory, single-time, business firms, Warren Topelius, 395-5872.

Federal Highway Administration: Fringe parking lots for carpools, single-time, individuals, Strasser, A., 395-5867.

REVISIONS

VETERANS ADMINISTRATION

Application for home loan guaranty—refinancing loan, 26-1802B, on occasion, veterans, Warren Topelius, 395-5872.

Application for home loan guaranty—alteration, improvement, or repair loan, 26-1802, on occasion, veterans, Housing, Veterans, and Labor Division, 395-3532.

NATIONAL SCIENCE FOUNDATION

Survey of scientific and engineering expenditures at universities and colleges, NSF 411, annually, institutions of higher education with science and engineering programs, Kathy Wallman, 395-6140.

EXTENSIONS

NATIONAL SCIENCE FOUNDATION

Data collection for estimating rates of return to 40 industrial innovations, single-time, industrial firms producing and using innovations, Kathy Wallman, 395-6140.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service: Regulations for viruses, serums, toxins, and analogous products, on occasion, biological producers, Marsha Traynham, 395-4529.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: 1976 occupational injuries and illness survey, OSHA 103, 103 pre-annually, employers in American industry covered by Pub. L. 91-596, Strasser, A., 395-5867.

PHILLIP D. LARSEN,

Budget and Management Officer.

[FR Doc.77-24552 Filed 8-23-77;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

FREQUENCY MANAGEMENT ADVISORY COUNCIL

Meeting

Notice is hereby given that the Frequency Management Advisory Council (FMAC) will meet at 9:30 a.m., September 9, 1977, at COMSAT-MARISAT

950 L'Enfant Plaza, 8th Floor Conference Room, Washington, D.C.

The principal agenda items will be: (1) Progress report on the ITU Conference preparations to include and overview of the exchange of views with foreign governments to date; and (2) status of reorganization of Federal Government spectrum management.

The meeting will be open to the public. Any member of the public will be permitted to file a written statement with the Council, before or after the meeting.

Information pertaining to the meeting may be obtained from Mr. Jack E. Weatherford, Office of Telecommunications Policy, Washington, D.C. (Telephone: 202-395-5623).

Dated: August 15, 1977.

L. D. O'NEILL,
*Advisory Committee,
Management Officer.*

[FR Doc.77-24457 Filed 8-23-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration MERGER AND CONSOLIDATION REGULATIONS

Petition for Reconsideration

AGENCY: Federal Railroad Administration, Department of Transportation.

ACTION: Notice of grant of petition for reconsideration.

SUMMARY: On March 17, 1977, the Association of American Railroads ("AAR") filed a petition for reconsideration of several portions of the Federal Railroad Administration's final regulations covering procedures and format to be observed when filing a proposed transaction for study by the Federal Railroad Administrator ("Administrator") under section 5(3) of the Interstate Commerce Act. The Administrator has decided to grant in part the AAR's petition for reconsideration. A revision of the merger and consolidation regulations will soon be published as a final rule.

Dated: August 18, 1977.

JOHN M. SULLIVAN,
*Administrator,
Federal Railroad Administration.*

[FR Doc.77-24551 Filed 8-23-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 19, 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 September 8, 1977.

FSA No. 43414—*Joint Rail-Water Container Rates—Great Lakes and European Lines, Inc.* Filed by Great Lakes and European Lines, Inc., (No. 4), for itself and interested rail carriers.

Rates on general commodities, between rail terminals at U.S. Pacific Coast seaboard, and ports and terminals in Europe, by way of Chicago, Illinois.

Grounds for relief—Water competition.

Tariffs—Great Lakes and European Lines, Inc., Westbound tariff No. 5, I.C.C. No. 3, F.M.C. No. 5, and Eastbound tariff No. 6, I.C.C. No. 4, F.M.C. No. 6. Rates are published to become effective on September 18, 1977.

FSA No. 43415—*Joint Water-Rail Container Rates—Korea Shipping Corporation, Ltd.* Filed by Korea Shipping Corporation, Ltd., (No. 102), for itself and interested rail carriers. Rates on general commodities, from ports in Japan and Korea, to rail stations on the U.S. Atlantic seaboard, by way of Seattle, Washington.

Grounds for relief—Water competition.

FSA No. 43416—*Joint Water-Rail Container Rates—Orient Overseas Container Line, Inc.* Filed by Orient Overseas Container Line, Inc., (No. 101), for itself and interested rail carriers.

Rates on general commodities, from Hong Kong and ports in Japan, Korea and Taiwan, to rail stations on the U.S. Atlantic and Gulf Coasts, by way of Seattle, Washington.

Grounds for relief—Water competition.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 77-24463 Filed 8-23-77; 8:45 am]

[Notice No. 102]

MOTOR CARRIER TEMPORARY APPLICATIONS

AUGUST 11, 1977.

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and

the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 20916 (Sub-No. 27TA), filed July 29, 1977. Applicant: JOHN T. SISK, Rt. 2, Box 182-B, Culpeper, Va. 22701. Applicant's representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, Va. 22611. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Precast concrete and precast concrete products*, from the facilities of Smith Cattleguard, Inc., at Midland, Va., to points in Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Smith Cattleguard, Inc. Midland, Va. Send protests to: W. C. Hersman District Supervisor, Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1413, Washington, D.C. 20423.

No. MC 44605 (Sub-No. 46TA) (Correction), filed June 28, 1977, published in the FEDERAL REGISTER issue of July 21, 1977, and republished as corrected this issue. Applicant: MILNE TRUCK LINES, INC., 2500 West California Avenue, Salt Lake City, Utah 84104. Applicant's representative: Edward J. Hegarty, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Yucca, Ariz., and Kingman, Ariz., (a) from Yucca over Interstate Highway 40 (U.S. Highway 66) to Kingman and return over the same route, serving all intermediate points, and (2) Between Wickenburg, Ariz., and Las Vegas, Nev., (a) from Wickenburg, over U.S. Highway 93 to Las Vegas and return over the same route, serving all intermediate points in Arizona. Applicant intends to tack this authority with that in their MC-44605 and subs. Applicant also intends to interline with other carriers at Las Vegas, Nev.; Los Angeles, Calif.; and Phoenix, Ariz., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately thirty-three statements of support attached to the application which may be examined at

at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138. The purpose of this republication is to indicate (1) that the parenthesis is to close after equipment; and (2) is to indicate paragraph (1)(a) in lieu of paragraph (1)(2).

No. MC 56082 (Sub-No. 72TA), filed July 28, 1977. Applicant: DAVIS & RANDALL, INC., 42 Central Avenue, P.O. Box 390, Fredonia, N.Y. 14063. Applicant's representative: Roy D. Pinsky, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned goods and preserved foodstuffs*, from Waun, Poynette, Waunakee, New Richmond, Eden, Oakfield, Gillett and Coleman, Wis., to the state of N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Friday Canning Company, 660 North Second Street, New Richmond, Wis. 54017. (2) Oconomowoc Canning Company, Box 248, Oconomowoc, Wis. 53066. Send protests to: Interstate Commerce Commission, Bureau of Operations, 910 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 96629 (Sub-No. 4 TA) filed July 28, 1977. Applicant: SHIFFLET BROS., INC., P.O. Box 206, Hwy 99E at Sheldon Avenue, Gridley, Calif. 95948. Applicant's representative: Michael J. Stecher, Silver, Rosen, Flischer & Stecher, 256 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bulk or hopper-type vehicles, from Helm and Bena, Calif., to all points and places in the State of Oregon, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Valley Nitrogen Producers, Inc., P.O. Box 128, Helm, Calif. 93627. Send protests to: A. J. Rodriguez District Supervisor, 211 Main, Suite 500, San Francisco, Calif. 94105.

No. MC 109533 (Sub-No. 95TA), filed July 29, 1977. Applicant: OVERNITE TRANSPORTATION COMPANY, 1000 Semmes Avenue, Richmond, Va. 23224. Applicant's representative: C. H. Swanson, 1000 Semmes Avenue, Richmond, Va. 23224. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between plant site of Chattanooga Glass Company at or near Keyser W. Va., as off-route point in connection with carrier's presently authorized operation, for 180 days. Applicant has also filed an under-

lying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Chattanooga Glass Company, 400 W. 45th Street, Chattanooga, Tenn. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 10-502 Federal Building, 400 North 8th Street, Richmond, Va. 23240.

No. MC 110525 (Sub-No. 1201TA), filed July 29, 1977. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Avenue, P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Salt cake*, in bulk, in tank vehicles, from Belvidere, N.J., to Tonawanda and Elmira, N.Y., and West Point, Va., for 180 days. Supporting shipper(s): Prior Chemical Corp., 420 Lexington Avenue, New York, N.Y. 10017. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 110525 (Sub-No. 1202 TA), filed July 29, 1977. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry talc*, in bulk, in tank vehicles, from Johnson, Vt., to New Castle, Del., for 180 days. Supporting shipper(s): Engelhard Minerals & Chemicals Corp. Menlo Park, Edison, N.J. 08817. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 113271 (Sub-No. 39TA), filed July 29, 1977. Applicant: CHEMICAL TRANSPORT, P.O. Box 2644, Great Falls, Mont. 59401. Applicant's representative: Ray F. Koby, 314 Montana Bldg., Great Falls, Mont. 59401. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Acid*, in bulk, from East Helena, Mont., to points in Wyoming, Colorado, Idaho, Oregon, North Dakota, Minnesota, Utah and Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Gerald D. Martin District Traffic Manager, Asarco, Incorporated, 405 Montgomery Street, San Francisco, Calif. 94104. Send protests to: Paul J. Labane District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 115821 (Sub-No. 28TA), filed July 29, 1977. Applicant: FRANK BEELMAN, d.b.a. BEELMAN TRUCK CO., St. Libory, Ill. 62282. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes,

transporting: *Zinc concentrates*, in bulk, in dump vehicles, from the facilities of AMAX Lead Company, a Division of Amax, Inc., at or near Buick (Iron County), Mo., to the facilities of AMAX Zinc Company, Inc., a subsidiary of AMAX, Inc., at Sauget, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mr. S. K. Passmore Manager of Rates, AMAX, Inc., AMAX Center, Greenwich, Conn. 06830. Send Protests to: Harold C. Jolliff District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 118130 (Sub-No. 78TA), filed July 29, 1977. Applicant: SOUTH EASTERN XPRESS, INC., P.O. Box 6985, Fort Worth, Tex. 76115. Applicant's representative: Billy R. Reid, P.O. Box 9093, Fort Worth, Tex. 76107. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials, and empty returned malt beverage containers*, between Fort Worth, Tex., on the one hand, and, on the other, points in New Mexico and Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Miller Brewing Company, 4000 West State Street, Milwaukee, Wis. 53208. Send protests to: Robert J. Kirspele District Supervisor, Room 9A27 Federal Bldg., 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 123255 (Sub-No. 113), filed July 29, 1977. Applicant: B&L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum articles*, between the plantsite of Kaiser Aluminum & Chemical Corporation at or near Ravenswood, W. Va., on the one hand, and, on the other, points in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Wisconsin, and the cities of Clayton, Edison, and Wayne, N.J.; and Lockport, N.Y.; for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kaiser Aluminum & Chemical Corporation, P.O. Box 98, Ravenswood, W. Va. 26164. Send protests to: Frank L. Calvery, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 124078 (Sub-No. 741TA), filed July 29, 1977. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 St., Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from Clinton, Iowa to points in Illinois, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating au-

thority. Send portests to: American Admixtures Corporation, 5909 No. Rogers St., Chicago, Ill. 60646. Send portests to: Gall Daugherty, Transportation Asst. Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Ave. Room. 619, Milwaukee, Wis. 53202.

No. MC 125283 (Sub-No. 26TA), filed July 21, 1977. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., P.O. Box 2122, 432 South Stuhr Road, Grand Island, Nebr. 68801. Applicant's representative: Gailyn L. Larsen, Peterson, Bowman, Coffman & Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68504. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), from the plantsite and storage facilities of Gibbon Packing Company at or near Gibbon, Nebr., to points in Iowa, Wisconsin, Michigan, Illinois, Indiana, and Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Neal Holub Plant Manager, Gibbon Packing, Inc., P.O. Box Q, Gibbon, Nebr. 68840. Send protests to: Max H. Johnston District Supervisor, Interstate Commerce Commission, 285 Federal Bldg, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 126118 (Sub-No. 48TA), filed July 28, 1977. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Detroit, Mich., and its commercial zone to Winston-Salem, N.C., and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bill Haubrich Vice President, and Secretary, Alpine Beverage, Inc. 3171 Lynchburg Street, Memphis, Tenn. 38128. Send protests to: Max H. Johnston District Supervisor, 285 Federal Bldg, and Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 133937 (Sub-No. 21TA), filed July 28, 1977. Applicant: CAROLINA CARTAGE COMPANY, INC., P.O. Box 572, Greer, S.C. 29651. Applicant's representative: Henry P. Willimon, P.O. Box 1075, Greenville, S.C. 29602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, with the usual exceptions, restricted to traffic having a prior or subsequent movement by air, between points and places in Anderson, Oconee, Pickens, Greenville, and Spartanburg Counties, S.C., on the one hand, and, on the other, airports at or near Miami, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Her Majesty Industries, Inc., P.O. Box 9, Maul-

din, S.C., Jantzen, Incorporated, P.O. Box 775, Seneca, S.C., Daniel International Corp., Daniel Building, Greenville, S.C. 29602, Novo Air Freight Corp., 1638 E. Vesta Ave. College Park, Ga. 30337. Send protests to: Terrecla L. Standridge, Transportation Assistant, Interstate Commerce Commission, 1252 West Peachtree St., N.W. Rm. 300, Atlanta, Ga. 30309.

No. MC 134405 (Sub-No. 37TA), filed July 28, 1977. Applicant: BACON TRANSPORT COMPANY, P.O. Box 1134, Ardmore, Okla. 73401. Applicant's representative: O. G. Bacon, P.O. Box 1134, Ardmore, Okla. 73401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Wynnewood, Okla., to Irving, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Trumbull Asphalt Co. 209 N. Nursery Road, Irving, Tex. 75061. Send protests to: Kathy Henson, Transportation Assistant, Room 240, Old Post Office Building, 215 Northwest Third Street, Oklahoma City, Okla. 73102.

No. MC 134989 (Sub-No. 1TA), filed July 29, 1977. Applicant: JOHN J. HAZARD DRAYAGE & CONSTRUCTION CO., INC., 701 South Alexander Street, New Orleans, La. 70119. Applicant's representative: John J. Hazard, 548 Andrews Avenue, Metairie, La. 70005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone material, equipment and supplies*, between New Orleans, La., and points in Ascension, Assumption, Lafourche, St. Mary and Terrebonne Parishes, La., under a continuing contract, or contracts, with Western Electric Company, Inc., for 180 days Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Western Electric Company, Inc., 6701 Roswell Road NE., Atlanta, Ga. 30328. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 9038 Federal Bldg, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 136553 (Sub-No. 48TA), filed July 29, 1977. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 40309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-alcoholic beverages*, from Madison, Wis., to Dubuque and Decorah, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Coca Cola Bottling Company, 2435 Kerper Blvd. Dubuque, Iowa. 52001. Send protests to: Herbert W. Allen District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa. 50309.

No. MC 138512 (Sub-No. 20TA) July 29, 1977. Applicant: ROLAND'S TRANSPORTATION SERVICES, INC., d.b.a. WISCONSIN PROVISION EXPRESS, Franklin, Wis. 53132. Applicant's representative: Allan J. Morrison, P.O. Box 477, Cudahy, Wis. 53110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Taco corn products, seasoning, and sauces*, from Stoughton, Wis., to the storage facilities of or utilized by Grocery Products Group Heblein Inc., located at or near, Birmingham, Ala.; Oxnard, Calif.; Denver, Colo.; Hartford, Conn.; Jacksonville, Miami, and Tampa, Fla.; Atlanta, Ga.; Chicago, Ill.; Indianapolis, Ind.; Davenport, Des Moines, Iowa; Kansas City, Kans.; Louisville, Ky.; New Orleans, La.; Everett, Mass.; Detroit, Grand Rapids, Michigan; Minneapolis, Minn.; St. Louis, Mo.; Omaha, Nebraska; Tereboro, N.J.; Buffalo, Rochester, Syracuse, N.Y.; Charlotte, Raleigh, N.C.; Cincinnati, Cleveland, Columbus, Toledo, Ohio; Oklahoma City, Okla.; Hanover, Pittsburgh, Pa.; Memphis, Nashville, Tennessee; Dallas, Houston, San Antonio, Tex.; and Milwaukee, Wis.; under a continuing contract or contracts with Grocery Products Group, Heblein, Inc., of Hartford, Conn.; for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Grocery Products, Group, Heblein, Inc. 330 New Park Ave., Hartford, Conn. 06101. Send protests to: Gail Daugherty, Transportation Asst' Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Ave., Rm. 619, Milwaukee, Wis. 53202.

No. MC 138548 (Sub-No. 5TA), filed July 28, 1977. Applicant: INDIANOAKS TRANSPORTATION CO., P.O. Box 37, Old Route 66, Dwight, Ill. 60420. Applicant's representative: James R. Madler, 120 W. Madison Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation, application machines, parts and supplies thereof*, between Minonk, Ill., on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): American Cellulose Manufacturing, Inc. Robert L. Rickerson President, Rt. 1, Box 162, Minonk, Ill. 61760. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 139495 (Sub-No. 252TA), filed July 29, 1977. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, 1501 E. 8th St., Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, Suite 1030, 1819 H St., NW., Authority sought to operate as a *common carrier*, by motor vehicle, over ir-

regular routes, transporting: (1) *Lenses and reflectors*, from Greenville, Ohio, to Lynn, Mass.; (2) glass tubing from Danville, Ky.; to Lynn, Mass.; for 180 days. Supporting shipper: North American Philips Lighting Corp., Bank St., Hightstown, N.Y. 08520. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, Kans. 67202.

No. MC 139658 (Sub-No. 20TA), filed July 28, 1977. Applicant: HARRY POOLE, INC., 2322 Kensington Road, Macon, Ga. 31201. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road, N.E., Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flue dust*, in bulk, in dump trucks, from Tampa, Fla., to Pelham, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pelham Phosphate Co. Pelham, Ga. Send protests to: Sara K. Davis Transportation Assistant, Interstate Commerce Commission, 1252 West Peachtree Street, N.W., Room 300, Atlanta, Ga. 30309.

No. MC 141776 (Sub-No. 14TA), filed July 29, 1977. Applicant: FOODTRAIN, INC., Spring and South Center Streets, Ringtown, Pa. 17967. Applicant's representative: L. Agnew Myers, Jr., Suite 407, Walker Building, 734 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sheet, aluminum plate, flat or in coils, aluminum blanks, flat in temperature controlled vehicles*, from Lancaster, Pa., to points in the states of Indiana, Illinois, Michigan, Ohio and Wisconsin., for 180 days. Supporting shipper(s): Howmet Aluminum Corporation, Mill Products Division, Box 3167, 1480 Manheim Pike, Lancaster, Pa. 17604. Send protests to: Paul J. Kenworthy District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 142047 (Sub-No. 6TA), filed July 27, 1977. Applicant: CHEYENNE TRUCK LEASING, INC., 6500 Jericho Turnpike, P.O. Box 314, Commack, N.Y. 11725. Applicant's representative: Charles Tell, 100 E. Broad Street, Columbus Center, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint thinner and ingredients thereof*, from the plantsite of Globe Solvents, Inc., at Philadelphia, Pa., to points in Denver, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Globe Solvents, Inc., 2200 East Westmoreland Street, Philadelphia, Pa. 19134. Send protests to: Maria B. Kejss Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 142222 (Sub-No. 1TA), filed July 27, 1977. Applicant: PICKERING TRANSFER COMPANY, INC., a Utah

corporation, 90 North Porter St., Salt Lake City, Utah 84101. Applicant's representative: Bob Bond, 90 North Porter St., Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packing houses* described in Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Salt Lake City, Utah, to points in Utah, Wyoming, and Idaho within 150 air miles of Salt Lake City and to points in Cora and Pinedale, Wyo. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Morrell & Co., P.O. Box 1319, 2161 Regent St., Salt Lake City, Utah 84110. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State St., Salt Lake City, Utah 84138.

No. MC 142351 (Sub-No. 2TA), filed July 26, 1977. Applicant: CHEYENNE TRUCK LEASING, INC., 6500 Jericho Turnpike, P.O. Box 314, Commack, N.Y. 11725. Applicant's representative: Frank Cerbini (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hibachies, barbeques, accessories and components, lawn chairs, charcoal, folding cots, zorries*, from Hicksville, Long Island, N.Y., to Illinois, Indiana, Florida, Pennsylvania, North Carolina, Ohio, Maine, Michigan, New Jersey, Virginia, Georgia, South Carolina, Connecticut, West Virginia, Maryland and Del., under a continuing contract, or contracts, with Ivy Man Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ivy Man Corp., 910 So. Oyster Bay Road, Hicksville, N.Y. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 142351 (Sub-No. 3TA), filed July 27, 1977. Applicant: CHEYENNE TRUCK LEASING, INC., 6500 Jericho Turnpike, P.O. Box 314, Commack, N.Y. 11725. Applicant's representative: Frank Cerbini (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Artificial Christmas trees, decorations or ornaments and Christmas lights in boxes*, from Hicksville, Long Island, N.Y., to Illinois, Indiana, Florida, Pennsylvania, North Carolina, Ohio, Maine, Michigan, New Jersey, Virginia, Georgia, South Carolina, Connecticut, West Virginia, Maryland, and Delaware, under a continuing contract with Liberty Bell Christmas, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Liberty Bell Christmas, Inc., 910 So. Oyster Bay Rd., Hicksville, N.Y. Send

protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 142855 (Sub-No. 1TA), filed July 18, 1977. Applicant: ORANGE-BURG TRUCKING, INC., P.O. Drawer 1164, Orangeburg, S.C. 29115. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Bldg., Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodchips, saw dust and bark*, from Elgin and Orangeburg, S.C., to Augusta and Savannah, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Camden Hardwood Corp. Elgin, S.C. Dean-Dempsey Lumber Corp. P.O. Box 1164, Orangeburg, S.C. 29115. Send protests to: E. E. Strotheid District Supervisor, Interstate Commerce Commission, Room 302, 1400 Bldg, 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 14331 (Sub-No. 1TA), filed July 29, 1977. Applicant: FREIGHT TRAIN TRUCKING, INC., 4906 E. Compton Blvd., P.O. Box 817, Paramount, Calif. 90723. Applicant's representative: William J. Monheim, 15942 Whittier Blvd., P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottle or can carriers*, from Fullerton, Calif., to Casa Grande, Phoenix and Tucson, Ariz.; and Portales, N. Mex., under a continuing contract, or contracts, with Hi-Cone Division, Illinois Tool Works, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hi-Cone Division, Illinois Tool Works, Inc. 500 S. State College Blvd, Fullerton, Calif. Send protests to: Irene Carlos Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 143383 (Sub-No. 1TA), filed July 28, 1977. Applicant: DALE E. NICHOLSON, Potosi, Mo. 63664. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-ferrous ores or concentrates*, including zinc concentrates, in bulk, in dump trucks and trailers, from the facilities of Amax Lead Company, a division of AMAX, Inc., at or near Buick (Iron County), Mo., to the facilities of AMAX, Zinc Company, a subsidiary of AMAX, Inc., at Saugeat, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): AMAX, Inc. AMAX Center, Greenwich, Ct. 06830. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 143435RTA (Amendment), filed June 27, 1977, and published in the

FEDERAL REGISTER issue of July 21, 1977, and republished as amended this issue. Applicant: MONDAY'S EXPRESS, INC., 201 Johnson Street, Covington, Ky. 41101. Applicant's representative: Charles P. Gore, 107 Church Street, Lexington, Ky. 40505. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pre-mixed clay*, from Cincinnati, Ohio to McMinnville, Tenn.; (2) *Raw castings*, from McMinnville, Tenn., to Detroit, Mich., Lake City, Minn., Buffalo and Akron, N.Y., and Cincinnati, Ohio. (3) *Empty containers and rejected castings*, from Detroit, Mich., to McMinnville, Tenn., under a contract with Powermatic Houdaille, Inc., McMinnville, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Powermatic Houdaille, Inc., P.O. Box 70, McMinnville, Tenn. 37110. Send protests to: Mrs. Linda H. Sypher, Interstate Commerce Commission, 216 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505. The purpose of this amendment is to delete parts (4) and (5) which was previously published in error.

No. MC 143506 (Sub-No. 1TA), filed July 28, 1977. Applicant: BOWMAN READY MIX, INC., P.O. Box 22, Huntington, Utah 84528. Applicant's representative: Kenneth L. Rothey, 2275 South West Temple, Salt Lake City, Utah 84115. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refined oil products* of Schaeffer Mfg., of St. Louis, Mo., does not include gasoline, all products will be in barrels, cartons and cones, between Pocatello, Idaho, and its commercial zone and points in Utah, under a continuing contract, or contracts, with Schaeffer Mfg. Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Schaeffer Mfg. Co., 102 Barton Street, St. Louis, Mo. 63104. (Tom Herrmann, Assistant Sales Manager). Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 143530TA, filed July 28, 1977. Applicant: WOLF'S TOWING, INC., Rt. 80 and Rt. 51, Peru, Ill. 61354. Applicant's representative: John S. Duncan III, 654 First Street, La Salle, Ill. 61301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Towing or hauling by tow truck vehicles*, including trucks, tractors, cars, buses, and motors, tanks, trailers, to and from Peru, Ill., and Iowa, Indiana, Missouri, Wisconsin and Minn., for 180 days. Supporting shipper(s): Schwerman Trucking Co., John Hubinsky, Vice President Western Division, P.O. Box 1601, Milwaukee, Wis. 53201. Zellmer Truck Lines, Inc., Henry Zellmer, President, P.O. Box 343, Granville, Ill. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKin-

ley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 143532TA, filed July 28, 1977. Applicant: MELVIN A. AND THERESA L. AUMAN, a partnership, d.b.a. AUMAN TRUCKING, 107 Grissom Drive, Walkerton, Ind. 46574. Applicant's representative: Charles O. Lloyd, 529 S. Main Street, Bourbon, Ind. 46504. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, rejects, pallets, and similar return materials*, between Melrose Park, Ill., on the one hand, and on the other, places in the states of New Jersey, New York, Pennsylvania, Virginia, and Indiana, under a continuing contract, or contracts, with Album Graphics, Inc., 1950 Ruby Street, Melrose Park, Ill. 60160. Send protests to: J. H. Gray District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 143534 (Sub-No. 1TA), filed July 27, 1977. Applicant: GERALD MARTINSON, Route 3, Augusta, Wis. 54722. Applicant's representative: Roderick A. Cameron, 101 N. Broadway, Stanley, Wis. 54768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, from Augusta, Wis., to Strum, Wis., restricted to shipments having a prior movement by rail in interstate or foreign commerce, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Beef River Co-op, Strum, Wis. 54770. Send protests to: Mrs. Marion L. Cheney Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 143535TA, filed July 26, 1977. Applicant: ROBERT L. JONES, d.b.a. BOB JONES TRUCKING, 555 West Main Street, Olney, Ill. 62450. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal fencing and component parts thereof*, for the account of Master Fence Fittings, Inc., from Olney, Ill., to points in Indiana, Kentucky, Missouri, Ohio, and Tennessee, under a continuing contract, or contracts, with Master Fence Fittings, Inc., for 180 days. Supporting shipper(s): Bob Ingram Branch Manager, Master Fence Fittings, Inc. Radio Tower Road, P.O. Box 657, Olney, Ill. 62450. Send protests to: Harold C. Jolliff District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 143540TA, filed July 27, 1977. Applicant: MARINE TRANSPORT COMPANY, 1901 Carolina Beach Road, Wilmington, N.C. 28401. Applicant's representative: Ralph McDonald, P.O. Box 2246, 336 Fayetteville Street, Raleigh,

N.C. 27602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl terephthalate and terephthalic acid*, (except in bulk), from New Hanover County, N.C., to Charleston, South Carolina and Norfolk, Va., under a continuing contract, or contracts, with Hercules, Incorporated for 180 days. Supporting shipper(s): Hercules, Incorporated, 900 Life of Georgia Tower, Atlanta, Ga. 30308. Send protests to: Archie W. Andrews District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

PASSENGER APPLICATIONS

No. MC 138053 (Sub-No. 4TA), filed July 28, 1977. Applicant: YELLOW CAB OF BOCA RATON, INC., 2150 N.W. First Place, Boca Raton, Fla. 33432. Applicant's representative: Richard B. Austin, 214 Palm Coast II Bldg., 5255 N.W. 87th Ave., Miami, Fla. 33178. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers with or without baggage*, in unmarked limousines of a capacity of nine (9) passengers or less (including the driver) between Miami International Airport, Fort Lauderdale/Hollywood International Airport, Palm Beach International Airport, Dodge Island, and Port Everglades on the one hand, and, on the other, all points in Florida, restricted to passengers having an immediately prior or subsequent movement by air or water in interstate or foreign commerce and further restricted to the transportation of passengers which are moving on a pre-arranged or reserved basis or a packaged tour basis, for 180 days. Supporting shipper: There are 15 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Monterey Building, Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 143252 (Sub-No. 1TA), filed August 1, 1977. Applicant: JOHN WILLIAM JIGGETTS, doing business as JIGGETTS CHARTERED BUS SERVICE, P.O. Box 18, Palmer Springs, Va. 23957. Applicant's representative: James H. Walsh, 1400 Ross Building, Richmond, Va. 23219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and/or round trip charter operations, beginning and ending in Mecklenburg, Nottaway, Greenville, and Lunenburg Counties, Va., Van and Warren Counties, N.C., to points in Virginia, North Carolina, Georgia, Florida, Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, and the District of Columbia, for 180 days. Supporting shippers: There

are eight letters of support to this application, which may be examined at the Interstate Commerce Commission, in Washington, D.C. or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Paul D. Collins, Bureau of Operations, Room 10-502 Federal Bldg., 400 North 8th Street, Richmond, Va. 23240.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-24464 Filed 8-23-77; 8:45 am]

[Docket No. AB-36 (Sub-No. 2)]

OREGON SHORT LINE RAILROAD AND THE UNION PACIFIC RAILROAD CO.

Abandonment of Railroad Services

AUGUST 18, 1977.

Findings made that the present and future public convenience and necessity permit abandonment of line by Oregon Short Line Railroad and abandonment of operations by Union Pacific Railroad Company of a portion of Oregon Short Line's line extending from milepost 0.06 near Firth in a northeasterly direction to milepost 17.53 near Ammon, a distance of 17.59 miles, subject to republication and certain conditions, by report and order of the Commission, Division 3, Acting as an Appellate Division, dated July 22, 1977, which modified, in certain respects, the order of the Commission, Review Board Number 5, dated April 27, 1976, which had made similar findings of present and future convenience and necessity, subject to conditions.

The order of the review board had authorized abandonment, subject to the same conditions for the protection of employees as set forth in *Chicago, B&Q R. Co. Abandonment*, 256 I.C.C. 700 (1944), as supplemented by section 405 of the Rail Passenger Service Act (45 U.S.C. 565) and certain other unrelated conditions. By petition filed March 9, 1977, the applicants requested that only those conditions for the protection of employees set out in *Chicago, B&Q R. Co. Abandonment, supra*, be imposed, since section 1a(8) of the Interstate Commerce Act did not require imposition of employee protective conditions established pursuant to section 405 of the Rail Passenger Service Act (RPSA), except in those abandonment proceedings filed subsequent to the Commission's promulgation of new abandonment regulations in Ex Parte No. 274 (Sub-No. 2), *Abandonment of Lines and Discontinuance of Service*, on November 1, 1976.

Initially, the report discussed the amendments of the Interstate Commerce Act (act) enacted in the Rail Revitalization and Regulatory Reform Act of 1976 that related to employee protection. The amendment of section 5(2) (f) of the act and enactment of section 1a(4) relating to employee protection in abandonment proceedings mandate that the arrangements for protection of employees in section 1a and 5 proceedings shall be at least as beneficial to such interests as those established pursuant to section

5(2)(f) of the act and pursuant to section 405 of the RPSA.

The report then outlined the history of employee protection under section 5(2)(f) of the act, and the substantive content of the various arrangements for the protection of employees established pursuant to section 5(2)(f) including the "Oklahoma," "Burlington," and "New Orleans" conditions. Furthermore, an analysis of the arrangements for the protection of employees established pursuant to section 405 of the RPSA, which were approved by the Secretary of Labor on April 17, 1971, was made. It indicated that the level of employee protection contained in this agreement negotiated pursuant to paragraph (a) of section 405 substantially exceeded the level of employee protection established pursuant to section 5(2)(f) in *New Orleans Union Passenger Terminal Case*, 282 I.C.C. 271. Paragraph (b) of section 405 had established certain minimum requirements for arrangements for the protection of employees to be negotiated pursuant to paragraph (a). These included the proviso that employee protection negotiated pursuant to section 405(a) of the RPSA had to be at least as beneficial to employee interests as the arrangements for the protection of employees established pursuant to section 5(2)(f) of the act, i.e., "New Orleans" conditions. The higher level of employee protection negotiated pursuant to section 405(a) made these requirements in paragraph (b) redundant, since as a statutory minimum, section 5(2)(f) protection is encompassed within the protection enacted in and developed pursuant to section 405 of the RPSA. It stated that imposition of 5(2)(f) conditions combined with or supplemented by any sec-

tion 405 RPSA protection, as required by the act, is also redundant since the amendment of section 5(2)(f) and the enactment of section 1(a)(4) provided that section 405 and the arrangements for employee protection established pursuant to it to be the all encompassing, minimum level of employee protection to be imposed in section 1a and 5 proceedings.

The second section of the report concerned the imposition of appropriate employee protection in those abandonment applications still pending before the Commission which were filed prior to promulgation of the Commission's new abandonment regulations on November 1, 1976. Section 1a(8) of the act requires the imposition of 1a(4) employee protection (i.e. section 405 of the RPSA and the provisions for protection of employees developed pursuant to it) only in those abandonment proceedings filed subsequent to November 1, 1976. It was found that prior to enactment of the Rail Revitalization and Regulatory Reform Act of 1976, imposition of employee protective in abandonment proceedings was not required by statute, but that imposition of such conditions was within the discretion of the Commission, see *I.C.C. v. Railway Labor Executives' Association*, 315 U.S. 373. In the exercise of this discretion the "Burlington" conditions had been imposed in the past. The report concluded that although the employee protection specified in section 1a(4) of the act is not required in abandonment applications filed prior to November 1, 1976, the intent of Congress and a consistent treatment of the employee protection would best be satisfied by the imposition of the employee protective

conditions enacted in and developed pursuant to section 405 of the RPSA, in all pending abandonment proceedings, filed prior to November 1, 1976. The report stated that this was clearly within the discretionary power of the Commission as amplified in *I.C.C. v. Railway Labor Executives' Association*, *supra*.

Because this decision represents a significant policy change and interpretation, all other railroads and employee representatives may have an opportunity to intervene and present argument, if they so desire, by submitting written comments to the Interstate Commerce Commission within 15 days of the date of this notice. Since the Commission is providing an opportunity for interested parties to comment on this decision, it will retain jurisdiction in this proceeding and in other subsequently decided abandonment proceedings which were filed prior to November 1, 1976. At the close of the period specified for comments, we will review the comments received and consider the conditions specified in this report in light of such comments. Carriers may consummate abandonments during this period, but if they do so, they will be deemed to have no objection to the employee protective conditions specified in this report. However, if after comments it is determined that other labor protective conditions are more appropriate for employee protection, then in those proceedings not consummated, we will by our retention of jurisdiction, impose such other labor protective conditions.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-24462 Filed 8-23-77;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).

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1

NUCLEAR REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: August 11, 1977, Volume 42 No. 155 page 40808.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Week of August 15, 1977.

CHANGES IN THE MEETINGS: Meetings for Thursday, August 18 and Friday, August 19 have been revised as follows:

Thursday, August 18—3:30 p.m. Budget Review—Preliminary Markup (CLOSED-Exemption 9).

Friday, August 19—9:00 a.m. Review of FY 1979 Budget (continued) (OPEN) (Meeting is CANCELLED).

CONTACT FOR MORE INFORMATION:

Walter Magee (202) 634-1410.

Dated: August 18, 1977.

WALTER MAGEE,
Chief, Operations Branch
Office of the Secretary.

[S-1158-77; Filed 8-19-77; 10:52 am]

2

THE RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 40807, August 11, 1977.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Tuesday, August 30, 1977, 10 a.m.

CHANGE IN MEETING: Item 6 is added to the previously announced agenda.

MATTER TO BE CONSIDERED:

Board Meeting concerning: AMF Incorporated (Formerly American Machine and Foundry Company), Consolidated with: AMF Beard, Inc., W. J. Voit Rubber Corporation, The Cuno Engineering Corporation. Fiscal Year Ended December 31, 1968.

STATUS: Open to the public.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202/254-8277.

Dated: August 18, 1977.

GOODWIN CHASE,
Chairman.

[S-1160-77 Filed 8-19-77; 3:41 pm]

3

NATIONAL RAILROAD PASSENGER CORPORATION.

In accordance with rule 4a. of Appendix A of the By-laws of the National Railroad Passenger Corporation, notice is given that the Board of Directors will meet on August 31, 1977.

A. The meeting will be held on Wednesday, August 31, 1977, in the Charles Suite of the Loews L'Enfant Plaza Hotel, 480 L'Enfant Plaza East, Southwest, Washington, D.C. beginning at 9:30 a.m. The portion of the meeting beginning at 9:30 will be closed to the public, during which time the Board will consider agenda items Nos. 1 and 2, as identified below.

B. The meeting will be open to the public beginning at 10 a.m. starting with agenda item No. 3, as identified below.

C. The agenda items to be discussed at the meeting follow:

AGENDA: NATIONAL RAILROAD PASSENGER CORPORATION, MEETING OF THE BOARD OF DIRECTORS—AUGUST 31, 1977

(9:30 a.m.) CLOSED SESSION:

1. Internal Personnel Matters.

2. Fare Increase Strategy.

(10 a.m.) OPEN SESSION:

3. Approval of Minutes of Regular Meeting of July 27, 1977.

4. Commitment Approval Requests:

75-245R Purchase Teletypewriters.

77-35R Ticket-by-Mail EDP Equipment.

77-194 Bridge Repairs—Northeast Corridor Spur Lines.

77-204 Pollution Control—Lincoln, Nebraska.

77-208 Omaha Station and Trackage.

77-218 Station Modifications—Charleston, West Virginia.

77-219 Elevator for Handicapped—Penn Station, New York.

77-221 Construct Station—Schenectady, New York.

5. Board Committee Reports:

(A) Track Policy:

(1) Track Policy Final Report.

(B) Northeast Corridor Improvement Project:

(1) Status of Improvement Master Plan.

(2) Status of 1977 Program.

(3) Status of Clean-up Program Contracts.

(4) Status of Woonasquatucket River Bridge.

(5) Labor Situation.

(C) Planning/Equipment:

(1) Baltimore-Washington International Intermodal Facility Status Report.

(2) Route Criteria—Butte and Helena Public Review.

6. President's Reports:

(A) Operations:

(1) National Operations.

(2) Operations Support.

(3) Northeast Corridor Operations.

(B) Marketing.

(C) Government Affairs.

(D) Other.

7. Financial Reports.

8. General Fare Increase.

9. Status of Floridian.

10. New Business.

11. Adjournment.

D. Inquiries regarding the information required to be made available to the public pursuant to Appendix A of the Corporation's By-laws should be directed to the Corporate Secretary at (202) 484-7679.

Dated: August 19, 1977.

ELYSE G. WANDER,
Corporate Secretary.

4

FEDERAL POWER COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (pub. 8-23-77).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., August 24, 1977.

CHANGE IN THE MEETING: The following item has been added:

Item No. and Docket No. and Company

G-9.—CI77-306, Transco Exploration Company.

KENNETH F. PLUMB,
Secretary.

[S-1161-77 Filed 8-19-77; 4:38 pm]

5

SECURITIES AND EXCHANGE COMMISSION.

TIME AND DATE: 7:30 a.m. August 23, 1977; 7:30 a.m., August 23, 1977; 7:30 a.m., August 24, 1977.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Closed meetings.

SUBJECT MATTER: Consideration of investigative matter.

Chairman Williams, Commissioners Loomis, Evans, and Pollack voted to close the meetings and determined that no earlier notice thereof was possible.

August 19, 1977.

[S-1163-77 Filed 8-22-77; 9:03 am]

6

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 41950 (S-1110-77).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (Eastern Time), Tuesday, August 23, 1977.

CHANGES IN THE MEETING: Deletion of the following item from the portion open to the public:

Freedom of Information Act Appeal 77-6-FOIA-132.—With the deletion of this item, the status of the meeting is changed and is now closed to the public.

A majority of the entire membership of the Commission determined by recorded vote, on August 19, 1977, that the business of the Commission requires this change and that no earlier announcement was possible.

The vote was as follows:

In favor of change: Eleanor Holmes Norton, Chair; Ethel Bent Walsh, Commissioner; Daniel E. Leach, Commissioner.

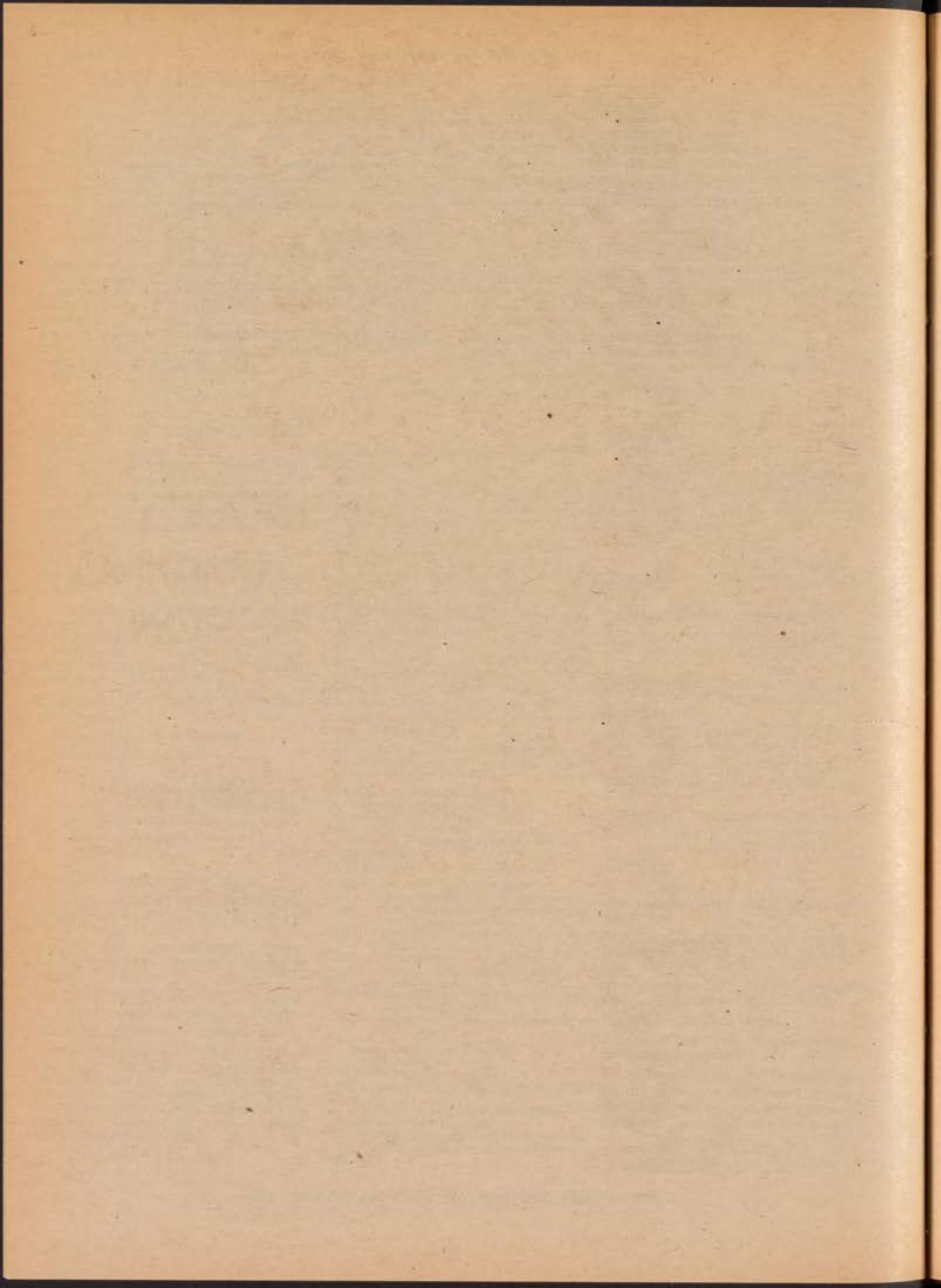
Opposed: None.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

This notice issued August 19, 1977.

[S-1164-77 Filed 8-22-77;9:42 am]



Register
Federal

WEDNESDAY, AUGUST 24, 1977

PART II



**COMMODITY
FUTURES TRADING
COMMISSION**



**BONA FIDE HEDGING
AND RELATED REPORTING
REQUIREMENTS**

Definition

Title 17—Commodity and Securities
Exchanges

CHAPTER I—COMMODITY FUTURES
TRADING COMMISSION

PART 1—GENERAL REGULATIONS UNDER
THE COMMODITY EXCHANGE ACT

Definition of Bona Fide Hedging and
Related Reporting Requirements

AGENCY: Commodity Futures Trading
Commission.

ACTION: Final rules.

SUMMARY: The Commodity Futures
Trading Commission ("the Commission")
has reviewed its definition of
bona fide hedging and found it is inadequate
due to changes in commercial
practices and the diverse nature of commodities
now under regulation.

The Commission has therefore
adopted amendments to its general
regulations under the Commodity Exchange
Act as amended ("the Act") which
would generally broaden the scope of
the hedging definition to include current
commercial risk shifting practices in the
markets now under regulation. The
Commission has also recognized the potential
for market disruption if certain
trading practices are carried out during
the delivery period of any future. The
definition therefore restricts the classification
of certain transactions and positions
as bona fide hedging during the
last five days of trading. In addition, the
Commission has amended its regulations
to include reporting requirements for
some new types of bona fide hedging
which will now be recognized.

The intended effect of this action is to
increase commercial utilization of
futures markets for the purpose of hedging
by allowing additional exemptions from
the Commission's limits on transactions
and positions. It is also intended to
encourage increased commercial participation
through recognition of a broad
range of current risk shifting uses of
futures markets. The new restrictions
incorporated in the definition and reporting
requirements are intended to
limit the potential for market disruption.

EFFECTIVE DATE: October 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Blake Imel, Office of the Chief Economist,
Commodity Futures Trading
Commission, 2033 K Street NW.,
Washington, D.C. 20581 (202-254-
6124).

SUPPLEMENTARY INFORMATION:
Section 4a of the Act authorizes the
Commission to establish limits on the
trading and positions ("speculative limits")
of any person in contracts for
future delivery on or subject to the rules
of any contract market. As amended by
section 404 of the Commodity Futures
Trading Commission Act of 1974
("CFTC Act"), that section further
provides that such limits shall not "apply to
transactions or positions which are
shown to be bona fide hedging transac-

tions or positions" as such terms shall
be defined by the Commission. Prior to
the enactment of the CFTC Act, the
terms bona fide hedging transactions or
positions were defined in section 4a(3)
of the Act.

In March 1977 the Commission solicited
public comment (42 FR 14832,
March 16, 1977) on a revision of the
definition of "bona fide hedging transactions
or positions" provided in § 1.3(z) of its
regulations, 17 CFR 1.3(z) (1977). In the
same notice the Commission also requested
comment on a revision of § 1.48
of its regulations, 17 CFR 1.48 (1977),
which specifies certain reporting requirements
for persons classifying positions
as bona fide hedging of unfilled anticipated
requirements and a proposed new
§ 1.47 which would contain the requirements
for classifying certain other positions
as bona fide hedging under the revision
of § 1.3(z) being proposed at that time.

MAJOR PROPOSED AMENDMENTS

The major amendments to the definition
of bona fide hedging and attendant
reporting requirements proposed in the
FEDERAL REGISTER on March 16, 1977,
were as follows:

1. Paragraph (1) of the proposed
hedging definition provided a conceptual
definition of transactions and positions
which the Commission would consider
as bona fide hedging under economically
appropriate circumstances and subject
to other provisions of the regulations.

2. Paragraph (2) of the proposed
definition provided a description of specific
purchases and sales for future delivery
which the Commission considered to be
in conformity with the general conceptual
definition in proposed paragraph
(1). The principal amendments to this
provision of the definition which describes
specific purchases and sales were as follows:

(a) A general provision for considering
as bona fide hedging purchases and
sales for future delivery which are offset
by positions which are not the same
quantity of the same cash commodity
("cross commodity hedging"). Transactions
and positions of this nature were
not to be considered as bona fide hedging
during the five last days of trading in
any expiring futures contract.

(b) A provision which restricted or
eliminated the extent to which purchases
and sales for future delivery would be
considered bona fide hedging of unfilled
anticipated requirements for manufacturing,
processing and feeding or of anticipated
production during the five last trading
days of any expiring futures contract.

(c) Deletion of references to transactions
and positions in commodities where the
Commission has no speculative limits
currently in effect and to specific
transactions and positions which would
fall under the proposed general provision
for cross commodity hedging.

(d) A provision which excludes all
purchases and sales for future delivery
by governments or their agents from

the enumerated listing. The intended effect
was to require governments or their
agents to apply for individual approval
under the provisions of a new paragraph
(3) of the proposed definition and the
proposed new § 1.47 of the regulations.

3. Paragraph (3) of the proposed
hedging definition provided that for purposes
of determining exemptions from the
Commission's speculative limits the
Commission would recognize as bona fide
hedging purchases and sales other than
those specifically enumerated in proposed
paragraph (2). Proposed paragraph (3)
required in effect that any person
requesting permission to classify such
purchases or sales as hedging must
provide the Commission with evidence
that such transactions meet the requirements
of the general definition in paragraph
(1) of proposed § 1.3(z). The purpose
of this proposed provision was to provide
flexibility in application of the general
definition and to avoid an extensive
specialized listing of enumerated bona fide
hedging transactions and positions in
paragraph (2) of the proposed definition.

4. A proposed new § 1.47 set forth the
requirements for considering transactions
and positions as bona fide hedging
pursuant to paragraph (3) of the proposed
hedging definition. It required that
certain information be provided to the
Commission before such purchases or
sales for future delivery could exceed the
Commission's speculative limits. The
Commission would have thirty days to
review initial requests and approve the
level of purchases and sales specified
therein, specify a lower level, or request
additional information. The Commission
would have ten days to review subsequent
applications by the same person.

5. Revisions to § 1.48 were proposed for
the purpose of: (a) Conforming reporting
requirements to the proposed revisions
in the hedging definition and proposed
§ 1.47, and (b) codifying existing
procedures employed under the current
regulation.

In response to the request for comment
on these proposed revisions or amendments,
the Commission received over 20
responses from individuals, firms,
exchanges and associations. Most of the
comments concerned the proposed hedging
definition rather than the proposed
new § 1.47 or the proposed revision of
§ 1.48. Careful consideration has been
given to these comments and to the issue
of bona fide hedging in general. The
following is a discussion of the amendments
to these proposed regulations and the
more pertinent issues considered by the
Commission in adopting the new regulations.

CONCEPTUAL DEFINITION OF HEDGING

One commentator noted that the language
in paragraph (1) of the proposed
§ 1.3(z) does not recognize "balance
sheet hedging." Specifically, while conforming
to all other aspects of the proposed
general definition such transactions or
positions do not represent "a sub-

stitute for transactions to be made or positions to be taken at a later time in a physical marketing channel." The Commission has considered this example and found other relatively infrequent but potentially important examples of risk reducing futures transactions which may not conform to this aspect of the proposed general definition. Accordingly, paragraph (1) of the proposed definition has been amended to state that bona fide hedging transactions and positions "normally represent a substitute * * *".

The Commission considered other comments concerning the proposed conceptual definition but was not persuaded that this particular proposed provision should be further amended.

GOVERNMENT HEDGING

As proposed, the bona fide hedging definition would have required governments or their agents to seek Commission approval of proposed hedging transactions on the part of governments. The Commission received limited comment on this proposal. However, upon further consideration, the Commission has determined not to impose any special requirements on governments' hedging transactions or positions at this time. The Commission believes that this question requires further study, particularly the issue of foreign government participation in the futures markets.

ANTICIPATED PRODUCTION

The Commission received several comments on the provision in paragraph (2) of the proposed hedging definition which concerns the hedging of up to twelve months' anticipated production (§ 1.3(z)(2)(1)(B)). All but one of these comments were from persons who are processors of agricultural commodities rather than producers. Comments on this provision were not expected from processors since paragraph (2) affects trading in only those commodities for future delivery where the Commission's speculative limits are currently in effect and all such commodities are agriculturally produced. However, agricultural processors such as flour millers noted that the new provision for cross hedging in the proposed regulation creates the possibility of hedging processed agricultural commodities in the futures markets for basic agricultural products. They note however that the cross hedging provision will be of little value unless the bona fide hedging of anticipated non-agricultural production is permitted.

Although the Commission had not considered the particular case, the language of paragraph (2) of the proposed definition would allow sales for future delivery to be offset by up to twelve

¹ One form of balance sheet hedging would involve offsetting net exposure to changes in currency exchange rates for the purpose of stabilizing the domestic dollar accounting value of assets which are held abroad. In the case of depreciable capital assets, such hedging transactions might not represent a substitute for subsequent transactions in a physical marketing channel.

months' anticipated non-agricultural production. This resulted jointly from the deletion of the word "agricultural" from the provision for the hedging of anticipated production in the current definition,² and the proposed general provision for cross hedging. In view of the comments on the hedging of anticipated non-agricultural production, the Commission has not changed the substance of the language in the proposal which would recognize this form of bona fide hedging. However, in an effort to conform the provision for hedging anticipated production to the provision for hedging "unfilled anticipated requirements" (§ 1.3(z)(2)(ii)(C) of the proposal), the language of the proposed § 1.3(z)(2)(1)(B) has been amended to refer to "unsold anticipated production." Unsold anticipated production is computed by deducting any fixed-price sales of anticipated production from total anticipated production.

In addition, due to the possibility of increased utilization of this provision by larger scale producers, such as agricultural processors, the Commission has amended the proposed § 1.48 to include periodic reporting of unsold anticipated production by persons whose offsetting sales for future delivery would be in excess of the Commission's speculative limits.

One commentator stated that the provision for hedging anticipated production should be extended beyond the proposed twelve months in accordance with the longer term leases (twenty-four to thirty-six months) signed by agricultural producers, but also acknowledged the provisions of the proposed definition which might permit case-by-case approval of such hedging. The Commission has considered this statement, which was not supplemented with any data on the extent to which agricultural producers hedge more than twelve months' production, and believes review of individual applications for such hedging is more appropriate than amendment of the enumerated provisions of paragraph (2) of the proposed definition.

CROSS COMMODITY HEDGING

Paragraph (2) of the proposed definition included a general provision for cross commodity hedging provided that, among other things, "the value and fluctuations in value of the position for future delivery are substantially related

² Section 1.3(z)(1) of the current definition allows a person to hedge "with respect to agricultural commodities the amount of such commodity such person is raising, or in good faith intends or expects to raise within the next twelve months (eighteen months for cane sugar) on land which such person owns or leases." In redrafting this concept into the proposed § 1.3(z)(2)(1)(B) the word agricultural was dropped (among other things). This was done in an effort to simplify the language since that paragraph was to apply only to markets with limits currently in effect pursuant to § 4a of the Act. All of these markets are for agriculturally produced commodities.

to the value and fluctuations in value of the actual or anticipated cash position." One commentator expressed concern over the concept of "value equivalent" noting that the important consideration for cross hedging should be the relationship between futures and cash price fluctuations on a unit basis. The Commission agrees with this comment and has deleted in § 1.3(z)(3)(iii) of the newly adopted definition that language which equates cash and futures positions in different commodities in terms of value rather than value fluctuations.

FIVE DAY RULE

The Commission received numerous comments on the "five-day rule" for anticipatory hedges and cross commodity hedges in paragraph (2) of the proposed definition. These provisions eliminate or further restrict the extent to which certain transactions or positions may be considered bona fide hedging for the purposes of anticipatory hedging or cross commodity hedging if they are made or held in the five last days of trading in any expiring futures contract. Several commentators expressed the view that the rule was unfair or unneeded. Persons interested in long anticipatory hedging noted that the restriction to less than two months unfilled anticipated requirements may often effectively preclude taking delivery since many firms would already be carrying a long cash position equal to their total requirements for that period of time. Other persons noted that allowing positions equal to unfilled requirements for the current month and the month next proceeding during the last five trading days is to restrictive because the time span between maturing contracts is sometimes as much as three months.

The Commission understands the "five-day rule" will restrict or eliminate the extent to which persons may classify as bona fide hedging certain transactions and positions which are made or held in an expiring contract during the five last days of trading. However, it has not been persuaded by the written commentary that these proposed provisions should be amended or eliminated. With respect to anticipatory hedges of unfilled anticipated requirements the Commission has considered the historically low utilization of this provision in terms of actual positions acquired in the futures market. For cross hedge and short anticipatory hedge positions, the Commission does not believe that persons who do not possess or do not have a commercial need for the commodity for future delivery will normally wish to participate in the delivery process. As a result, the five-day provisions have not been amended. In not amending the five-day rules the Commission notes the following: (1) Positions subject to the five-day rule can still be carried during the five last trading days if they do not exceed the Commission's speculative limits and (2) persons wishing to exceed such limits during the five last trading days may submit materials supporting classi-

fication of the position as bona fide hedging pursuant to paragraph (3) of the newly adopted definition.

**OTHER COMMENTS ON THE PROPOSED
ENUMERATED TRANSACTIONS AND POSI-
TIONS**

Several persons pointed out that the specific transactions and positions enumerated as bona fide hedging in paragraph (2) of the proposal would be deficient for certain commodities where the Commission currently has no speculative limits. The Commission is aware of this possibility but, as noted in the March 16, 1977, FEDERAL REGISTER notice containing the proposed hedging definition, the Commission does not believe that it is necessary to enumerate transactions and positions which would be considered bona fide hedging in markets where it currently has no speculative limits.⁶

In this connection, one commentator stated that implications of the definition of bona fide hedging go further than markets where the Commission currently has speculative limits in effect and involve the classification of positions for future delivery on the CFTC series '03 reports⁷ and affect the minimum financial requirements for futures commission merchants under § 1.17 of the Commission's regulations, 17 CFR 1.17 (1977). In response to the first comment, the Commission notes its proposal to eventually supplant the series '03 reports with other reports which will not require that positions be classified as either hedging or speculation.⁸

With respect to the second comment, § 1.17 provides that in determining compliance with the minimum financial requirements imposed on futures commission merchants, as they pertain to the definition of adjusted working capital and the computation of safety factors, certain references are made to bona fide hedging transactions and positions as defined in § 1.3(z). In proposing new section 1.3(z), the Commission did not intend to expand the types of bona fide hedging transactions and positions that are to be used in determining compliance with § 1.17. Accordingly, the Commission believes that an amendment to paragraphs (c)(6) and (e) of regulations

1.17 is necessary to apply only to those transactions and positions referred to in the newly adopted bona fide hedging definition that are substantially the same as those contained in the present bona fide hedging definition. The Commission is therefore proposing to amend § 1.17 and to adopt the amendments to become effective concurrently with the adoption of the new bona fide hedging definition. See 42 FR 42765 (1977). However, in view of this comment the Commission intends to study further the relationship between the definition of "bona fide hedging transactions or positions" and the minimum financial requirements in § 1.17 of its regulations.

One commentator objected to the provisions of the proposed enumerated listing in paragraph (2) which continue to permit persons to classify as bona fide hedging any purchase or sale for future delivery which is offset by their gross cash position irrespective of their net cash position (so called "double hedging"). The Commission is not persuaded by this commentator's statement that the provisions of the proposed definition which allow the hedging of gross cash positions operate to the detriment of domestic agricultural producers. In addition, the Commission refers to the numerous written and oral comments it has previously received on the subject of hedging gross positions. In summary, these comments were to the effect that net cash positions do not necessarily measure total risk exposure and in such cases the hedging of gross cash positions does not constitute "double hedging." Accordingly, the Commission has not amended the provisions of the proposed definition which relate to the hedging of gross cash positions.

**NON-ENUMERATED TRANSACTIONS AND
POSITIONS**

One commentator favored the provisions of paragraph (3) of the proposed definition which pertained to Commission approval of non-enumerated transactions and positions, but recommended that "organized exchanges, various trade associations as well as individual firms be permitted right of petition under this category." The Commission has considered this suggestion but did not amend paragraph (3) of the proposed hedging definition or proposed § 1.47 to permit such petition. The Commission believes that the nature of transactions and positions which would be considered as bona fide hedging under paragraph (3) of § 1.3(z) is such that

⁶These views were received in response to the Commission's August 1975 request for comment on the definition of bona fide hedging (40 FR 30637) and the hearings on the same subject in New York City on January 8 and 9, 1976. They were summarized in the March 1977 FEDERAL REGISTER notice requesting comment on the proposals being discussed here (42 FR 14832, March 16, 1977).

the economic circumstances of each case should be considered individually.⁹

The Commission has amended paragraph (3) of the proposed § 1.3(z) by deleting the references to governments or their agents.

SECTIONS 1.47 AND 1.48

Paragraph (d) of the proposed § 1.47 has been amended to conform its requirements to the language in the newly adopted § 1.3(z)(2)(ii) which concerns cross-hedging. The term "value equivalents" in the proposed § 1.47(d)(1) has been amended to read "value fluctuation equivalents." In addition, the references to governments or their agents have been deleted from proposed section 1.47.

As noted above, the joint effect of deleting the word agricultural from § 1.3(z)(2)(i)(B) of the current hedging definition and the newly adopted provision for cross commodity hedging is that non-agricultural producers will now be allowed to exceed the Commission's speculative limits for the purpose of hedging of up to twelve months' unsold anticipated production. Due to the possibility of increased utilization of this provision by larger scale producers, such as agricultural processors, the Commission has amended section 1.48 to include periodic reporting of unsold anticipated production by persons whose sales for future delivery would be in excess of the Commission's speculative limits. These reporting requirements for unsold anticipated production are similar to those for unfilled anticipated requirements which were contained in the proposed and newly adopted § 1.48.

In consideration of the foregoing, the Commission, pursuant to its authority under §§ 4(a) and 8(a) of the Act, 7 U.S.C. §§ 6(a) and 12(a) (Supp. V, 1975), hereby amends Part 1 of Chapter I of Title 17 of the Code of Federal Regulations by amending §§ 1.3(z) and 1.48 and adopting a new § 1.47 to read as follows:

§ 1.3 Definitions.

(z) Bona Fide Hedging Transactions and Positions.

(1) *General Definition.* Bona fide hedging transactions and positions shall mean transactions or positions in a contract for future delivery on any contract market, where such transactions or positions normally represent a substitute for transactions to be made or positions to be taken at a later time in a physical

⁹Another commentator stated that no firm should have to seek prior approval under paragraph (3) of the proposed hedging definition as long as the firm determines that the transactions fall within the conceptual definition in paragraph (1). However, this commentator did not provide any suggestions as to the manner in which the Commission would determine compliance with its speculative limits under this suggested arrangement.

⁵See 42 FR 14834 (March 16, 1977).

⁶Section 18.00 of the regulations requires that traders who are in reporting status in a commodity for future delivery file CFTC series '03 reports which, among other things, show the total open contracts held or controlled in that commodity and classified as hedging or speculative. A trader is in reporting status if the size of his position in any one future of the commodity exceeds levels specified in § 15.03 of the regulations under the Act.

⁷See 41 FR 3050 (July 23, 1976). Several phases of this plan to make major changes in the Commission's large trader reporting system have already been implemented and others are in the process of being implemented.

marketing channel, and where they are economically appropriate to the reduction of risks in the conduct and management of a commercial enterprise, and where they arise from:

(i) The potential change in the value of assets which a person owns, produces, manufactures, processes, or merchandises or anticipates owning, producing, manufacturing, processing, or merchandising.

(ii) The potential change in the value of liabilities which a person owes or anticipates incurring, or

(iii) The potential change in the value of services which a person provides, purchases or anticipates providing or purchasing.

Notwithstanding the foregoing, no transactions or positions shall be classified as bona fide hedging for purposes of section 4a of the Act unless their purpose is to offset price risks incidental to commercial cash or spot operations and such positions are established and liquidated in an orderly manner in accordance with sound commercial practices and unless the provisions of paragraphs (z) (2) and (3) of this section and sections 1.47 and 1.48 of the regulations have been satisfied.

(2) *Enumerated Hedging Transactions.* The definition of bona fide hedging transactions and positions in paragraph (1) of this section includes, but is not limited to, the following specific transactions and positions:

(i) Sales of any commodity for future delivery on a contract market which do not exceed in quantity:

(A) Ownership or fixed-price purchase of the same cash commodity by the same person; and

(B) Twelve months' unsold anticipated production of the same commodity by the same person provided that no such position is maintained in any future during the five last trading days of that future.

(ii) Purchases of any commodity for future delivery on a contract market which do not exceed in quantity:

(A) The fixed-price sale of the same cash commodity by the same person;

(B) The quantity equivalent of fixed-price sales of the cash products and by-products of such commodity by the same person; and

(C) Twelve months' unfilled anticipated requirements of the same cash commodity for processing, manufacturing, or feeding by the same person, provided that such transactions and positions in the five last trading days of any one future do not exceed the person's unfilled anticipated requirements of the same cash commodity for that month and for the next succeeding month.

(iii) Sales and purchases for future delivery described in paragraphs z(2) (1) and z(2) (ii) of this section may also be offset other than by the same quantity of the same cash commodity, provided that the fluctuations in value of the position for future delivery are substantially related to the fluctuations in value

of the actual or anticipated cash position, and provided that the positions in any one future shall not be maintained during the five last trading days of that future.

(3) *Non-Enumerated cases.* Upon specific request made in accordance with section 1.47 of the regulations, the Commission may recognize transactions and positions other than those enumerated in paragraph (2) of this section as bona fide hedging in such amounts and under such terms and conditions as it may specify in accordance with the provisions of § 1.47. Such transactions and positions may include, but are not limited to, purchases or sales for future delivery on any contract market by an agent who does not own or who has not contracted to sell or purchase the offsetting cash commodity at a fixed price, provided that the person is responsible for the merchandising of the cash position which is being offset.

§ 1.47 Requirements for Classification of Purchases or Sales of Contracts for Future Delivery as Bona Fide Hedging under § 1.3(z) (3) of the Regulations.

(a) Any person who wishes to avail himself of the provisions of § 1.3(z) (3) of the regulations and to make purchases or sales of any commodity for future delivery in any commodity in excess of trading and position limits then in effect pursuant to section 4a of the Act shall file statements with the Commission in conformity with the requirements of this section. All or a specified portion of the transactions and positions described in these statements shall not be considered as bona fide hedging if such person is so notified by the Commission:

(1) Within 30 days after the Commission is furnished the information required under paragraph (b) of this section, or

(2) Within 10 days after the Commission is furnished with the information required under paragraph (c) of this section.

The Commission may request the person notified to file specific additional information with the Commission to support a determination that all, or the specified portion, of the transactions and positions be considered as bona fide hedging transactions and positions. In such cases, the Commission shall consider all information so filed and, by notice to such person, shall specify the extent to which the Commission has determined that the transactions and positions may be classified as bona fide hedging. In no case shall transactions and positions described be considered as bona fide hedging if they exceed the levels specified in paragraph (d) of this section.

(b) *Initial Statement.* Initial statements concerning the classification of transactions and positions as bona fide hedging pursuant to § 1.3(z) (3) shall be filed with the Commission at least 30

days in advance of the date that such transactions or positions would be in excess of limits then in effect pursuant to section 4a of the Act. Such statements shall:

(1) Describe the transactions and positions for future delivery and the offsetting cash positions;

(2) Set forth in detail information which will demonstrate that the purchases and sales are economically appropriate to the reduction of risk exposure attendant to the conduct and management of a commercial enterprise;

(3) Contain, and upon request of the Commission be supplemented by, such other information which is necessary to enable the Commission to make a determination whether the particular purchases and sales for future delivery fall within the scope of those described in section 1.3(z) (1) of the regulations;

(4) Include a statement concerning the maximum size of positions for future delivery (both long and short) which will be acquired any time during the next fiscal year or marketing season of the person filing or on whose behalf the filing is made.

(5) In addition: statements filed by an agent, concerning a futures position which would offset a cash position which the agent does not own or has not contracted to buy or sell, shall contain information describing all contractual arrangements between the agent filing and the person who owns the commodity or holds the cash market commitment being offset;

(6) Statements concerning futures positions to be acquired against unsold anticipated production or unfilled anticipated requirements for manufacturing, processing or feeding shall also include the information required under § 1.48 of the regulations.

(c) *Supplemental Reports.* Whenever the purchases or sales which a person wishes to classify as bona fide hedging shall exceed the amount provided in the person's most recent filing pursuant to this section or the amount previously specified by the Commission pursuant to paragraph (a) of this section, such person shall file with the Commission a statement which updates the information provided in the person's most recent filing and provides the reasons for this change at least ten days in advance of the date that person wishes to exceed those amounts.

(d) *Maximum Purchases and Sales.* Purchases and sales for future delivery considered bona fide hedging pursuant to § 1.3(z) (3) of the regulations shall at no time exceed the lesser of:

(1) The value fluctuation equivalent (in terms of the commodity for future delivery) of the current cash position described in the information most recently filed pursuant to this section, or

(2) the maximum level of long or short open positions provided in the information most recently filed pursuant to this section or most recently specified by the Commission pursuant to paragraph (a) of this section.

(e) *Updated Reports.* Reports updating the information required pursuant to this section also shall be filed with the Commission upon specific request.

§ 1.48 Requirements for Classification of Sales or Purchases for Future Delivery as Bona Fide Hedging of Unsold Anticipated Production or Unfilled Anticipated Requirements Under § 1.3(z)(2) (i)(B) or (ii)(C) of the Regulations.

(a) Any person who wishes to avail himself of the provisions of § 1.3(z)(2) (i)(B) or § 1.3(z)(2) (ii)(C) of the regulations and to make sales or purchases for future delivery in any commodity in excess of trading and position limits then in effect pursuant to section 4a of the Act for the purposes of bona fide hedging shall file statements with the Commission in conformity with the requirements of this section. All or a specified portion of the unsold anticipated production or unfilled anticipated requirements described in these statements shall not be considered as offsetting positions for bona fide hedging transactions and positions if such person is so notified by the Commission within ten days after the Commission is furnished with the information required under paragraphs (b) or (c) of this section. The Commission may request the person notified to file specific additional information with the Commission to support a determination that the statement filed accurately reflects unsold anticipated production or unfilled anticipated requirements for manufacturing, processing or feeding. In such cases, the Commission shall consider all additional information so filed and, by notice to such person, shall specify its determination as to what portion of the production or requirements described constitutes unsold anticipated production or unfilled anticipated requirements for the purposes of bona fide hedging. In no case shall such transactions and positions which offset unsold anticipated production or unfilled anticipated requirements be considered bona fide hedging if they exceed the levels specified in paragraph (d) of this section of the regulations.

(b) *Initial Statement.* Initial statements concerning the classification of transactions and positions as bona fide hedging pursuant to section 1.3(z)(2) (i)(B) or 1.3(z)(2) (ii)(C) shall be filed with the Commission at least ten days in advance of the date that such transac-

tions or positions would be in excess of limits then in effect pursuant to section 4a of the Act. Such statements shall set forth in detail for a specified operating period not in excess of one year the person's unsold anticipated production or unfilled anticipated requirements for processing or manufacturing or feeding and explain the method of determination thereof, including, but not limited to, the following information:

- (1) For unsold anticipated production:
 - (i) Annual production of such commodity for the three complete fiscal years preceding the current fiscal year;
 - (ii) Anticipated production of such commodity for a specified period not in excess of one year;
 - (iii) Fixed-price forward sales of such commodity;
 - (iv) Unsold anticipated production of such commodity for a specified period not in excess of one year.
- (2) For unfilled anticipated requirements:
 - (i) Annual requirements of such commodity for processing or manufacturing or feeding for the three complete fiscal years preceding the current fiscal year;
 - (ii) Anticipated requirements of such commodity for processing or manufacturing or feeding for a specified operating period not in excess of one year;
 - (iii) Inventory and fixed-price forward purchases of such commodity, including any quantity in process of manufacture and finished goods and byproducts of manufacture or processing (in terms of such commodity);
 - (iv) Unfilled anticipated requirements of such commodity for processing or manufacturing or feedings for a specified operating period not in excess of one year.
- (3) *Additional Information:* Persons hedging unsold anticipated production or unfilled anticipated requirements which are not the same quantity or are not the same commodity as the commodity to be sold or purchased for future delivery shall furnish this information both in terms of the actual commodity produced or used and in terms of the commodity to be sold or purchased for future delivery. In addition, such persons shall explain the method for determining the ratio of conversion between the amount of the actual unsold anticipated production or unfilled anticipated requirements and the amount of commodity to be sold or purchased for future delivery. Persons hedging unfilled annual feeding requirements for livestock

and poultry shall provide the number of cattle, hogs, sheep, or poultry expected to be fed during the specified period, not to exceed one year, and the derivation of their annual requirements based upon these numbers. Persons filing as an agent shall furnish this information on the basis of the fiscal or operating year of the person on whose behalf the filing is made.

(c) *Supplemental Reports.* Whenever the sales or purchases which a person wishes to consider as bona fide hedging of unsold anticipated production or unfilled anticipated requirements shall exceed the amounts described by the figures for requirements furnished in the most recent filing pursuant to this section or the amounts determined by the Commission to constitute unsold anticipated production or unfilled anticipated requirements pursuant to paragraph (a) of this section, such person shall file with the Commission a statement which updates the information provided in the person's most recent filing and supplies the reason for this change at least ten days in advance of the date that person wishes to exceed these amounts.

(d) *Maximum Sales and Purchases.* Sales or purchases for future delivery considered as bona fide hedges pursuant to sections 1.3(z)(2) (i)(B) or (ii)(C) shall at no time exceed the lesser of:

(i) A person's unsold anticipated production or unfilled anticipated requirements as described by the information most recently filed pursuant to this section or determined by the Commission pursuant to paragraph (a) of this section, or

(ii) A person's actual unsold anticipated production or current unfilled anticipated requirements for the length of time specified in the information most recently filed pursuant to this section.

(e) *Updated Reports.* Reports updating the information required pursuant to this section shall also be filed with the Commission upon specific request.

The foregoing amendments are adopted effective October 1, 1977.

Issued in Washington, D.C., on August 19, 1977.

For the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures
Trading Commission.

[FR Doc. 77-24501 Filed 8-23-77; 8:45 am]

federal register

WEDNESDAY, AUGUST 24, 1977

PART III



DEPARTMENT OF
HEALTH,
EDUCATION, AND
WELFARE

Office of Education



GUIDANCE AND
COUNSELING PROGRAM
GRANTS

Requirements and Evaluation Criteria

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 191—GUIDANCE AND COUNSELING

AGENCY: Office of Education, HEW.

ACTION: Final regulation.

SUMMARY: This document sets forth requirements and evaluation criteria governing the award of grants for guidance and counseling programs in conformance with the Education Amendments of 1976. The regulation makes provisions for grants to provide programs, projects and leadership activities, to increase the coordination of guidance and counseling activities, and to improve the qualifications of guidance and counseling personnel.

EFFECTIVE DATE: Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), this regulation has been transmitted to the Congress concurrently with its publication in the *FEDERAL REGISTER*. This section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of transmission, subject to the provisions in that section concerning Congressional action and adjournment.

FOR FURTHER INFORMATION CONTACT:

Dr. Donald Twiford, Guidance and Counseling Program, U.S. Office of Education, 400 Maryland Avenue, S.W., Regional Office Building No. 3, Room 3608, Washington, D.C. 20202, telephone 202-245-2243.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Part D of Title III of the Education Amendments of 1976 (Pub. L. 94-482) authorizes three new guidance and counseling initiatives described below with the intent of (1) providing programs, projects and leadership activities by States in guidance and counseling for FY 1977, (2) increasing the coordination of guidance and counseling activities at the Federal, State, and local levels, and (3) improving the qualifications of guidance and counseling personnel, with special emphasis on inservice training which takes educational professionals into the workplaces of business, industry, and the professions.

Subpart B of the regulation governs a program of grants to States in Fiscal Year 1977 for "programs, projects, and leadership activities to expand and strengthen guidance and counseling services in elementary and secondary schools." These grants will be allotted to the States on a formula grant basis, and to Guam, American Samoa, the Virgin Islands, the Trust Territories of the Pacific Islands, schools for Indian children operated by the Department of Interior, and the overseas dependent

schools of the Department of Defense on the basis of their respective needs.

Subpart C of the regulation governs a competitive grant program for Fiscal Years 1978 and 1979 to assist State and local educational agencies, institutions of higher education, and private nonprofit organizations in conducting institutes, workshops, and seminars to improve the professional guidance qualifications of teachers, counselors, and supervisory and technical personnel having responsibilities for guidance and counseling, and to improve guidance and counseling supervisory services in State and local educational agencies and nonpublic elementary and secondary school systems.

Subpart D governs a program of grants to be made to States to assist them in carrying out programs to coordinate new and existing programs of guidance and counseling.

No regulations are needed to implement Sec. 343 of Pub. L. 94-482, which provides for the establishment or designation of an administrative unit within the Office of Education to (1) provide information regarding guidance and counseling activities to Federal, State, and local governments, (2) advise the Commissioner on coordinating guidance and counseling at the Federal level and, where feasible, at the State and local levels, and (3) administer the programs under this part.

CITATIONS OF LEGAL AUTHORITY

As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)), a citation of statutory or other legal authority for each section of the regulation has been placed in parentheses on the line following the text of the section. References to "Sec." in the citations of authority following provisions of the regulation refer to sections of the Education Amendments of 1976, Pub. L. 94-482. If the citation uses the word, "interprets," the regulation provisions include an interpretation of the cited statutory provision. If the citation uses the word, "implements," the regulation provisions include rules considered necessary to implement the statute.

PUBLIC RESPONSE TO THE PROPOSED REGULATION

Approximately thirty written comments were received within the comment period on the notice of proposed rule-making which was published in the *FEDERAL REGISTER* on May 20, 1977 (42 FR 25881). Comments were received from universities or colleges, State educational agencies, local educational agencies, and private associations or institutions.

The overall reaction to the regulation was supportive. The following specific comments were made. After a summary of each comment, a response is set forth stating changes which have been made in the regulation or the reasons why no change is considered appropriate. The comments appear in the order of the sections of the final regulation.

SUMMARY OF COMMENTS AND RESPONSE

GENERAL

Eligibility

Comment. A number of respondents made suggestions or raised questions with respect to eligibility for awards. Several asked if community colleges were eligible for awards, and one respondent urged that postsecondary level counselors in community and junior colleges be eligible to receive training, and that funds be earmarked for them. Another respondent recommended that counselors and teachers in nonprofit, nonschool agencies serving out-of-school youth or adults be eligible to receive training. Two respondents expressed concern that higher education would not benefit to any significant degree from the program due to a lack of receptivity to higher education programs by State educational agencies. One of these respondents recommended that higher education be allocated a minimum amount of funds under subpart C of the regulation, and that institutions of higher education be made eligible to receive funds under subparts B and D.

Several respondents addressed cooperative arrangements between applicants. One asked if local educational agencies could form a consortium and submit a project for several local educational agencies. Another of these respondents proposed that the regulation encourage cooperative arrangements in programs of training and State level coordination among new and developing guidance and counseling associations organized specifically to serve particular ethnic groups. One respondent strongly urged that nonprofit organizations qualified to serve Hispanic students and other minority groups be eligible for grants.

Response. No change has been made in the regulation. The statute provides that those awards described in subpart C of the regulation may be made to State and local educational agencies, institutions of higher education, and private nonprofit organizations. Community colleges would be eligible for grants under subpart C of the regulation if they are institutions of higher education, as defined by the regulation, or private nonprofit organizations. It is also possible that particular community colleges may qualify as "local educational agencies" if they can establish that they are public authorities legally constituted within a State for administrative control or direction of, or to perform a service function for, public elementary or secondary schools.

While many community colleges will be eligible for funding under these provisions, they may not be funded to train their own teachers and counselors at the postsecondary level. The statute for the program is expressly designed to strengthen guidance and counseling services in elementary and secondary schools (Sec. 342(b)(1), Pub. L. 94-482), and the Office of Education interprets the statutory authorization for training programs to be for teachers and guidance

counselors at the elementary and secondary school level (Sec. 344(a), Pub. L. 94-482). While not specifically defined in the authorizing statute, the term "secondary school" has been defined in both the Elementary and Secondary Education Act of 1985, as amended (Sec. 801(h)), and the Higher Education Act of 1965, as amended (Sec. 1201(d)), not to include education beyond grade 12. The Office of Education believes these provisions reflect Congress general understanding of the term "secondary school" not to include education beyond grade 12. The Office of Education concludes that postsecondary level teachers and counselors in community and junior colleges are ineligible under the statute to receive training.

The statute also limits eligibility for training to teachers and counselors in State and local educational agencies and nonpublic school systems. Teachers and counselors in private nonschool agencies who work with out-of-school youth would not be eligible to participate. Teachers and counselors in private organizations would be eligible only if the organizations are elementary or secondary school systems, as defined in § 191.12.

Institutions of higher education are eligible to compete for awards under subpart C on the same basis as other eligible applicants. The statute authorizes a competitive grant program with a number of types of eligible applicants, and the Office of Education believes that it would be inappropriate to earmark funds specifically for institutions of higher education. Applications from these institutions will be evaluated in terms of their quality against the published criteria on the same basis as applications from other eligible applicants.

Under § 191.32 of the regulation, State educational agencies are given an opportunity to offer comments on these applications, but the State agencies are not given authority to disapprove the applications. Also, an amendment has been added to § 191.32 to clarify that comments by the State educational agencies will be taken into account by the Office of Education only to the extent that they bear upon the published requirements and evaluation criteria.

Under sections 342(b) and 344(b) of the statute, grants may be made only to "States." In implementing these provisions, the regulation provides that grants under subparts B and D of the regulation will be made only to that State agency which is vested with the direct and primary responsibility for State supervision of programs of guidance and counseling at the elementary and secondary school levels. In most cases this is likely to be the State educational agency, although it is possible that a State university could be vested with that responsibility under State law.

Local educational agencies and other eligible applicants can join together to apply for a grant under subpart C. The application can be filed jointly in the

name of several eligible applicants under 45 CFR § 100a.19. Also, local educational agencies or other eligible applicants may form a consortium which is itself a private nonprofit organization eligible for an award. In this case, the application may also be filed in the name of the consortium.

The regulation does encourage appropriate cooperative arrangements in carrying out projects under subparts C and D. Section 191.31(c)(2)(ii) requires applications to provide evidence of cooperation with other appropriate organizations and groups, and § 191.33(b)(5) assigns evaluation points to this factor. Comparable provisions apply to the State coordination program in subpart D (§§ 191.44(b)(1)(iv) and 191.45(b)(7)). However, it should be noted, in response to the comment on this issue, that private, nonprofit organizations would not be eligible to receive awards for State-level activities under subparts B and D.

Nonprofit organizations focused on specific target populations such as the Hispanic are eligible to apply under subpart C, and the Office of Education hopes to receive many such applications of high quality. However, as indicated above with reference to community colleges, the projects would have to be to train counselors and teachers or improve supervisory services in elementary and secondary schools. A nonprofit organization could not, under the statute, be funded to carry out direct guidance and counseling services for students.

Grievance procedures

Comment. One respondent recommended that grievance procedures be established whereby counselors may challenge State agencies which they believe are expending Federal funds earmarked for vocational or general guidance in a manner contrary to legislative intent.

Response. No change has been made in the regulation. Any citizen who believes that a grantee is spending Federal funds in violation of the Federal statute or regulation may so notify the responsible Office of Education administrative office. With respect to the program under this regulation, that office will be the administrative unit established or designated under Sec. 343 of Pub. L. 94-482. Any such allegations will be pursued. If enforcement remedies are called for, there are a number of possible options for the Office of Education, including suspension and termination of grants and audit exceptions. It does not appear that formal grievance procedures need to be established by the regulation.

Administrative unit

Comment. Comments were received with reference to the administrative unit for guidance and counseling provided for in Sec. 343(a) of the Act, including comments on the qualifications of staff, and that staff represent different geographic regions of the country.

Response. No regulation is needed to implement this section of the law. The issues raised by these comments are not

appropriate areas for formulating rules to govern applicants and grantees. The comments will be considered in taking administrative steps to carry out this section of the law.

Comment. In order that counselors may know about regulations and information issued from the Office of Education, one respondent proposed that it be mandatory for the State educational agency to notify and leave open for comment any directions or information from the Office of Education.

Response. Full communication between the State and local educational levels is to be encouraged, and it is hoped that State educational agencies will make every effort to communicate relevant Office of Education information to local educational agencies and other institutions involved in guidance and counseling. However, this is not considered an appropriate program area for imposing mandatory requirements.

Sex bias

Comment. The National Advisory Council on Women's Educational Programs, which was created by the Women's Educational Equity Act of 1974 to advise the Department of Health, Education, and Welfare on the improvement of educational equity for women, recommended a number of specific amendments to the regulation to highlight the critical importance to guidance and counseling of an awareness of sex bias and stereotyping. The Council recommended that subpart B of the regulation be amended to require attention by award recipients to the special needs of women and minority groups and to overcoming sex stereotyping and bias. With respect to subpart C, the Council suggested a number of changes to highlight the possible focus of projects on the needs of women and on sex stereotyping. It also recommended that each application be required to include a description of how the need for reducing sex and race stereotyping will be met. The Council cited findings of a study on sex discrimination in guidance and counseling which it has carried out to support its recommendations. The Council urged that, unless professionals receive more training as to the effects of sex stereotyping and an awareness of attitudes, the usefulness of an increased awareness of occupational pursuits will be limited.

Another respondent, on the other hand, questioned the appropriateness of § 191.31(c) requiring an applicant to include in the application a statement that the special needs of handicapped children and the need for reducing sex and race stereotyping have been considered in developing the plan for the project. The respondent indicated that these statements are not required by the Act.

Response. The comments of the National Advisory Council on Women's Educational Programs are well taken respecting the critical importance of addressing sex and race stereotyping to strengthen guidance and counseling

services. However, the Council's recommendations on subpart B of the regulation have not been adopted because States are entitled to the funds under this program under a statutory formula for activities described in the statute. In the absence of any statutory provision related to sex and race stereotyping, it is not appropriate in the subpart B program that these matters be the subject of regulations.

Nevertheless, the key recommendations of the Council with respect to the subpart C program have been implemented through changes in § 191.29 and § 191.31. Under the proposed § 191.31, every subpart C application was required to indicate that the special needs of handicapped students and the need for reducing sex and race stereotyping had been considered in the development of the project plan. As amended, § 191.31 also requires in each application a description of project activities or methods to be used to meet these needs.

This does not mean that the special needs of handicapped students and the need for reducing sex and race stereotyping must be the central focus of each project. However, each project must include activities or methods to meet these needs. The Office of Education shares the concern of the National Advisory Council on Women's Educational Programs that, unless these problems are addressed in each project, there is the danger that projects which are otherwise of high quality from a programmatic and technical standpoint may not have a positive impact on guidance and counseling.

Although the subject requirement is not contained in the authorizing statute, the Congress has recognized the importance of these needs generally, and, with particular reference to guidance and counseling, in the legislative history and in express provisions of civil rights enforcement and related assistance statutes. Regulations implementing Title IX of the Education Amendments of 1972 already set forth specific provisions forbidding discrimination by recipients of Federal financial assistance on the basis of sex in the counseling or guidance of students or applicants for admission (45 CFR § 86.36). The subject requirement in this regulation enables the Office of Education to ensure that it does not fund guidance and counseling projects which include sex biased materials or activities.

SUBPART A—GENERAL

§ 191.12 Definitions.

Comment. Three respondents objected to the definition of "nonpublic elementary and secondary school systems" in § 191.12(h) to mean two or more schools joined together in a common education program under central administrative control or direction. The respondents pointed out that the definition would have the anomalous result that a particular private school could be funded under § 191.27, but that the school could not serve its own guidance and counsel-

ing personnel unless it happened to be part of a larger system. This would exclude the staffs of many independent private schools from receiving the program benefits. The respondents argued that such a restrictive reading of the term "systems" in the statute would detract from the broad purpose of the statute to improve guidance and counseling services in the Nation's schools, both public and private. They recommended that the definition be changed to include an independent private school which meets State licensing or compulsory school attendance requirements.

Response. The comments are well taken. The regulation has been amended in accordance with the comments.

Comment. One respondent recommended that the words "elementary" and "secondary" be deleted from the definition of "local educational agency" so that special orientation and nongraded school districts are eligible. The respondent suggested that a comparable change be made for the definition of "student," with respect to which an age range of 5 to 21 would be preferable. The respondent also recommended that reference to political or geographical subdivisions be dropped to allow an LEA without either as a base to be eligible.

Response. No change has been made in the regulation. While the term "local educational agency" is not defined in the authorizing statute, the regulation adopts the standard definition of the term used by the Congress in the Elementary and Secondary Education Act and Higher Education Act. The Office of Education believes that Congress intends the term to be defined in this way absent particular statutory language to change the definition for specific programs. However, this does not necessarily mean that special or nongraded school districts are ineligible. "Elementary" and "secondary" schools are defined in the regulation as schools which provide elementary or secondary education, respectively, under State law, except that they do not include any education provided beyond grade 12. Therefore, a public authority providing an ungraded program could be a local educational agency, subject to the grade 12 limitation, if it were considered for purposes of State law to be providing elementary or secondary education.

The definition of "student" is provided merely to clarify that, when that term is used in the regulation, it refers to elementary and secondary school students to be served by teachers and counselors rather than to the counselors or teachers who may receive training.

The definition of "local educational agency" already meets the respondent's concern regarding references to political subdivisions. In addition to language in the definition relating to political subdivisions, the last sentence of the definition provides that the term "local educational agency" * * * also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school."

Comment. It was suggested by one respondent that the explanation of "educational accountability" be moved to § 191.12, the definitions section.

Response. The only place the concept of "educational accountability" is used in the regulation is in § 191.30(a)(2). It is therefore more convenient for readers of the regulation to have the concept explained there.

SUBPART B—STRENGTHENING GUIDANCE AND COUNSELING SERVICE

§ 191.17 Eligibility.

Comment. One respondent stated that in all States, the State educational agency has the responsibility for administering elementary and secondary education programs. The respondent recommended that §§ 191.17(b) and 191.42 be amended to provide that the State educational agency is the only agency eligible to apply for and receive funds for the State under subparts B and D of the regulation.

Response. No change has been made in the regulation. These sections of the regulation provide that the grant will be made to that State agency which is vested with the direct and primary responsibility for State supervision of programs of guidance and counseling at the elementary and secondary school levels. The Office of Education believes that in most, and perhaps all, cases, this will be the State educational agency. However, unlike most education statutory provisions providing aid to States (including Section 344(a) of the Act) which specify that awards are to be made to the State educational agency, Sections 342 and 344(b) of the Act provide that grants are to be made to the "States." It therefore would be inappropriate to mandate by regulation for these programs (subparts B and D of the regulation) that grants must go to the State educational agency. If a particular State decided to vest primary responsibility for guidance and counseling at the elementary and secondary levels in an agency other than the State educational agency, the Office of Education could not, under the statute, refuse to make the award to such other agency.

§ 191.18 Description of program staff.

Comment. One respondent recommended that the required description of staff under § 191.18(e) be general rather than specific in nature. The respondent's concern apparently was that great detail not be required on the staff.

Response. The regulation has been modified to reflect the suggested change.

§ 191.19 Distribution of funds.

Comment. One respondent objected to § 191.19 of the regulation which makes provision for the Commissioner first to make allotments to Guam, American Samoa, the Virgin Islands, and the Trust Territories of the Pacific Islands on the basis of need, and to the Departments of Defense and Interior based on amounts necessary to carry out authorized programs and projects, with the remaining

amounts to be allotted to the States on the basis of the school-age population. The respondent's view was that all funds should be allotted equitably among all eligible applicants on the basis of the number of children aged five to seventeen.

Response. No change has been made in the regulation. The Act requires the Commissioner to allot funds to Guam, American Samoa, the Virgin Islands, and the Trust Territories of the Pacific Islands, "according to their respective needs," and to the Department of Defense (for children and teachers in the overseas department schools), and the Department of Interior (for children and teachers in elementary and secondary schools operated for Indian children by the Department of Interior) "amounts necessary for the programs, projects, and activities" so authorized. The only practicable way to make these allotments is to make them before allotting to the States according to the statutory formula. In any event, the regulation essentially meets the respondent's concern by providing that the determination of needs in these outlying areas and departmental schools is made with reference to the number of children aged five to seventeen in these jurisdictions or schools.

SUBPART C—IMPROVING GUIDANCE QUALIFICATIONS OF PERSONNEL AND IMPROVING SUPERVISORY SERVICES

§ 191.28 Eligible participants.

Comment. One respondent recommended that students, representatives from business, industry, and other professions, administrators, and parents be made eligible participants.

Response. No change has been made in the regulation. The Act specifies that grants are "to improve the professional guidance qualifications of teachers and counselors * * * and to provide training for supervisory and technical personnel * * *". Therefore, administrators with responsibilities for guidance and counseling would be eligible to receive training, but students, parents and representatives from business and industry, the professions, and other occupational pursuits may not participate as trainees. However, the participation of such individuals as resource persons in training activities, as indicated in § 191.29(a)(2), is permissible.

§ 191.29 Projects for training.

Comment. One respondent believed that there was a heavy emphasis in the regulation on career and vocational counseling and recommended that a more evenhanded approach be taken toward all areas of guidance and counseling.

Response. No change has been made in the regulation. The emphasis upon career and vocational counseling is derived from the governing statute. For example, Sec. 341 of the Act provides: "The Congress finds that * * * increased and improved preparation of educational pro-

fessionals is needed in guidance and counseling * * * with special emphasis on in-service training which takes educational professionals into workplaces of business and industry, the professions, and other occupational pursuits * * *". It should be noted, however, that while § 191.29 cites two major emphases which an applicant may choose to address which are work oriented, there is no requirement that the project address "career and vocational counseling." Projects may deal with any area of training for improving guidance and counseling qualifications which the applicant determines is a priority need.

Comment. One respondent noted that § 191.29 of the proposed regulation gave emphasis to the "world of work" but did not make mandatory such involvement. One respondent recommended that each proposal be reviewed locally by persons from business, industry, the professions, and other occupational pursuits, and that such reviews be included in the proposals when submitted for funding, and another respondent similarly suggested that letters of assurance be provided from these persons to assure their involvement and coordination. The respondent's recommendation was based on concern that projects might not respond to local needs and might duplicate existing resources. Two respondents requested clarification in the regulation that projects other than those described in § 191.29(a)(2) could be funded.

Response. Section 191.29(a)(2) has been amended to clarify that projects related to the world of work are not the only types of training projects which can be funded. However, projects related to the world of work receive extra points under the application review criteria, consistent with the focus of the authorizing statute on these projects (§ 191.33(h) and (i)). The regulation in effect already addresses the concern that representatives of occupational pursuits be involved in reviewing and carrying out the project. The application requirements and review criteria contain provisions relating to evidence of commitments from outside organizations, groups, or individuals to cooperate in the implementation of the proposed activities, including any evidence of involvement with persons from business and industry, the professions, and other occupational pursuits and evidence of cooperation with other agencies and organizations which are involved in providing guidance and counseling services (§§ 191.31(c)(2)(ii) and 191.33(b)(5)).

§ 191.30 Supervisory services projects.

Comment. One respondent suggested that § 191.30(a)(2) be broadened to permit the development of exemplary models of supervisory practices.

Response. The regulation already does this. No change is needed.

§ 191.31 Application requirements.

Comment. One respondent questioned the inclusion of a comprehensive needs assessment and procedures for carrying

it out (set forth in § 191.31(c)(1)(i) as required in the operational plan). This was interpreted by the respondent to require a needs assessment carried out specifically for the purpose of this program. It was indicated that the time required would diminish the amount of staff time available for service delivery.

Response. The regulation has been changed to clarify that the required needs description may be based on a previously conducted needs assessment or other appropriate means for determining needs. A new comprehensive needs assessment is not required.

Comment. One respondent in commenting on § 191.31(c)(1) noted that items (i) through (iii), and items (v) and (ix) are commonly accepted components of an application but that items (vi) through (vii) require detail that cannot be justified in an application to the Federal Government. The respondent also felt that § 191.31(c)(2)(i), (ii), and (iii) called for unnecessary detail. The respondent suggested that these requirements and corresponding criteria in § 191.33 be deleted.

Response. No change has been made in the regulation. It is not necessary that the application go into extensive detail regarding the subject items. However, the Office of Education believes that it needs information responding to each of these items if it is adequately to review applications and make competitive judgments between them.

The subject requirements and criteria relate to fundamental project elements, such as whom the project will serve and their eligibility under the regulation, project milestones, staff positions, and evidence of necessary commitments from other organizations. Absent this information, the Office of Education's basis for review of applications would be significantly impaired.

§ 191.32 State review of application.

Comment. A respondent expressed concern that State comments submitted under § 191.32 might be arbitrary, based on personal biases, or related to factors extrinsic to the program.

Response. Section 191.32 has been changed to clarify that comments by State educational agencies will be considered by the Office of Education only to the extent that they relate to the published requirements and criteria.

§ 191.33 Application review criteria.

Comment. One respondent took exception to § 191.33(h) which awards a maximum of 5 points to an application which has potential for contributing to the alleviation of unemployment among youth through interrelationships with business and industry, the professions, and other occupational pursuits. The respondent stated that this criterion is not mandated by the statute. It suggested that the criterion be omitted, or that it be broadened to serve as a general category under which points would be awarded if the application were directed toward resolving a pressing societal

and/or developmental problem of children and/or youth.

Response. No change has been made in the regulation. The statute is silent on the evaluation criteria to be used by the Office of Education in selecting the highest quality applications under Section 344(a) (subpart C of the regulation). It is incumbent upon the Office of Education to establish criteria designed to result in the selection of those applications which best carry out the statutory purposes. Youth unemployment is not expressly mentioned in the statute, but the statute does give special emphasis to the relationship between guidance and counseling and the world of work. The alleviation of youth unemployment is an implicit and important element of this. It is appropriate in terms of the statutory purposes that, if two applications are otherwise equally rated, the one which holds promise of alleviating youth unemployment is funded first. If the criteria were broadened to include any pressing societal or developmental problem of children or youth, it would become so general that it would provide no guidance to applicants or application reviewers.

§ 191.35 Allowable costs.

Comment. Concern was expressed by two respondents that the regulation was unduly restrictive in limiting the allowability of instructional materials under § 191.35(b). Another respondent recommended that no payment should be made to business, industry, or other professions other than per diem costs.

Response. The regulation has been amended to make instructional materials generally allowable in accordance with these comments. With respect to payments to business, industry, and other professions the regulation is already consistent with the concern expressed. It permits only per diem expenses, travel, and incidental costs. It does not permit stipends or other compensation to participants.

Comment. One respondent noted that it should not be necessary to have the Commissioner's specific approval for payment of substitute teachers if the application proposes a budget for substitute teacher pay and the application is approved.

Response. Due to the expected limited amount of funds to be appropriated to carry out this part, the Commissioner will carefully evaluate the amount of money which an applicant intends to use for substitute teachers. The Commissioner does intend that an application approved by the Commissioner, which includes in its budget the amount of the award which will be used for substitutes, satisfies the approval requirement of § 191.35(c). However, if a grantee decides after approval of the application to use its money for substitutes or to use a greater amount than indicated in the application, such action must be approved by the Commissioner. The regulation has been amended to clarify the requirements of § 191.35(c).

Comment. One respondent found that it was unclear as to whether professional or consultative services in the conduct of a workshop is an allowable cost under § 191.35(d)(2). This respondent also urged that representatives of occupational pursuits should receive remuneration for their services in addition to payment for travel, meals, and lodging.

Response. There has been no change in the regulation. Due to the expected limited nature of the funds for programs under this part, it has been determined that representatives of occupational pursuits will receive payment only for their travel, meals, and lodging. Also, the Commissioner wishes to encourage voluntary participation of business, industry, and the professions to assist counselors in achieving a better understanding of the world of work.

Subject to these restrictions, the grantee may enter into service contracts to carry out the workshops and institutes to be funded under this subpart, in accordance with § 100a.30 of the General Education Provisions Regulations (GEPR) and subpart I of Part 100a of GEPR.

SUBPART D—COORDINATING GUIDANCE AND COUNSELING PROGRAMS

Distribution of funds

Comment. Two comments suggested that a formula be established for the distribution of funds between the activities authorized under Sections 344(a) and 344(b) of the authorizing statute (subparts C and D of the regulation), and further suggested that no more than one-third of the funds be allocated to Section 344(a).

Response. No change has been made in the regulation. The distribution of funds between these separate activities is likely to be resolved in the budgetary process. It is possible that Congress will include directives on the distribution in appropriating funds for the program. It, therefore, is inappropriate to provide by regulation for a distribution. The respondents' comments will be considered in preparing budget recommendations.

§ 191.43 Activities.

Comment. One respondent urged that a subsection F should be added to this section to allow the use of funds for reviewing applications submitted to a State agency for comments in accordance with § 191.32, State Review of Applications.

Response. One of the major focuses of programs and activities to be carried out under this part is to improve coordination of guidance and counseling programs at the State and local levels. For this reason, § 191.32 of subpart C of the regulation provides an opportunity for State comments on all applications. The Commissioner agrees that activities for which funds may be used under subpart D may include review of subpart C applications, and the regulation has been amended to reflect this change.

OTHER INFORMATION

Sections 191.37 and 191.49 have been added to provide that an award will not be made under subparts C and D if the applicant lacks the capacity successfully to carry out the project. Other technical and typographical changes have been made in the final regulation.

The Office of Education has determined that this document does not contain a proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance No. 13.577 Guidance and Counseling Program.)

Dated: July 22, 1977.

ERNEST L. BOYER,
Commissioner of Education.

Approved: August 16, 1977.

HALE CHAMPION,
Acting Secretary of Health,
Education, and Welfare.

Subpart A—General

Sec.

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191.11 Purpose.

191.12 Definitions.

191.13-14 [Reserved]

Subpart B—Strengthening Guidance and Counseling Services

191.15 Scope.

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191.17 Eligible recipients.

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Subpart C—Improving Guidance Qualifications of Personnel and Improving Supervisory Services

191.25 Scope.

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191.29 Projects for training.

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191.33 Application review criteria.

191.34 Project duration.

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191.36 Amount of award.

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Subpart D—Coordinating Guidance and Counseling Programs

191.40 Scope.

191.41 Purpose.

191.42 Eligible applicants.

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191.44 Required application data.

191.45 Review criteria.

191.46 Project duration.

191.47 Project funding.

191.48 Allowable costs.

191.49 Capacity to carry out the project.

AUTHORITY: Secs. 341-44, Pub. L. 94-482 (20 U.S.C. 2531-34).

Subpart A—General

§ 191.10 Scope.

(a) The regulations in this part govern the award of grants with funds appropriated pursuant to Part D of Title III of the Education Amendments of 1976, Pub. L. 94-482.

(b) The award of grants under this part is subject to applicable provisions contained in subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters, 45 CFR Parts 100, 100a) except that application requirements set forth in § 100a.16 and evaluation criteria set forth in § 100a.26(b) do not apply to awards under this part.

(Sec. 341, 20 U.S.C. 2531, 1221c.)

§ 191.11 Purpose.

The purpose of this part is through Federal financial assistance, to:

(a) Provide programs, projects, and leadership activities by the State to expand and strengthen counseling and guidance services in elementary and secondary schools.

(Sec. 342(b)(1), 20 U.S.C. 2532(b)(1).)

(b) Improve the professional guidance qualifications of teachers and counselors.

(Sec. 344(a), 20 U.S.C. 2534(a).)

(c) Provide training for supervisory and technical personnel having responsibilities for guidance and counseling.

(Sec. 344(a), 20 U.S.C. 2534(a).)

(d) Improve guidance and counseling supervisory services; and

(Sec. 344(a), 20 U.S.C. 2534(a).)

(e) Coordinate new and existing programs of guidance and counseling in the States.

(Sec. 344(b), 20 U.S.C. 2534(b).)

§ 191.12 Definitions.

As used in this part:

(a) "Guidance" means a program provided by or under the leadership and supervision of, professional counselors, involving teachers and resource personnel, to assist elementary and secondary school students in their educational, vocational, and personal-social development. A program of guidance services includes, but is not limited to, counseling, information, placement, appraisal, and follow-up and research.

(Interprets Sec. 341, 20 U.S.C. 2531.)

(b) "Counseling" is one of the basic components which constitute a program of school guidance services, and means a process conducted by a professional counselor in face-to-face or group settings to assist the student for the purpose of resolving or better understanding a problem, or planning and carrying out a course of action.

(Interprets Sec. 341, 20 U.S.C. 2531.)

(c) "Elementary school" means a day or residential school which provides elementary education, as determined under State law, and "Elementary school level" means the educational level at which elementary education is provided under State law.

(Interprets Secs. 342, 344, 20 U.S.C. 2532, 2534.)

(d) "Inservice training" means institutes, workshops, or seminars to improve guidance qualifications of teachers, counselors, and guidance supervisory and technical personnel in State and local educational agencies or nonpublic elementary and secondary school systems during their time of service.

(Interprets Sec. 344(a), 20 U.S.C. 2531(a).)

(e) "Institution of higher education" means an institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of subparagraphs (1), (2), (4), and (5).

(Interprets Sec. 344(a), 20 U.S.C. 2534(a).)

(f) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative 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 a combination of school districts or counties recognized in a State as an administrative agency for its public elementary or secondary schools. This term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(Interprets Sec. 344(a), 20 U.S.C. 2534(a).)

(g) "Nonprofit organization" means an organization owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure,

to the benefit of any private shareholder or individual.

(Interprets Sec. 344(a), 20 U.S.C. 2534(a).)

(h) "Nonpublic elementary and secondary school system" means one or more nonprofit elementary or secondary schools operated or controlled by other than a public authority, and which is licensed or approved by the State in which it is located or attendance at which satisfies applicable State compulsory school attendance laws.

(Interprets Sec. 344(a), 20 U.S.C. 2534(a).)

(i) "Secondary school" means a day or residential school which provides secondary education as determined under State law except that it does not include any education provided beyond grade 12, and "Secondary school level" means the educational level (not beyond grade 12) at which secondary education is provided as determined under State law.

(Interprets Secs. 342, 344, 20 U.S.C. 2532,

(j) "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(Interprets Secs. 342, 344, 20 U.S.C. 2532, 2534.)

(k) "Students" refers to elementary or secondary school students and not teachers, counselors, supervisors, and technical personnel who are participants in institutes, workshops, and seminars.

(Implements Sec. 344(a), 20 U.S.C. 2534(a).)

(l) "Supervisory services" means those activities which are specifically designed to improve programs of guidance and counseling, and which are carried out by professional guidance personnel who have responsibilities within State and local educational agencies and nonpublic school systems for directing and coordinating the guidance and counseling efforts of staff members in the respective agencies or school systems.

(Interprets Sec. 344(a), 20 U.S.C. 2534(a).)

(m) "State educational agency" means the State board of education or other State agency or officer primarily responsible for 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. 344(a), 20 U.S.C. 2534(a).)

§§ 191.13—191.14 [Reserved]

Subpart B—Strengthening Guidance and Counseling Services

§ 191.15 Scope.

This subpart applies to the program of guidance and counseling for which grants are authorized by Section 342(b) of Part D of Title III of Pub. L. 94-482. This program is authorized for fiscal year 1977.

(Sec. 342, 20 U.S.C. 2532.)

§ 191.16 Purpose.

The purpose of the program authorized by this subpart is to provide for programs, projects, and leadership activities designed to expand and strengthen guidance and counseling services in elementary and secondary schools through grants (a) to States and (b) to other recipients set forth in § 191.17(a).

(Sec. 342, 20 U.S.C. 2532.)

§ 191.17 Eligible recipients.

(a) Eligible recipients under this subpart include: (1) the States, (2) the Department of the Interior (for children and teachers in elementary and secondary schools operated for Indian children in the Department of Interior), and (3) the Department of Defense (for children and teachers in the overseas dependent schools of the Department of Defense).

(b) A grant to a State under this subpart will be made to that State agency which is vested with the direct and primary responsibility for State supervision of programs of guidance and counseling at the elementary and secondary school levels.

(Implements Sec. 342, 20 U.S.C. 2532.)

§ 191.18 Required application.

Any State or other eligible applicant under § 191.17 desiring to receive funds for the purpose of this subpart shall, as a condition to the receipt of these funds, file an application with the Commissioner providing the following information:

(a) With respect to an application from a State, documentation that the applicant agency is the appropriate grant recipient under § 191.7;

(b) The needs to be met by the proposed activity;

(c) Objectives which are clearly related to the purposes of this program and capable of being attained by the proposed activities;

(d) A description of the activities to be carried out with these funds which satisfies the Commissioner (1) that these activities are designed to achieve the stated objectives, and (2) that funds will be used only to carry out the purposes of this subpart;

(e) A general description of the program staff and other resources to carry out the activities;

(f) Provision for such methods of administration as are necessary for the proper and efficient administration of the proposed project; and

(g) Provisions for such fiscal control and fund accounting procedures and reports as may be required pursuant to applicable provisions of Part 100a of this chapter.

(Implements Sec. 342, 20 U.S.C. 2532, 1232e (b) 1221e-3(a) (1).)

§ 191.19 Distribution of funds.

(a) From sums appropriated for purposes of this subpart, the Commissioner will first allot amounts to Guam, American Samoa, the Virgin Islands, and the

Trust Territories of the Pacific according to their respective needs. The Commissioner generally bases a determination of these needs on the number of children aged five to seventeen inclusive in each jurisdiction.

(b) The amounts allotted to the Department of Defense (for children and teachers in the overseas dependent schools of the Department of Defense) and to the Department of the Interior (for children and teachers in the elementary and secondary schools operated for Indian children in the Department of the Interior) are based upon the amounts necessary for the programs, projects, and activities authorized under this subpart. These amounts are to be determined with reference to the number of children aged five to seventeen inclusive in these schools.

(c) After the amounts under paragraphs (a) and (b) have been allotted, the Commissioner allots to each State, other than Guam, American Samoa, the Virgin Islands, and the Trust Territories of the Pacific, from those amounts that remain, in accordance with Section 342(b)(3)(B) of the Act, an amount which bears the same ratio to those remaining amounts as the number of children in that State, aged five to seventeen inclusive, bears to the total number of children in all these States.

(Implements Sec. 342, 20 U.S.C. 2532.)

§ 191.20 Allowable costs.

The Commissioner determines allowable costs pursuant to this subpart in accordance with principles set forth in Appendix B of Subchapter A of this chapter (Office of Education General Provisions Regulations).

(20 U.S.C. 1221c.)

§§ 191.21—191.24 [Reserved]

Subpart C—Improving Guidance Qualifications of Personnel and Improving Supervisory Services

§ 191.25 Scope.

(a) This subpart applies to the award of grants under the program of guidance and counseling authorized by section 344(a) of Part D of Title III of Pub. L. 94-482.

(b) The award of any contracts under Section 344(a) will be made in accordance with applicable procurement regulations in 41 CFR Chapters I and 3 and the provisions of specific requests for proposals, and will not be subject to the provisions of this subpart.

(Sec. 344(a), 20 U.S.C. 2534(a).)

§ 191.26 Purpose.

(a) The purpose of this subpart is (1) to improve the professional guidance qualifications of teachers, counselors, supervisory personnel, and technical personnel through inservice training to enable them more effectively to carry out their specific current roles, and (2) to improve supervisory services in the field of guidance and counseling;

(b) (1) Two kinds of projects will be funded under this subpart:

(i) Inservice training projects described in § 191.29; and

(ii) Projects to improve supervisory services described in § 191.30.

(2) An applicant may propose a single project with activities described under both of these sections.

(Interprets Sec. 344(a), 20 U.S.C. 2534(a).)

§ 191.27 Eligible applicants.

The following agencies and organizations are eligible for grants under this subpart: (a) State educational agencies; (b) Local educational agencies; (c) Institutions of higher education; and (d) Private nonprofit organizations.

(Sec. 344(a), 20 U.S.C. 2534(a).)

§ 191.28 Eligible participants.

The following persons are eligible to participate as trainees in training programs funded under § 191.29:

(a) Teachers and counselors in State and local educational agencies;

(b) Teachers and counselors in nonpublic elementary and secondary school systems;

(c) Supervisory and technical personnel in State and local educational agencies with responsibilities for guidance and counseling; and

(d) Supervisory and technical personnel in nonpublic elementary and secondary school systems with responsibilities for guidance and counseling.

(Sec. 344(a), 20 U.S.C. 2534(a).)

§ 191.29 Projects for training.

(a) *Nature of project.* (1) The projects funded under this section support inservice training programs in the form of institutes, workshops, and seminars to improve the professional guidance qualifications of teachers, counselors, and supervisory and technical personnel in their current roles, for the purpose of improving the guidance and counseling program provided to students in elementary and secondary schools.

(2) Two major emphases (among others) which an applicant may choose to address in these projects are:

(i) To increase the understanding of teachers and counselors about the world of business, industry, professions, and other occupational pursuits through exposure to these areas; and

(ii) To provide for increased use of men and women experienced in business, industry, the professions, and other occupational pursuits in guidance and counseling programs, by (A) bringing these persons into the schools as counselors and advisors for students; and (B) bringing students into the workplace for observation and participation to acquaint them with the nature of the work. The applicant may choose to emphasize non-traditional career alternatives for members of both sexes.

(3) To receive assistance under this part, an inservice training project must:

(i) Be designed on the basis of a needs assessment for a specific group of trainees; and

(ii) Serve as a resource for contributing to improved programs of guidance and counseling services within the schools served by the trained counselors or teachers. (For example, a counselor, as a participant in an institute provided by a grant recipient, could spend one day a week in industry so that, upon completion, the counselor would be more aware of the opportunities and requirements of different occupations and would thus be able to provide a better program of guidance and counseling services.)

(4) Applicants may wish to propose specific training activities designed to demonstrate exemplary ways of involving persons from business and industry, the professions, and other occupational pursuits in guidance and counseling programs.

(5) Inservice training programs supported under this subpart must be short-term, with no program exceeding a year for each group of trainees. Normally, a workshop, institute, or seminar conducted on a daily basis may not exceed a three-month period for each group of trainees. However, training may be carried out on a more extended, but periodic basis, e.g., 1 to 6 hours a week, but for a period not to exceed a year.

(Implements Secs. 341, 344(a), 20 U.S.C. 2531, 2534(a).)

(b) *Types of activities.* Projects designed for training purposes may include, among other training activities, one or more of the following:

(1) Inservice training programs which involve counselors and teachers in demonstration models which bring individuals with experience in occupational pursuits into schools as counselors or advisors for students, and which bring students into work-places to acquaint students with the nature of the work;

(2) In service training programs for teachers and guidance counselors in State and local educational agencies and non-public elementary and secondary school systems so that they can obtain experience in business and industry, the professions, and other occupational pursuits. (These programs may include individual and group experiences in observing or participating in various occupational pursuits); and

(3) Training of supervisory and technical personnel designed to improve the supervisory knowledge and skills, including effective management and administrative procedures, of persons assigned to guidance and counseling programs. As used in this subparagraph, "supervisory and technical personnel" means professional guidance staff who have designated responsibilities within State and local educational agencies or nonpublic school systems for directing and coordinating the efforts of staff working in guidance programs in the respective agencies or school systems, or for providing technical assistance in such areas of specialty as elementary school guidance, student appraisal, career development, occupational information,

counseling, techniques, and group procedures, to improve the quality of services within guidance and counseling programs.

(Implements Secs. 341, 344(a), 20 U.S.C. 2531, 2534(a).)

§ 191.30 Projects for improving supervisory services.

(a) *Nature of projects.* (1) Projects under this section are designed to improve supervisory services of guidance and counseling in State and local educational agencies and nonpublic school systems, as opposed to concentrating on personnel qualifications of supervisory personnel.

(2) The Commissioner encourages the submission of projects providing for exemplary supervisory practices which may serve as models for replication by other State and local educational agencies and nonpublic school systems. Exemplary approaches to accountability in terms of evaluating guidance outcomes is an example of a type of project which has potential for improving supervisory services. (Educational accountability includes a process of establishing objectives, delineating tasks and activities, and having personnel who are held responsible for accomplishing the objectives.)

(b) *Types of activities.* Activities designed to improve supervisory services in the field of guidance and counseling in State and local educational agencies and nonpublic elementary and secondary school systems may include, but are not limited to, one or more of the following:

(1) Expanding and coordinating supervisory services in guidance and counseling programs;

(2) Providing or increasing technical or consultative assistance to guidance and counseling personnel;

(3) Implementing or improving accountability through:

(i) Assessment of students' needs for guidance;

(ii) Planning and implementing guidance objectives; and

(iii) Evaluating guidance outcomes;

(4) Planning and preparing guidance and counseling materials and information; and

(5) Demonstrating successful supervisory practices in guidance and counseling.

(Implements Secs. 341, 344(a), 20 U.S.C. 2531, 2534(a).)

§ 191.31 Content of application.

An eligible applicant which seeks to receive a grant under this subpart shall file an application which must include:

(a) A cover sheet(s) which includes the following:

(1) The identification of the purpose and the type of activity such as training or improved supervisory services to which the application is addressed; and

(2) A brief abstract of the proposed project;

(b) A copy of the letter of transmittal of the application which was submitted to the appropriate State educational agency for the purpose of State review

and comment as provided under § 191.32; and

(c) An operational plan describing in detail how the applicant proposes to achieve the purpose(s) identified in the application.

(1) This plan must include, but need not be limited to:

(i) A description of the needs of prospective participants for the project, in relation to the needs of students served by these participants, and a description of how the needs were determined;

(ii) Objectives which are related to the purposes of this subpart;

(iii) A description of project activities and information on the size, scope, and duration of the proposed project;

(iv) A statement that the special needs of handicapped students and the need for reducing race and sex stereotyping have been considered in the development of the plan and a description of project activities or methods to be used to meet these needs;

(v) An evaluation design;

(vi) Milestones and dates for the completion of project activities;

(vii) Identification of all proposed staff positions, and a description of the duties and qualifications required for these positions;

(viii) An estimated cost for each of the program activities;

(ix) A description of the resources available to the applicant to carry out the proposed project; and

(x) A description of any activities to be contracted.

(2) If the applicant proposes to improve the professional guidance qualifications of personnel, in addition to the other information required by this section, the following information must be included in the operational plan:

(i) A description of the target population, methods, and criteria to be used in selecting participants, including information to establish the eligibility of the participants under § 191.28;

(ii) Evidence of any commitment already received from outside organizations, groups, or individuals to cooperate in the implementation of the proposed activities, including any evidence of involvement with persons from business and industry, the professions, and other occupational pursuits and evidence of cooperation with other agencies and organizations which are involved in providing guidance and counseling services; and

(iii) In cases where an applicant proposes to train personnel who are not in their employ, a copy of the training agreement between the applicant and the agency or organization where the prospective trainees are located.

(3) The applicant is encouraged to respond in the operational plan to each criterion in § 191.33. Except with respect to paragraph (f) of § 191.33, if the plan does not provide information responsive to a particular criterion, this will deny the applicant the opportunity to receive points for that criterion.

(Implements Sec. 344(a), 20 U.S.C. 2534(a).)

§ 191.32 State review of application.

(a) Each applicant under this subpart must provide a copy of its application to the State educational agency of each State in which is located the agency or organization to be served under a project for improving supervisory services or where the prospective trainees are employed, as applicable, concurrently with its submission of the application to the Commissioner.

(b) The Commissioner will not approve an application submitted by an applicant unless each appropriate State educational agency under paragraph (a) has been given an opportunity to review and comment on the application.

(c) In reviewing applications, the Commissioner will consider comments submitted by a State educational agency to the extent that they relate to requirements and review criteria in this subpart.

(d) The Commissioner may establish a cut-off date for submission of comments on applications by State educational agencies. If the Commissioner establishes such a date, failure by a State educational agency to submit comments to the Commissioner within the period specified shall be deemed a waiver of the State educational agency's opportunity to comment on that application.

(Implements Secs. 343(a)(3), 344(a), 20 U.S.C. 2533(a)(3), 2534(a).)

§ 191.33 Application review criteria.

Applications submitted under this subpart will be reviewed to determine the extent to which they meet specific program criteria. Each criterion is assigned a maximum score and is weighted in terms of its relative value to the rest of the application criteria. The total number of points for all criteria is 100. The criteria and the maximum point score for each criterion are as follows:

(a) *Need*. Maximum score, 10. The application clearly describes the need, through documented evidence for training and/or improved supervisory services, and the procedures used in determining the need. The need should be based on the guidance needs of students in the location where trainees are employed.

(b) *Objectives and activities*. Maximum score, 30. The application:

(1) Clearly sets forth objectives which are: designed to meet the purposes of this subpart; sharply defined; clearly stated; capable of being attained; and capable of being measured;

(2) Sets forth activities, tasks, and strategies, which, when implemented, will achieve the stated objectives, including milestones and dates by which to monitor the completion of each of the proposed activities;

(3) Sets forth training or supervisory objectives and activities which respond effectively to the needs of students documented in the needs assessment;

(4) Sets forth project activities which are designed to serve as a resource for improving guidance and counseling services within schools which receive super-

visory services, or which are served by teacher and counselor trainees;

(5) Gives evidence, in those applications proposing to provide training, of commitments from outside organizations, groups, or individuals to cooperate in the implementation of proposed activities or in those applications proposing to improve supervisory services, of plans for working with other appropriate units;

(6) Clearly describes the criteria and processes for selecting participants in training activities and clearly describes criteria and processes for developing comprehensive and coordinated guidance programs in activities to improve supervisory services.

(c) *Evaluation plan*. Maximum score, 10. The quality of provisions set forth in the application for evaluating the effectiveness of the project and for determining the extent to which each of the objectives will be achieved.

(d) *Personnel*. Maximum scores, 10. The qualifications and experience of project staff and strength of commitment from individuals and groups whose assistance is needed to accomplish the proposed objectives.

(e) *Budget*. Maximum score, 10. The application gives evidence that the size, scope, and duration of the project are reasonable and that the estimated cost is reasonable in relation to the anticipated results of each of the proposed activities.

(f) *Distribution of projects*. Maximum score, 10. The extent to which approval of the project will contribute to:

(1) An equitable geographic distribution of programs funded under this subpart throughout the United States in both urban and rural areas; and

(2) The funding of a wide variety of projects which collectively can demonstrate diverse approaches to meet effectively the purposes of this subpart.

(g) *Models*. Maximum score, 10. The extent to which approval of the project will contribute to the establishment of a model or models which can be replicated by other agencies or institutions with similar educational needs. In applying this criterion, the Commissioner shall consider (1) the extent to which similar needs to those addressed by the proposed project exist in other agencies or institutions and (2) the design of the proposed project.

(h) *Alleviation of unemployment among youth*. Maximum score, 5. The extent to which approval of the project has potential for contributing to the alleviation of unemployment among youth through interrelationships with business and industry, the professions, and other occupational pursuits.

(i) *World of work*. Maximum score, 5. The project involves inservice training to increase the understanding of teachers and counselors of the world of business, industry, professions, and other occupational pursuits through exposure to these areas, and to provide for increased use of persons employed in busi-

ness, industry, the professions and other occupational pursuits in the guidance and counseling programs, by bringing these persons into the schools to assist teachers and counselors, and bringing students into the work-place for observation and participation in order to acquaint them with the nature of the work.

(Implements Sec. 344(a), 20 U.S.C. 2534(a).)

§ 191.34 Project duration.

Project awards pursuant to this subpart will be for a grant period of up to one year. If a grantee seeks to receive assistance under this part for an additional period beyond the grant period, it must submit a new application for a new grant award. The new application will be evaluated in competition with applications from other former grantees as well as from applicants which have not previously received assistance under this part.

(Implements Sec. 344(a), 20 U.S.C. 2534(a).)

§ 191.35 Allowable costs.

(a) Allowable costs in grants pursuant to this subpart are determined in accordance with principles set forth in the applicable appendices to Subchapter A of this chapter (Office of Education General Provisions for Programs), subject to the following provisions.

(b) Costs of equipment (other than guidance and counseling materials) are limited and allowed only if essential and reasonable in relation to anticipated results.

(c) Allowable costs may include travel, meals, lodging, guidance and counseling materials and supplies, and other costs incident to trainees' participation in institutes, workshops, and seminars, designed to improve professional guidance qualifications, but shall not include stipends or other forms of compensation. Payment of substitutes for teachers and counselors during the time of their participation in the inservice training is allowable only if specifically provided for in the approved application, or if otherwise approved in writing by the Commissioner.

(d) (1) The costs of bringing representatives of business and industry, the professions, and other occupational pursuits into schools as counselors or advisors to students, and of bringing students into work-places to acquaint them with the nature of the work are allowable program costs only if carried out through workshops, institutes, or seminars and if they serve training purposes for participant counselors and teachers.

(2) Allowable costs of these activities (operated in institute, workshop, or seminar settings) are limited to travel, per diem expenses, and other incidental costs, and do not include stipends or other types of compensation to participant students, trainees, or representatives of occupational pursuits.

(Implements Sec. 344(a), 20 U.S.C. 2534(a), 1221c.)

§ 191.36 Amount of award.

The amount of an award will be affected by the quality of the project pursuant to criteria in § 191.33. It is expected that the amount of an award for in-service training projects as specified in § 191.29 will be relatively small, with most awards within the range of \$5,000 or less to \$25,000, and normally will not exceed \$50,000. Awards for projects to improve supervisory services, as specified in § 191.30, normally will not exceed \$100,000. Nothing in this section shall be construed as a limitation on the amount of a particular grant.

(Implements Sec. 344(a), 20 U.S.C. 2534(a).)

§ 191.37 Capacity to carry out the project.

Notwithstanding the specific evaluation criteria in § 191.33, the Commissioner will not fund an application under this subpart unless the Commissioner is satisfied that the applicant has the capacity successfully to carry out the project.

(a) In making this judgment, the Commissioner will consider such factors as:

(1) Both the programmatic and financial management capacities of the applicant organization and its staff;

(2) Past performance by the applicant—

(i) In carrying out any prior grant under this part; or

(ii) In carrying out similar projects—with respect to such matters as achievement of objectives, adherence to the project conditions, programmatic and financial management, and the governing board's assumption of responsibility;

(3) Adequacy of facilities and other resources, including consideration of any litigation or dispute which calls into question the continued availability of the facilities and resources to the applicant; and/or

(4) Consideration of local community factors which may prevent the successful operation of the grant.

(b) If the Commissioner decides not to fund an application based upon this section, the Commissioner will do so only after providing reasonable notice and an opportunity to the applicant to rebut, in writing or in an informal meeting with the responsible officials of the U.S. Office of Education, the basis for the decision.

(Implements Sec. 344(a), 20 U.S.C. 2534(a).)

§§ 191.38—191.39 [Reserved]

Subpart D—Coordinating Guidance and Counseling Programs

§ 191.40 Scope.

This subpart applies to the program of guidance and counseling for which grants are authorized by section 344(b) of Part D of Title III of Pub. L. 94-482.

(Sec. 344(b), 20 U.S.C. 2534(b).)

§ 191.41 Purpose.

The purpose of the program authorized by this subpart is to assist States in coordinating new and existing programs

of guidance and counseling in the States, working with the assistance of and in cooperation with the administrative unit within the Office of Education responsible for coordinating and providing information on guidance and counseling under section 343(a), Part D, Title III of Pub. L. 94-482.

(Sec. 343(a) (3), 344(b), 20 U.S.C. 2533(a) (3), 2534(b).)

§ 191.42 Eligible applicants.

Grants under this subpart may be made only to that State agency within each State which is vested with the direct and primary responsibility for State supervision of programs of guidance and counseling at the elementary and secondary school levels.

(Implements Sec. 344(b), 20 U.S.C. 2534(b).)

§ 191.43 Activities.

Coordination of guidance and counseling programs supported under this subpart may include, but is not limited to, the following activities:

(a) Identification of guidance and counseling programs supported jointly or separately by Federal programs, and by State and local programs;

(b) Initiating and conducting a State-wide guidance and counseling needs assessment to determine priorities for program development;

(c) Development of a plan and strategies for implementing these programs in terms of common goals and objectives as determined through the needs assessment;

(d) Planning and conducting appropriate action steps to accomplish goals and objectives such as preparation of position statements, providing for consultative or technical assistance, conducting conferences and workshops, sharing information through appropriate publications and other means, evaluating program outcomes in terms of established objectives, and other related activities necessary for the coordination and improvement of new and existing programs of guidance and counseling in the State;

(e) Participating in the activities of the Office of Education's administrative unit pursuant to section 343(a) of Pub. L. 94-482; and

(f) Commenting on applications under subpart C of this part, as provided for in § 191.32.

(Interprets Sec. 344(b), 20 U.S.C. 2534(b).)

§ 191.44 Required application data.

Each applicant for assistance under this subpart must submit an application which includes:

(a) A cover sheet(s) which includes a brief abstract of the proposed project; and

(b) An operational plan describing in detail how the applicant proposes to achieve the purposes of the program.

(1) The operational plan must include, but need not be limited to:

(i) A description of the needs to be met by the proposed plan, e.g., the need

to reduce duplication of efforts in the State in guidance and counseling;

(ii) Objectives which are clearly related to the purposes of this subpart;

(iii) A description of the project activities and information on the proposed size, scope, and duration of the project;

(iv) Plans to include other institutions and agencies in the proposed activities;

(v) An evaluation design;

(vi) Identification of all proposed staff, their duties, and a description of the qualifications possessed by all proposed professional staff;

(vii) An estimated cost for each of the proposed activities;

(viii) Milestones and dates for the completion of each project activity; and

(ix) A description of any activities to be contracted.

(2) Applicants are encouraged to respond in the operational plan to each of the criteria in § 191.45 in the sequence described.

(Implements Sec. 344(b), 20 U.S.C. 2534(b).)

§ 191.45 Review criteria.

(a) Applications submitted under this subpart will be reviewed to determine the extent to which they meet the criteria in this section. Each criterion is assigned a maximum score and is weighted in terms of its relative value to the rest of the criteria. The total number of points for all criteria is 100.

(b) The following criteria will be utilized by the reviewers in reviewing applications:

(1) *Need*. Maximum score, 10. The need for the proposed plan to reduce duplication of efforts in the State in guidance and counseling is clearly established.

(2) *Objectives*. Maximum score, 25. The proposed plan includes sharply defined and clearly stated objectives which are related to the purpose of this subpart and which are capable of being attained by the proposed activities and capable of being measured.

(3) *Activities*. Maximum score, 25. The project activities are designed to achieve each of the proposed objectives, and milestones and dates for completing each project activity are clearly set forth.

(4) *Evaluation*. Maximum score, 10. The quality of the evaluation design to determine the attainment of objectives.

(5) *Personnel*. Maximum score, 10. The quality of staff with specified duties and qualifications necessary to achieve objectives.

(6) *Budget*. Maximum score, 10. The estimated cost for each of the proposed activities is reasonable in relation to anticipated results, and the size, scope, and duration of the project is adequate to secure productive results.

(7) *Cooperative arrangements*. Maximum score, 10. The strength and quality of arrangements made by the applicant to work with other appropriate institutions and agencies.

(Implements Sec. 344(b), 20 U.S.C. 2534(b).)

§ 191.46 Project duration.

Project awards pursuant to this subpart will be for a grant period of up to one year. If a grantee seeks to receive assistance under this part for an additional period beyond the grant period, a new application for a new grant award must be submitted.

(Implements Sec. 344(b), 20 U.S.C. 2534(b).)

§ 191.47 Project funding.

(a) While there is no formula for the distribution of funds under this subpart, the Commissioner intends to make a grant to all States that meet the requirements in § 191.44 and propose projects of sufficient quality under the criteria set forth in § 191.45.

(b) The size of an award will be affected by the Commissioner's intent to fund all the States in accordance with paragraph (a) of this section and by the scope and quality of the project as measured by criteria set forth in § 191.45.

(Implements Sec. 344(b), 20 U.S.C. 2534(b).)

§ 191.48 Allowable costs.

Allowable costs pursuant to this subpart shall be determined in accordance with principles set forth in appendix B of Subchapter A of this chapter (Office of Education General Provisions Regulations).

(20 U.S.C. 1221c.)

§ 191.49 Capacity to carry out the project.

Notwithstanding the specific evaluation criteria in § 191.45, the Commissioner will not fund an application under this subpart unless the Commissioner is satisfied that the applicant has the capacity successfully to carry out the project.

(a) In making this judgment, the Commissioner will consider such factors as:

(1) Both the programmatic and financial management capacities of the applicant organization and its staff;

(2) Past performance by the applicant—

(i) In carrying out any prior grant under this part; or

(ii) In carrying out similar projects— with respect to such matters as achievement of objectives, adherence to the project conditions, programmatic and financial management, and the governing board's assumption of responsibility;

(3) Adequacy of facilities and other resources, including consideration of any litigation or dispute which calls into question the continued availability of the facilities and resources to the applicant; and/or

(4) Consideration of local community factors which may prevent the successful operation of the grant.

(b) If the Commissioner decides not to fund an application based upon this section, the Commissioner will do so only after providing reasonable notice and an opportunity to the applicant to rebut, in writing or in an informal meeting with the responsible officials of the U.S. Office of Education, the basis for the decision.

(Implements Sec. 344(b), 20 U.S.C. 2534(b).)

[FR Doc.77-24429 Filed 8-23-77; 8:45 am]

federd register

WEDNESDAY, AUGUST 24, 1977

PART IV



COMMODITY FUTURES TRADING COMMISSION

■

MINIMUM FINANCIAL REQUIREMENTS FOR FUTURES COMMISSION MERCHANTS

STANLEY ALBERT M. 1972

COMPARATIVE
FUTURE TRADING
COMMISSION

MEMORANDUM ON
REQUIREMENTS FOR
FUTURE COMMISSION
RESEARCH

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 1]

MINIMUM FINANCIAL REQUIREMENTS FOR FUTURES COMMISSION MERCHANTS

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed Rulemaking.

SUMMARY: The Commodity Futures Trading Commission has adopted an amendment to § 1.3(z) of its regulations which significantly broadens the definition of bona fide hedging. That amendment, however, would result in an unintentional change in the minimum financial requirements for futures commission merchants found in § 1.17 of the regulations since § 1.17 contains references to the definition of bona fide hedging. The Commission is therefore proposing an amendment which would change § 1.17 so that it refers only to those provisions of the newly adopted bona fide hedging definition which are substantially the same as those in the present bona fide hedging definition. The effect of this amendment would be to retain the minimum financial requirements of § 1.17 as they existed prior to the effective date of the amended bona fide hedging definition.

DATES: Comments on this proposed rule change should be submitted by September 8, 1977. Proposed effective date: October 1, 1977.

ADDRESSES: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT:

John L. Manley, Chief Accountant, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW, Washington, D.C. 20581, 202-254-5218.

SUPPLEMENTARY INFORMATION: The Commodity Futures Trading Commission ("Commission") has amended § 1.3(z) of its regulations under the Commodity Exchange Act, as amended

("Act"), effective October 1, 1977. See 42 FR 42747 (1977). The amendment would generally broaden the scope of the definition of bona fide hedging to include current commercial risk-shifting practices in the markets now under regulation. The intended effect of the amendment is to increase commercial utilization of the futures markets for the purposes of hedging by allowing additional exemptions from the Commission's limits on positions and daily trading, and by recognizing a broader range of risk-shifting uses in those markets.

This broadened definition of bona fide hedging would, however, effect an unintentional change in the current minimum financial requirements for futures commission merchants found in § 1.17 of the regulations. In paragraphs (c) (6) and (e) of § 1.17, which relate to the definition of adjusted working capital and the computation of safety factors, references are made to the definition of bona fide hedging contained in § 1.3(z). Since the Commission did not intend to change the current minimum financial requirements when it expanded the concept of bona fide hedging, it believes that an amendment to paragraphs (c) (6) and (e) of § 1.17 is necessary. In order to effectuate the intention of the Commission that the minimum financial requirements of § 1.17 not be substantially affected, it is necessary that § 1.17 be amended to insure that, for purposes of § 1.17, the definition of bona fide hedging be limited to those transactions that qualified as bona fide hedging transactions under § 1.3(z) prior to the amendment.

The proposed amendments will have no substantial effect on the present requirements of § 1.17. All comments on the proposed amendments received by, on or before September 8, 1977 will be considered before final action is taken on the proposals. The Commission considers this to be an appropriate period because of the nature of the proposed amendments. In order that there be no ambiguity or uncertainty in the method by which futures commission merchants are to continue to comply with § 1.17, the Commission intends to adopt the proposed amendments effective October 1, 1977, to coincide with the effective

date of the revised bona fide hedging definition.

In consideration of the foregoing, the Commission hereby proposes to amend 17 CFR Part 1 by amending § 1.17 to read as follows:

§ 1.17 Minimum Financial Requirements—Futures Commission Merchants.

- (c)
- (6)

(iii) In the case of cash commodity inventories that are hedged by those bona fide hedging positions enumerated in paragraphs (2) (i) and (ii) of § 1.3(z), the amount by which the value of such inventories used by the applicant or registrant in computing his working capital, exceeds 95 percent of the market value of such inventories:

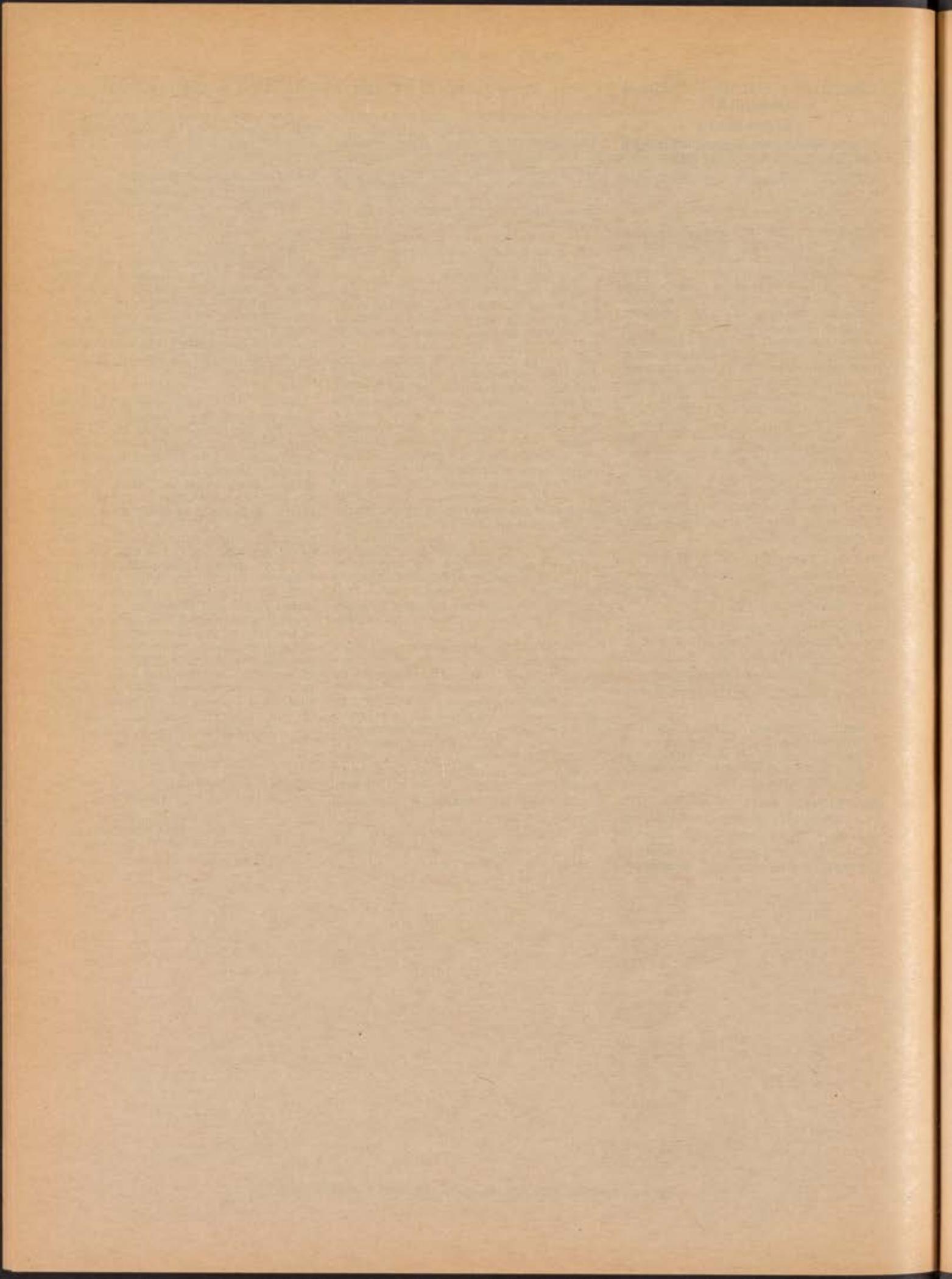
(e) (1) That such safety factor shall not apply to any spread or straddle held for the same account in the same commodity, on the same market, in the same crop year, or to any contract representing those bona fide hedging transactions enumerated in paragraphs (2) (i) and (ii) of § 1.3(z) (however, such factor shall apply to contracts specified in paragraph (2) (ii) (c) of § 1.3(z), representing hedges against unfilled anticipated requirements); nor shall it apply to any contract resulting from a "changer trade" made in accordance with the rules of a contract market which have been submitted to and approved by the Commission, and (2) that in the case of any intermarket or intercrop year spread or straddle, or any intermarket and intercrop year spread or straddle, held for the same account in the same commodity, the safety factor shall be 5 percent of the market value of that side of each such spread or straddle having the greater market value.

(7 U.S.C. 6f, 12a (Supp. V, 1975).)

Issued in Washington, D.C. on August 19, 1977, by the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity
Futures Trading Commission.

[FR Doc.77-24500 Filed 8-23-77;8:45 am]



Federal Register

WEDNESDAY, AUGUST 24, 1977

PART V



**FEDERAL ENERGY
ADMINISTRATION**

■
**CRUDE OIL BUY/SELL
PROGRAM**

Revision

Title 10—Energy

CHAPTER II—FEDERAL ENERGY
ADMINISTRATIONPART 211—MANDATORY PETROLEUM
ALLOCATION REGULATIONS

Revision of Crude Oil Buy/Sell Program

AGENCY: Federal Energy Administration.

ACTION: Final rule.

SUMMARY: This rule amends, effective October 1, 1977, the Mandatory Crude Oil Allocation Program (the "buy/sell program") set forth in 10 CFR 211.65 to limit the scope of the program to those refiner-buyers which have a demonstrated necessity for allocations of crude oil based on lack of access to adequate supplies of domestic and foreign crude oil, and to simplify the administration of the program. The pricing provisions governing buy/sell program sales are expected to be amended pursuant to a final rule to be issued in September 1977.

DATES: Effective October 1, 1977. Further comments due on or before September 9, 1977 (see Supplementary Information).

ADDRESS: Send comments to: Executive Communications, Room 3317, Federal Energy Administration, Box NO, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Comment Procedures), 2000 M Street NW., Room 2214B, Washington, D.C. 20461 (202-254-5201).

Ed Villade (Media Relations), 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461 (202-566-9833).

Robert G. Bidwell, Jr. or H. William Gottfried (Program Office), 2000 M Street NW., Room 6128P, Washington, D.C. 20461 (202-254-9707).

Michael Paige or Samuel M. Bradley (Office of the General Counsel), 12th and Pennsylvania Avenue NW., Room 5134, Washington, D.C. 20461 (202-566-9565).

SUPPLEMENTARY INFORMATION: On July 18, 1977, FEA issued a notice of proposed rulemaking and public hearing (42 FR 37408, July 21, 1977) to revise the crude oil buy/sell program set forth in 10 CFR 211.65. Under the proposed amendments, the program would be limited to those refiner-buyers that have a demonstrated necessity for allocations of crude oil based on lack of access to adequate supplies of domestic and foreign crude oil. In addition, the proposal modified the pricing provision for sales of allocated crude oil to reflect more accurately the actual market value of crude oil sold under the program and simplified the administration of the program.

DISCUSSION OF COMMENTS

Comments on the proposed amendments to the crude oil buy/sell program

were invited through August 8, 1977, and eighteen written comments were received by FEA. The public hearing on the proposal was held on August 9, 1977, and fourteen persons presented oral statements. The oral statements and written comments presented the views of major integrated refiners, large independent refiners, small refiners, and trade associations representing small refiners. FEA believes that the comments received fairly represent the broad range of interests which would be affected by any changes in the buy/sell program.

ELIGIBILITY FOR PROGRAM PARTICIPATION

FEA proposed that program participation would be reduced by elimination of all large independent refiners and small refiners that have had allocations shown on the buy/sell list during the last year but have not exercised their purchase opportunities. In addition, FEA proposed that no refining capacity operational after August 31, 1977 and no reactivated refineries or refining capacity that has not been operated for a period of six months or more would be eligible for an allocation. All other small refiners (including those which had allocations of zero) would be eligible to apply for allocations under the program, and allocations would be granted for specific refineries as to which supplies of domestic crude oil were not sufficient and the required showing of lack of access to imported crude oil had been made.

(a) *General.* Although the majority of the large integrated refiners commenting preferred elimination of the buy/sell program, most of these refiners generally supported FEA's proposal to limit the scope of the program to small refiners that are able to demonstrate a need for allocated crude oil and FEA's proposed criteria for determining buyer eligibility for participation in the program. Many of the large refiners, however, recommended that a revised program should contain a phase-out schedule or termination date as an incentive for small refiners to resolve their supply problems without governmental intervention. Some testimony recommended that buyer eligibility should be further restricted to small refiners that purchased allocated crude oil in at least three of the last four allocation periods. With respect to the proposed eligibility criteria, many large refiners commented that eligible small refiners located at a port or on a navigable inland waterway should be required to demonstrate a commitment to acquiring facilities to receive imported crude oil within a reasonable time period in order to maintain eligibility under the program.

FEA's conclusion from the record in this proceeding is that there is no rationale for providing a termination date for the revised program or for requiring eligible small refiners to acquire access to terminal or storage facilities to receive imported crude oil as a condition of maintaining their eligibility under the program. Since the Emergency Petroleum Allocation Act of 1973, as amended,

provides for the expiration of allocation authority over crude oil in 1981, FEA believes that the majority of small refiners have sufficient incentives now to make alternative arrangements for obtaining future supplies of imported crude oil.

Small refiners commenting were generally critical of FEA's proposal to exclude from the program refiners that have not exercised their purchase opportunities during the last year. The principal objections that were raised in opposition to the proposal were that (1) exclusion on this basis would penalize those firms which have made concerted efforts to arrange for supplies of crude oil outside of the program; (2) non-use of the program in the past is not necessarily indicative of future need, particularly in light of the frequently erratic changes in the world crude oil market; (3) lack of past participation by some buyers in the program may have been due in part to sellers' unwillingness to offer a suitable crude oil or because the price for the crude oil made the sale uneconomic for the buyer; and (4) the proposed eligibility system would encourage refiners to make token purchases merely to maintain their eligibility in the program. In addition, small refiners which are dependent upon the Federal royalty oil program administered by the Department of the Interior and upon crude oil produced at Naval Petroleum Reserves for their crude oil supplies expressed concern over the absence of a provision for reentry into the buy/sell program in the event of the termination of these supply sources.

With respect to the proposed criteria for determining access to imported crude oil, many small refiners contended that the criteria are inflexible and thus constitute an inconclusive test of a refiner's access to imported crude oil. Specifically, some small refiners contended that the access test, that excludes refineries with crude oil runs to stills (excluding allocated crude oil) during the period January 1, 1977 through June 30, 1977 comprised of 20 percent or more of imported crude oil, establishes an absolute presumption of future access to foreign crude sources based on past conduct only and that it does not make any provision for changed circumstances that could limit, if not eliminate, a refinery's access to imported crude oil. In addition, some testimony indicated that the 20 percent test does not take into account the fact that a small refiner's dock facilities and storage capacity may make it impossible for it to receive tanker shipments on a regular basis.

On the basis of the evidence presented in the oral testimony and the written comments, FEA has concluded that it should examine further the need for a provision for re-entry into the buy/sell program for small refiners that are not eligible to apply for an allocation because they did not purchase any allocated crude oil during the period September 1976 through August 1977. Accordingly, FEA invites further comments

as to whether a re-entry provision should be added to the revised program adopted today and, if so, the form of such a provision. FEA is particularly interested in receiving comments from small refiners that made no purchases in the period September 1976 through August 1977 but believe they will require allocated oil in the future under the revised program. Comments in this regard should not address the allocation of crude oil during an embargo or a severe general shortage, since other allocation programs would be required to deal with such situations.

With respect to the proposed criteria for determining access to imported crude oil, none of the objections made by small refiners commenting convinced FEA that these should be revised. Specifically, very little evidence was presented which substantiated any conclusion that small refiners which are deemed to have access to imported crude oil and thus are ineligible for allocations would be unable to continue to make alternative arrangements for supplies of imported crude oil sufficient to sustain their operations. In view of the fact that there exists an active commercial international crude oil market involving the major oil companies, medium-size producers and many traders and brokers, FEA believes that small refiners which have secured imported crude oil in the past will continue to be able to make satisfactory arrangements in the future. However, in the event that there are significant changes in the access of a small refiner's refinery to imported crude oil, the amendments adopted today provide that FEA may review the eligibility of that refinery for participation in the program. FEA believes that this review provision should provide sufficient protection for refiners that are initially determined to be ineligible for an allocation.

(b) *Allocations for newly constructed refining capacity.* Large refiners commenting generally supported FEA's proposal to exclude new or expanded refining capacity from the buy/sell program and, as to refineries operational prior to September 1, 1977, to permit a maximum possible allocation of 25 percent of the refinery's capacity under the same access criteria as for other refineries. However, the majority of small refiners contended that the proposal was inequitable in that some refiners had relied on the continued existence of the current buy/sell program and, in particular, the provisions providing for allocations to future refining capacity in committing funds to the construction of additional refining capacity. In at least one case the proposal, in effect, would have rendered inoperative a decision of the Office of Exceptions and Appeals granting exception relief from the ninety-day requirements of 10 CFR 211.65(b)(1) to a firm which required an advance allocation in order to obtain financing necessary to complete a new refinery. Some testimony indicated that exclusion of newly constructed and expanded re-

fining capacity operational after September 1, 1977 was inconsistent with the provisions of the Emergency Petroleum Allocation Act of 1973, as amended, relating to market entry and expansion of refining facilities by small refiners.

On the basis of the evidence presented in the oral testimony and written comments, FEA has concluded that the proposed provision pertaining to new and expanded refineries should be modified to provide that any small refiner which has made a substantial commitment prior to the issuance of this final rule for the expansion of an existing refinery or construction of a new refinery would be permitted to apply for an allocation for the expanded capacity or new refinery. If the new or expanded refinery is determined not to have access to imported crude oil and thus is eligible for an allocation, the refinery or the expanded portion thereof would be granted a maximum allocation equal to 25 percent of its capacity. The allocation for the new or expanded refining capacity would be in effect for two allocation periods; for subsequent allocation periods, the allocation would be determined in accordance with the allocation formula adopted today.

With respect to small refiners that make a commitment after the issuance of this final rule for new or expanded refining capacity, FEA has determined to solicit further comments as to whether, and under what circumstances, such capacity should be eligible to apply for an allocation under the buy/sell program.

(c) *Large independent refiners.* As indicated above, under the proposed revisions to the buy/sell program the so-called large independent refiners would be eliminated from the refiner-buyer category as a result of the proposed amendments to the definitions of "small refiner" and "refiner-buyer". However, these refiners would not be refiner-sellers under the definition of that term in 10 CFR 211.62 if they qualify as independent refiners (as defined in 10 CFR 211.62). In light of these changes, several refiners commented that the so-called large independent refiners should be classified as refiner-sellers unless they were able to demonstrate their status as "independent refiners" as that term is defined in 10 CFR 211.62 and in the Emergency Petroleum Allocation Act of 1973, as amended.

In connection with the implementation of the June 1974 amendments to the buy/sell program, each refiner that claimed to be a small refiner or an independent refiner was required to file an affidavit with FEA setting forth the factual basis for its claim for the purpose of determining its status as a refiner-buyer. In evaluating these affidavits, FEA determined that certain of the independent refiners that are over the 175,000 barrel per day capacity limit qualified as refiner-buyers on the basis of their status as small refiners. Thus, the agency did not specifically rule on their status as independent refiners.

On the basis of the foregoing and the comments received in this proceeding, FEA has determined to adopt an amendment to the definition of "refiner-seller" in 10 CFR 211.62 which in effect freezes the refiner-seller category for the allocation period commencing October 1, 1977. This six-month period will provide any refiner that is not a small refiner by reason in the change in that defined term and which claims to be an independent refiner sufficient time to submit documentation to FEA pursuant to Subpart G of 10 CFR Part 205 to permit the agency to evaluate its status as an independent refiner. If any of these firms is unable to document its claim to the status of an independent refiner, it would become a refiner-seller under this program in the allocation quarter commencing April 1, 1978. The amendments adopted today also exclude from the definition of refiner-sellers refiners that are not small refiners or independent refiners all of the refining capacity of which was constructed after January 1, 1974.

PURCHASE OPPORTUNITIES FOR ELIGIBLE REFINER-BUYERS

Under the proposal, eligible refiner-buyers would be entitled to purchase an amount of crude oil equal to the difference between (A) the crude oil runs to stills for the refiner's own account at the eligible refinery in the corresponding six months of the previous year, including allocated crude oil, and (B) the runs to stills for the six month period immediately preceding the allocation period (determined by using the crude oil runs to stills level for that refinery for the refiner's account in the first four months of that period over the six month period), less the volume of allocated crude oil processed in the refinery.

Most of the large refiners commenting supported FEA's proposed formula for calculating a buyer's purchase opportunity under the program. However, several larger refiners recommended that an allocation ceiling be established for all buyers to encourage them to take appropriate action to maintain their operations in the face of changing supply conditions. Some large refiners also recommended that the formula be modified to preclude buyers from rolling-over unused purchase rights from one period to the next.

Many small refiners contended that the proposed formula for calculating a refiner's purchase opportunity would penalize a refiner which experienced a shutdown or a drop in runs to stills due to inventory drawdown during the corresponding period of the previous year or during the six-month period preceding the allocation period. The proposed formula also was criticized on the ground that it would discourage small refiners from locating sources of crude oil outside the program, since this action would result in a reduced allocation in a succeeding allocation period. In this regard, several small refiners recommended that the formula should contain an automatic

adjustment mechanism to compensate for unanticipated shortfalls in crude oil supply during an allocation period.

Contrary to the comments of several small refiners, the July 21, 1977 proposal contained a provision for adjustments to allocations to compensate for unusual or non-recurring operating problems. However, in light of the comments in this proceeding, FEA has determined to make provision, in addition to the provision for adjusting allocations to compensate for unusual or nonrecurring operating conditions, for emergency supplemental allocations at any time for eligible refiners that have experienced or will experience shortfalls in supply equal to 25 percent of their nonallocated supply in the preceding six-month period. Emergency supplemental allocations would be available only for supply shortfalls caused by disasters, acts of God, or other events over which the small refiner reasonably had no control. In addition, FEA has concluded that an adjustment to a refiner's purchase opportunity also would be appropriate where a buyer is not able to consummate a directed sale transaction due to the fault of a seller.

However, it is FEA's conclusion from the record in this proceeding that there is insufficient justification for providing an automatic adjustment provision to compensate for unanticipated shortfalls in crude oil supply or for a reduction in runs to stills due to inventory draw-down. FEA continues to believe that the general availability of crude oil in the world market should in most cases permit small refiners to make alternate arrangements for crude oil supply in periods of unanticipated shortfall. FEA is also not persuaded from the evidence presented in this proceeding that the proposed formula would discourage refiners from locating crude oil outside the program.

SALES OBLIGATIONS OF REFINER-SELLERS

The majority of the refiner-sellers commenting opposed FEA's proposal to retain the provision for carryover of sellers' sales obligations on the ground that it adds to the difficulties and uncertainties which the major refiners experience in developing crude oil scheduling. Many large refiners contended that the carryover provision is unfair, particularly where the unsold obligations are due to buyers' refusals to consummate transactions. On the basis of the evidence presented in this proceeding, FEA has determined to modify the carryover provision to provide for a reduction, as explained in more detail below, in the unsold obligations carried over for each refiner-seller.

PRICING OF ALLOCATED CRUDE OIL

Under the proposal, refiner-sellers would determine their weighted average landed cost separately for high sulfur and low sulfur crude oil, defined as crude oil above and below .6 percent sulfur by weight, respectively. The maximum permitted sale price of allocated

crude oil would be calculated by applying the current sulfur and gravity differentials of plus or minus three cents per one tenth percent sulfur by weight and three cents per °API against the weighted average landed cost of the category of crude oil in which the actual volume of crude oil sold to a refiner-buyer is included. With respect to transportation expenses recoverable by refiner-sellers, the proposal provided that refiner-buyers would be charged only actual additional transportation costs over and above the average of all transportation costs of imported crude oil included in the calculation of the price of allocated crude oil. Domestic transportation costs included in a refiner-seller's computation of landed costs will not be recoverable as additional expenses.

The majority of refiner-sellers and refiner-buyers commenting in this proceeding generally supported FEA's proposal for the pricing of allocated crude oil. One refiner-seller commented that the proposed pricing method failed to provide a procedure for refiner-sellers which import only high sulfur crude oil and are required to sell domestic low sulfur crude oil, as well as the converse of that situation. FEA is considering allowing refiner-sellers which import only one category of crude oil to use the weighted average landed cost of that category and to apply the current sulfur and gravity differentials provided in 10 CFR 212.94 (b) (3) (4) to determine the price of the crude oil sold under the program. However, FEA specifically invites further comments by the date specified above on an alternative means for calculating a fair market price for allocated crude oil in this type of situation.

Several refiner-sellers recommended that the regulation should provide for a one-month period in which to make the required calculations rather than the proposed three-month period. It is FEA's conclusion from the record that there are no compelling reasons at this time to adopt a one-month period for calculation of prices. However, FEA is interested in receiving further comments on this issue.

With respect to adjustments for transportation expenses, several refiner-sellers recommended that specific recognition should be given to a refiner-seller's transportation expense in replacing domestic crude oil which is sold under the program with imported crude oil and that a refiner-seller should be required to credit a refiner-buyer with transportation expenses saved in moving domestic crude oil to a refiner-buyer's refinery. Several refiner-sellers also recommended that a refiner-seller should be permitted to charge a refiner-buyer the transportation expense to move the domestic crude oil to the refiner-buyer's refinery in addition to the transportation expense incurred in moving replacement foreign crude oil from the port of entry to the refiner-seller's refinery.

On the basis of the comments in this proceeding, FEA has concluded that the proposal for transportation cost adjustments may be unfair, in certain situations, to both refiner-buyers and refiner-sellers. Accordingly, FEA is requesting further comments and recommendations by the date specified above with regard to a regulatory provision that would assure that only actual transportation costs will be charged or incurred in transactions involving allocated crude oil. FEA solicits comments on the most appropriate methods for determining transportation cost adjustments when either a domestic or an imported crude oil is actually delivered to a refiner-buyer. Specifically, FEA solicits comments on the following possible alternative provisions:

1. A refiner-seller would be required to reduce the transportation charge for crude oil sold under the program by an amount equal to its average cost of transporting crude oil from the U.S. Customs border to the seller's refinery and to increase the transportation charge by an amount equal to the cost of transporting domestic crude oil from the lease to the buyer's refinery. For example, if a refiner-seller's average domestic transportation cost for imported crude oil is \$0.40 per barrel, and the cost of transporting the domestic crude oil sold to the refiner-buyer from the lease to the buyer's refinery is \$0.52 per barrel, then the seller could charge the buyer \$0.12 per barrel over the seller's average landed cost for crude oil of that category.

2. A refiner-seller would be required to sell domestic crude oil to a refiner-buyer at the lease at the refiner-seller's average landed cost less the refiner-seller's average domestic transportation cost. The buyer would be required to arrange for the transportation of the crude oil from the lease to its refinery.

3. A refiner-seller would be required to reduce its average landed cost by its actual savings, if any, in moving domestic crude oil from the lease to its own refinery. The domestic crude oil would be sold to the refiner-buyer at the lease at this reduced cost.

4. A refiner-seller would be required to reduce its average landed cost by its average cost of transporting imported crude oil to its refineries from the U.S. Customs border and add actual domestic transportation cost from the point of entry to the point of delivery to the refiner-buyer when imported crude oil is actually delivered to the refiner-buyer.

As indicated above, FEA expects to issue a final rule applicable to the pricing provisions governing the buy/sell program in September 1977.

REPORTING REQUIREMENTS

The proposed modification of the present reporting requirements provided for a monthly report for refiner-buyers and refiner-sellers, which would have included the data now reported quarterly, plus information as to actual sales, purchases, crude oil runs to stills

of allocated crude oil, which are not now reported. In addition, FEA requested comments on whether refiners should be required to identify the volumes of differing quality crude oils processed in each of their refineries, which information could assist FEA in evaluating requests for directed sales.

There was considerable opposition to the proposed reporting requirements, the consensus being that they would be unduly burdensome and would serve no useful purpose. The objections convinced FEA that these reporting requirements should not be adopted as proposed. As explained in more detail below, FEA has decided to adopt a semiannual reporting requirement for refiner-buyers participating in the program and an abbreviated monthly reporting requirement for refiner-sellers with respect to crude oil sales under the program.

ALLOCATION PERIOD, DIRECTED SALES, AND CONDITIONS OF SALE

The majority of firms commenting in this proceeding generally supported FEA's proposal to adopt a six-month allocation period in lieu of the present three-month period and to permit refiner-buyers to request a directed sale at any time within the twenty-day period following the publication of the buy/sell notice. Most firms also supported the proposed amendments pertaining to the conditions of sales under the program.

With respect to the proposed directed sales amendment, some large refiners expressed concern that in certain situations their supply-to-capacity ratios for particular refineries could be reduced below the supply-to-capacity ratios of assigned refiner-buyers as a result of directed sales orders. Although FEA has not been persuaded by the evidence to modify the proposed provision to reflect these concerns, the agency will monitor the situation to ensure that refiner-sellers are selected for directed sales in a fair and equitable manner. In this regard, FEA may on occasion request refiner-sellers to provide information regarding their supply-to-capacity ratio at specified refineries which will assist the agency in selecting the most appropriate seller for directed sales.

With respect to the provision relating to the conditions of sale, several refiner-sellers objected to the requirement that the crude oil offered for sale must be "physically capable of being delivered to the refiner-buyer's refinery by transportation methods" normally used "to deliver crude oil to that refinery" (emphasis supplied). These firms contended that the "normally used" language was unduly restrictive since several reasonable alternative delivery systems might be available to the refiner-seller. In light of these comments, FEA has determined to eliminate this requirement from the conditions of sale provision adopted today. In lieu of this language, FEA is requiring that the crude oil offered for sale to a refiner-buyer must be "practical for delivery" and "physically capable" of being delivered to the buyer's refinery.

THE AMENDMENTS ADOPTED

Based on its analysis of the material submitted in the public hearing and in the written comments, and upon all other information available to it, FEA has determined to adopt the amendments to the crude oil buy/sell program essentially as proposed, with the modifications discussed below.

1. *Eligibility.* As discussed above, program participation in the revised buy/sell program will be reduced by the elimination of all large independent refiners, as well as small refiners that have had allocations shown on the buy/sell list during the last year but have not exercised their purchase opportunities. All other small refiners (including those which had allocations of zero) will be eligible to apply for allocations under the program, and allocations will be granted for specific refineries as to which the supplies of domestic crude oil are not sufficient and the required showing of lack of access to imported crude oil has been made.

Small refiners with newly constructed refining capacity that have received an allocation under the present buy/sell program for such capacity but have not yet commenced operations will be eligible for an allocation for such capacity. In addition, small refiners that have expended or are irrevocably committed to expend prior to the issuance of this final rule an amount equal to at least twenty percent of the total cost of newly constructed refinery capacity also will be eligible for an allocation for such capacity. The allocations for newly constructed refining capacity will not exceed twenty-five percent of such capacity and will be in effect for a maximum of two complete allocation periods. For subsequent allocation periods, the allocations will be determined in accordance with the formula adopted today for calculating purchase opportunities.

All applications for individual refineries will be evaluated according to the criteria proposed in the July 21, 1977 notice for determining whether or not the refinery has access to imported crude oil.

2. *Purchase opportunities for eligible refiner-buyers.* Under the amendments adopted today, eligible refiner-buyers will be entitled to purchase an amount of crude oil equal to the difference between (A) the crude oil runs to stills for the refiner's own account at the eligible refinery in the corresponding six months of the previous year, including allocated crude oil, and (B) the runs to stills for the six month period immediately preceding the allocation period (determined by using the crude oil runs to stills level for that refinery for the refiner's account in the first four months of that period over the six month period), less the volume of allocated crude oil processed in the refinery.

3. *Review of eligibility for allocations, adjustments to purchase opportunities, and emergency supplemental allocations.* As indicated above, FEA is adopting as proposed the amendment providing for

review of an adverse eligibility determination where significant changes in a refinery's access to imported crude oil have occurred. Requests for review of eligibility will not be accepted during an allocation period. FEA also is adopting as proposed the provision providing for adjustment of a refinery's allocation to compensate for reductions in crude oil runs to stills due to unusual or nonrecurring operating conditions. In addition, the adjustment provision will be available to small refiners which experience a reduction in crude oil runs to stills due to an unconsummated directed sale caused by delays of the refiner-seller.

Finally, as discussed above, FEA is adopting a provision for emergency supplemental allocations which would be available to eligible refiner-buyers to compensate for shortfalls in crude oil supply under certain limited circumstances.

4. *Sales obligations of refiner-sellers.* A refiner-seller's sales obligation will continue to be a fixed percentage share of the total amount of crude oil to be allocated to all refiner-buyers in an allocation quarter. The percentage share of each refiner-seller will be its proportional share of the reported refinery capacity of all refiner-sellers as of January 1, 1973. Since the amounts to be allocated to refiner-buyers should under the final rule more accurately reflect their actual purchases, the existing provision for calculating primary and secondary sales obligations for refiner-sellers is being eliminated. With respect to unsold sales obligations, the amount carried over for a refiner-seller will equal the product of its total sales obligation and the largest percentage of a sales obligation sold by any refiner-seller, less the volume of crude oil sold by the refiner-seller. The total sales obligation for each refiner-seller will therefore consist of a share of its unsold sales obligation from the previous allocation period, plus its fixed percentage share of that additional volume of crude oil, if any, necessary to make the total of the sales obligations of all sellers equal to the sum of the quantities of crude oil that all refiner-buyers are eligible to purchase for the allocation period.

5. *Directed sales.* FEA is adopting the procedures proposed for directed sales with the modifications explained above. The procedures adopted today are similar to those under the current program, except that refiner-buyers will be permitted to request directed sales as soon after the publication of a buy/sell list as they could demonstrate their inability to obtain allocated crude oil for their refinery under the program. Refiner-buyers may apply for directed sales at any time within the twenty (20) day period following publication of the list. This change is intended to speed up the directed sales process and to assure that refiner-buyers' allocations would be arranged before the beginning of the allocation period.

6. *Reporting requirements.* The final rule adopted today provides that each

refiner-buyer in the revised buy/sell program will be required to submit to FEA semiannually a report containing the following information for each of its refineries which receives an allocation: (1) Crude oil runs to stills; (2) purchases of allocated crude oil; (3) volume of domestic, imported, and allocated crude oil processed in the refinery; (4) volume of crude oil processed for the account of non-refiners; volume of crude oil processed for the account of the refiner by other refiners; (5) any change in refinery capacity since the previous report; and (6) deliveries of allocated crude oil made by refiner-sellers to each eligible refinery.

Refiner-sellers will be required to file a report with FEA each month summarizing crude oil sales under the program.

Both refiner-sellers and refiner-buyers will be required to notify FEA in writing or by telex of sales under the program within forty-eight (48) hours after arrangements therefor are completed. This is to enable FEA to complete directed sales in a timely manner. In addition, any refiner-buyer requesting a directed sale will be required to identify the volumes of differing quality crude oils historically processed by the refinery for which the request is made. FEA believes that the reporting requirements adopted today are reasonable and will not impose an unfair burden on either refiner-buyers or refiner-sellers.

7. *Pricing of allocated crude oil.* As indicated above, FEA is soliciting further comments by September 9, 1977 with regard to various issues, including the transportation adjustment provision applicable to the pricing of allocated crude oil. Accordingly, FEA has determined to defer issuance of a final pricing rule governing sales of allocated crude oil until late September 1977.

8. *Allocation period and buy/sell notice.* The allocation period adopted hereby is a six-month calendar period in lieu of the three-month allocation period under the present regulations. FEA believes the longer allocation period will simplify the administration of the program and add a greater degree of certainty for both refiner-buyers and refiner-sellers. The first allocation period will commence October 1, 1977.

On August 8, 1977 (42 FR 40448, August 10, 1977) FEA issued a proposed special rule for the appendix to Subpart C of Part 211 which would suspend the allocation quarter that would otherwise commence September 1, 1977 under the present regulations and would permit refiner-buyers that purchased their allocations in the current allocation period to purchase a pro-rata amount thereof in the month of September from the same refiner-sellers from which they purchased crude oil in the current quarter. In the notice FEA requested comments on whether it would be desirable to extend the current allocation period on a pro-rata basis for October, as well as September, to permit the thirty-day period between the publication of the first buy/sell notice and the beginning

of the first allocation period under the new program. In the event FEA determines that it is desirable to extend the current allocation period for two months, the revised buy/sell program adopted today would be implemented effective November 1, 1977, rather than October 1, as proposed, and the allocations for the first allocation period would be pro-rated over a five-month allocation period.

The buy/sell notice that specifies the quantities of allocated crude oil each refiner-buyer is eligible to purchase and each refiner-seller is required to sell will be published 30 days prior to the start of each allocation period, rather than 15 days prior to the beginning of an allocation quarter as provided under current regulations. FEA believes that this will make it easier for refiners to arrange purchases and sales of allocated crude oil and for refiner-buyers to apply for directed sales orders from FEA, if required. FEA expects that the buy/sell notice for the first allocation period will be issued on or about September 15, 1977.

PROVISIONS FOR ALLOCATION PERIOD COMMENCING OCTOBER 1, 1977

The amendments adopted hereby are made effective commencing with the allocation period beginning October 1, 1977. Any small refiner that is eligible to apply for an allocation for one or more of its refineries is required to submit an application to FEA no later than August 31, 1977. Separate applications are required for each refinery. Each application should contain full and detailed information necessary for FEA to evaluate the application under § 211.65(a) of the amendments adopted today. Specifically, each application must contain all information specified in § 211.65(a)(4). Data on crude oil runs to stills for the October 1, 1976 through May 31, 1977 period need not be resubmitted. FEA expects to issue decisions and orders on each application no later than October 1, 1977. As indicated above, FEA expects to publish the buy/sell notice for the first allocation period on or about September 15, 1977.

FURTHER COMMENTS SOLICITED

As indicated above, FEA is soliciting further comments from interested parties on various issues, including: (1) Whether the rule adopted today should be modified to permit re-entry into the buy/sell program for small refiners that are not eligible to apply for an allocation and, if so, under what circumstances re-entry should be permitted; (2) whether small refiners that make a commitment after the issuance of this rule for construction of a new refinery or expanded refinery capacity should be permitted to apply for an allocation under the buy/sell program; (3) an appropriate regulatory provision pertaining to transportation expenses recoverable by refiner-sellers which would ensure that the transportation expenses charged are fair to both refiner-buyers and refiner-sellers; and (4) an appropriate pricing pro-

vision for sales of allocated crude oil applicable to refiner-sellers which import only high sulfur crude oil (or only low sulfur crude oil) and are required to sell domestic low (or high) sulfur crude oil.

Written comments will be accepted and considered if received by September 9, 1977. Comments should be submitted to Executive Communications, Room 3317, Federal Energy Administration, Box NO, the Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on documents submitted with the designation "Crude Oil Buy/Sell Program." Fifteen copies should be submitted. FEA requests that parties submitting comments provide detailed data and, where appropriate, examples, in support of their comments.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act Pub. L. 94-163, as amended Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, Part 211 of Chapter II, Title 10, Code of Federal Regulations, is amended as set forth below, effective October 1, 1977, except that the provisions of 10 CFR 211.65(a)(4) amended hereby pertaining to applications for allocations for the allocation period commencing October 1, 1977 are effective immediately.

Issued in Washington, D.C., August 19, 1977.

J. PETER LUEDTKE,
Acting General Counsel.

1. Section 211.62 is amended to delete the definitions of "allocation quarter", "future refining capacity", "new refining capacity" and "refinery capacity"; to revise the definitions of "refiner-buyer", "refiner-seller" and "refining capacity"; and to add, in appropriate alphabetical sequence, a new definition of "allocation period", to read as follows:

§ 211.62 Definitions.

"Allocation period" means a consecutive six-month calendar period commencing either on April 1 or October 1 of each year. The first allocation period shall be the six-month period from October 1, 1977 through March 31, 1978.

"Refiner-buyer" means any small refiner which is determined to be eligible for an allocation of crude oil pursuant to § 211.65 of this subpart.

"Refiner-seller" means a refiner which is not a small refiner or independent refiner as defined in this section: *Provided*, That a refiner which is not a small refiner or an independent refiner, and all of the refining capacity of which has been constructed after January 1, 1974, shall not be classified as a refiner-seller: *And provided further*, That, for the allocation period commencing October 1,

1977, the refiners considered to be refiner-sellers for purposes of § 211.65 of this subpart shall include only those firms classified as refiner-sellers in the allocation quarter commencing June 1, 1977.

"Refining capacity" means, for each refinery, the capacity thereof as certified by the FEA. Any capacity of a refinery which has ceased to be operated continuously in the normal course of business shall be deducted from refining capacity.

"Small refiner" means a refiner, the sum of the capacity of the refineries of which (including the capacity of any person who controls, or is controlled by, or is under common control with such refiner) does not exceed 175,000 barrels per day.

2. Section 211.64 is amended to read as follows:

§ 211.64 Transactions under prior program.

Any agreement for the sale or purchase of crude oil entered into as a result of the provisions of this subpart as in effect immediately prior to October 1, 1977, shall be fully performed notwithstanding any provision of this subpart as in effect on October 1, 1977.

3. Section 211.65 is revised to read as follows:

§ 211.65 Method of allocation.

(a) *Eligibility for allocation.* (1) Any small refiner may apply to FEA for an allocation for one or more of its refineries: *Provided*, That the small refiner (i) purchased crude oil under the provisions of this section during the period September 1, 1976 through August 31, 1977, (ii) was listed on the buy/sell notices during the period September 1, 1976 through August 31, 1977, with an allocation of zero (0) barrels in all four allocation quarters in that period, or (iii) as to small refiners not shown on such buy/sell notices and other small refiners with newly constructed refinery capacity or reactivated refineries or refinery capacity, has completed the process design basis for the refining capacity concerned and has expended or is irrevocably committed to expend prior to August, 1977, an amount equal to at least twenty (20%) percent of the total cost of such refining capacity, in which latter case the FEA may assign such refining capacity a maximum allocation of twenty-five (25%) percent of the capacity. Such allocation will be in effect for a period not to exceed two allocation periods, following which the allocation for such refining capacity shall be calculated in accordance with the provisions of paragraph (b) of this section.

(2) A refinery shall only be eligible for an allocation if it is not deemed to have access to imported crude oil (other than Canadian crude oil).

(3) A refinery shall be deemed to have access to imported crude oil if:

(i) Twenty (20%) percent of its crude oil runs to stills (excluding crude oil purchased pursuant to this section) during the period January 1, 1977 through June 30, 1977 were comprised of imported (other than Canadian) crude oil; or

(ii) It is located at a port or on a navigable inland waterway providing access to imported crude oil, unless the small refiner that owns the refinery can document that it could not receive imported crude oil for one of the following reasons:

(A) The refinery is only accessible by water for a portion of the year, or

(B) The refinery was constructed to process domestic crude oil, and lacks dock and/or storage facilities that would permit it to process imported crude oil; or

(iii) It has direct access to a pipeline that routinely carries imported crude oil (other than Canadian crude oil) to inland refineries, unless the small refiner that owns the refinery can document that it could not receive a sufficient quantity of imported crude oil by pipeline for one of the following reasons:

(A) The refinery's volume of crude oil runs to stills (excluding crude oil processed for other refiners) have decreased by fifteen (15%) percent or more in the six months immediately preceding the refiner's application due to documented pipeline prorations.

(B) The required minimum size of pipeline shipments exceeds the refinery's storage capacity, or other available storage in the immediate area, or

(C) The refiner is required to supply pipeline fill in order to use the pipeline, and the minimum pipeline fill requirements are more than one-half of the refinery's storage capacity.

(4) Small refiners eligible under subparagraph (1) of this paragraph to apply for allocations for one or more of their refineries shall submit applications by September 1, 1977 for a determination of the refineries' eligibility for an allocation. Applications shall be addressed to the Program Manager, Crude Oil Allocation, FEA, in accordance with the procedures established in Subpart G of Part 205 of this chapter. Each application shall contain the information (including documentation where appropriate) necessary for the FEA to evaluate the application under the criteria specified in subparagraph (3) of this paragraph and the data on crude oil runs to stills necessary to calculate an allocation under paragraph (b) of this section, including the information specified in § 211.66(d) for the months of June and July 1977. Documentation should include copies of correspondence with pipeline companies, as well as any published requirements of pipeline companies as to required minimum shipments. Separate applications must be submitted for each refinery. The FEA may request additional information if necessary for evaluation of the application and shall notify each applicant of

its determination as to eligibility of the refinery or refineries concerned by September 30, 1977.

(b) *Purchase opportunities of refiner-buyers.* (1) In each allocation period, each refiner-buyer shall be entitled to purchase, for each refinery owned by that refiner-buyer that is determined by the FEA not to have access to imported crude oil, an amount of crude oil equal to the difference between the volume of crude oil runs to stills (not including crude oil processed for other refiners) at the eligible refinery in the corresponding period of the previous year (October 1, 1976 through March 31, 1977 for the first allocation period) and the volume of the crude oil runs to stills (not including crude oil processed for other refiners) at the eligible refinery for the six month period immediately preceding the allocation period for which the allocation is being determined (calculated by utilizing the level of the crude oil runs to stills at that refinery in the first four months of the period for the entire six-month period) less the volume of the crude oil runs to stills in the latter six month period attributable to crude oil purchased under this section: *Provided*, That any allocation granted under this paragraph may be adjusted if FEA determines pursuant to paragraph (a) of this section that a refiner-buyer's refinery has access to imported crude oil during certain seasons of the year.

(2) Crude oil allocated under this section shall be processed only at the refinery as to which the allocation was granted, and such crude oil must be processed in that refinery within forty-five days following the close of the allocation period for which that crude oil was allocated.

(3) No allocation shall be made under this section which will result in crude oil supplies in excess of one hundred (100%) percent of refining capacity for any refiner-buyer's refinery.

(4) No refiner-buyer shall purchase under this section (i) crude oil imported from Canada for processing in any first priority refinery (as defined in Part 214 of this chapter) owned by that refiner-buyer or (ii) domestic crude oil for processing in any such first priority refinery in excess of the average volumes thereof purchased by that refiner-buyer for that refinery in the period September 1, 1976 to August 31, 1977.

(c) *Review of eligibility for allocations, adjustments to purchase opportunities, and emergency supplemental allocations.* (1) Upon application by a small refiner to the FEA no less than 60 days or more than 90 days prior to the beginning of an allocation period, the FEA may: (i) Review the eligibility of a refinery owned by that refiner where significant changes in the refinery's access to imported crude oil have occurred since the refinery was determined by FEA to be ineligible for an allocation; (ii) adjust the allocation as to an eligible refinery to compensate for reductions in crude oil runs to stills due to unusual or nonrecurring operating conditions; or

(iii) adjust the allocation as to an eligible refinery to compensate for an unconsummated directed sale under paragraph (j) of this section due to documented delays in delivering crude oil to be sold under this section by the refiner-seller during the period September 1, 1976 through August 31, 1977, or an allocation period subsequent to October 1, 1977. Requests for review of eligibility for an allocation or adjustment to an allocation shall be made in accordance with the procedures established in Subpart G of Part 205 of this chapter. The FEA shall make its determinations within forty-five (45) days of the receipt of the application.

(2) Upon application at any time by a refiner-buyer, the FEA may grant an emergency supplemental allocation for one or more of the refiner-buyer's eligible refineries for one or more allocation periods, or for part of an allocation period; *Provided*, That such refiner shall be required to demonstrate that it has incurred or will incur a reduction in its crude oil supply (excluding crude oil allocated under this section or under § 211.63) for the eligible refinery for which an emergency supplemental allocation is sought equal to at least twenty-five (25%) percent of such crude oil supply in the preceding six-month period. In granting a request of a refiner-buyer for an emergency supplemental allocation, the FEA may also direct one or more refiner-sellers to sell a suitable type of crude oil to such refiner-buyer pursuant to paragraph (j) of this section. Requests for an emergency supplemental allocation shall be made in accordance with the procedures established in Subpart G of Part 205 of this chapter. The FEA shall make its determination within ten (10) days of the receipt of the application.

(3) The FEA may at any time, without application by the refiner-buyer concerned, review the eligibility of or allocation as to a refinery. Specifically, the FEA may institute such a review where it believes that significant changes in the supplies of domestic crude oil for any refinery have occurred or because of the need to reconsider the refinery's access to imported crude oil pursuant to paragraph (a) (3) of this section. The FEA may request additional information from the refiner concerned for the purposes of such a review. If appropriate, the FEA may determine that a refinery is ineligible for further allocations or may adjust the allocation of a refinery pursuant to an order issued under Subpart G of Part 205 of this chapter.

(d) *Leased or purchased refineries.* Leased or purchased refineries shall continue to be eligible for allocations on the same basis as in effect for the lessor or the previous owner, as the case may be; *Provided*, That the lessee or new refiner as to the refinery is a small refiner.

(e) *Computation of total allocation obligation.* The sum of the quantities of crude oil that all refiner-buyers are eligible to purchase for delivery during an allocation period shall be the total allo-

cation obligation for refiner-sellers for such allocation period.

(f) *Refiner-sellers' sales obligations—*
(1) *Sales obligation of each refiner-seller.* (i) Effective for the allocation period commencing October 1, 1977 and subsequent allocation periods, the FEA shall compute a sales obligation for each refiner-seller as provided in paragraph (f) (2) and (3) of this section. The total of the sales obligations of all refiner-sellers shall be equal to the total allocation obligation for the particular allocation period as computed in paragraph (e) of this section.

(ii) Each refiner-seller shall offer for sale, directly or through exchange, to refiner-buyers during an allocation period a quantity of crude oil equal to that refiner-seller's sales obligation.

(2) *Calculation of sales obligations.* (i) The sales obligation for each refiner-seller shall consist of that refiner-seller's fixed percentage share as calculated under subparagraph (2) (ii) of this paragraph (f) multiplied by the total sales obligation for all refiner-sellers adjusted by any carryovers of unsold sales obligations and FEA approved reductions in sales obligations for sales in excess of sales obligations in previous allocation periods.

(ii) A refiner-seller's fixed percentage share is its proportionate share of the total refining capacity of all refiner-sellers as reported to the Bureau of Mines on January 1, 1973, as certified by the FEA. Changes in refining capacity shall not subject a refiner-seller to any change in its fixed percentage share over the share identified for the first allocation period. No refiner-seller shall be required to sell any of its supplies of crude oil under this section if the sale thereof would effect a reduction in the supplies of crude oil imported from Canada allocated under Part 214 of this chapter to any first priority refinery (as defined in Part 214) owned by that refiner-seller or if the sale thereof would effect a reduction in the supply levels of domestic crude oil for any such first priority refinery, except that such refiner-seller is required to offer for sale under this section the average volumes of domestic crude oil sold under this section in the period September 1, 1976, through August 31, 1977, for use at an eligible first priority refinery owned by a refiner-buyer.

(3) *Carryover of sales obligations.* (i) The volume of each refiner-seller's unsold sales obligation in an allocation period shall be added to that refiner-seller's sales obligation in one or more subsequent allocation periods; *Provided*, That the unsold sales obligations of each refiner-seller so carried over shall not exceed an amount equal to the product of such refiner-seller's sales obligations and the largest percentage of a sales obligation sold by any refiner-seller, less the volume of crude oil sold by such refiner-seller.

(ii) The FEA shall pursuant to paragraph (j) (3) of this section, or may at its discretion in other cases, reduce a re-

finer-seller's sales obligation in an allocation period for sales in excess of its published sales obligation in a previous allocation period.

(g) *Buy/sell notice.* The buy/sell notice for the allocation period commencing October 1, 1977, shall be issued on or about September 15, 1977. For subsequent allocation periods, the buy/sell notice shall be published at least thirty days prior to the beginning of the allocation period. Each buy/sell notice shall list the quantity of crude oil each refiner-buyer is eligible to purchase, the total allocation obligation for all refiner-sellers, the fixed percentage share for each refiner-seller and the quantity of crude oil that each refiner-seller will be obligated to offer for sale to refiner-buyers. Upon publication of the notice, refiner-buyers and refiner-sellers shall negotiate purchases and sales of crude oil allocated pursuant to the notice. All sales, except directed sales pursuant to paragraph (j) of this section, must be contracted for within thirty (30) days after the publication of the buy/sell notice, and all deliveries must be completed within thirty (30) days following the close of the allocation period.

(h) *Sale/purchase transaction report.* Within forty-eight hours of the completion of arrangements therefor, each transaction made to comply with this section shall be reported in writing or by telex by the buyer and seller to the FEA. This report shall identify the refiner-seller, the refiner-buyer, the refineries to which the crude oil is to be delivered, the volumes of crude oil sold or purchased, and the period over which the delivery is expected to take place.

(i) *Conditions of sale.* (1) The terms and conditions of each sale of crude oil, other than the prices, shall be consistent with normal business practices.

(2) The crude oil offered must be suitable for processing in the refiner-buyer's refinery. Crude oil is deemed to be suitable for processing in a refinery if it has historically been processed in the refinery or if it has the same characteristics as crude oil that has historically been processed in the refinery. A refiner-seller may not be required to supply a specific type of crude oil to a refiner-buyer's refinery if the volume of the crude oil that would be sold would account for a greater percentage of the refinery's total crude oil runs to stills in the allocation period concerned than was the case for that type of crude oil during the previous twenty-four month period.

(3) The crude oil offered for sale by a refiner-seller must be practical for delivery to and physically capable of being delivered to the refiner-buyer's refinery. The refiner-seller is responsible for arranging delivery of allocated crude oil to the refiner-buyer's refinery.

(4) All crude oil sold pursuant to this section shall be priced in accordance with the provisions of Part 212 of this chapter.

(5) Exchanges of crude oil may be utilized to comply with the purchase and sale provisions of this section.

(j) *Failure to negotiate transactions.*

(1) Each refiner-buyer shall make its best effort to consummate the purchases of crude oil under this subpart from refiner-sellers prior to requesting assistance from the FEA. A refiner-buyer that is able to demonstrate its inability to consummate a sale despite making such effort may request, in accordance with the procedures established under Subpart G of Part 205 of this chapter, that the FEA direct one or more refiner-sellers to sell a suitable type of crude oil to such refiner-buyer. Such a request must be received by the FEA no later than 20 days after the publication of the buy/sell notice for the allocation period for which the assignment of a refiner-seller is requested. Such a request must also document the refiner-buyer's inability to purchase crude oil from refiner-sellers by supplying the following information to the FEA:

(i) Name of the refiner-buyer and of the person authorized to act for the refiner-buyer in transactions under this section.

(ii) Names and locations of the refineries for which crude oil has been sought, the amount of crude oil sought for each refinery, and the technical specifications of crude oil that have historically been processed in each refinery.

(iii) Statement of any restrictions, limitations or constraints on the refiner-buyer's purchases of crude oil, particularly concerning the manner or time of deliveries.

(iv) Names and locations of all refiner-sellers from which crude oil has been sought under the buy-sell notice, the refineries for which crude oil has been sought, and the volume and specifications of the crude oil sought from each refiner-seller.

(v) The response of each refiner-seller to which a request to purchase crude oil has been made, and the name and telephone number of the individual contacted at each such refiner-seller.

(vi) Such other pertinent information as the FEA may request.

(2) Upon receipt of such a request, the FEA may direct one or more refiner-sellers that have not sold their required sales obligations for the allocation period to sell crude oil to the refiner-buyer. If the refiner-buyer declines to purchase the crude oil specified by the FEA, the rights of that refiner-buyer to purchase that volume of crude oil are forfeited during that allocation period: *Provided*, That the refiner-seller or refiner-sellers have fully complied with the provisions of this section.

(3) The FEA may direct refiner-sellers to sell crude oil to refiner-buyers that have been unable to purchase their total allocations for the allocation period. In directing refiner-sellers to make such sales, the FEA shall consider the percentage of each refiner-seller's sales obligations for the allocation period that has been sold, as reported pursuant to paragraph (h) of this section, as well as the refiner-seller or sellers that can best be expected to consummate particular directed sales. If, in the FEA's opinion, a valid directed sale request cannot reasonably be expected to be consummated by a refiner-seller that has not completed all or substantially all of its sales obligation for the allocation period, the FEA may issue one or more directed sales orders that would result in one or more refiner-sellers selling more than their published sales obligations for that allocation period. In such cases, the refiner-seller or sellers will receive a barrel-for-barrel reduction in their sales obligations for the next allocation period pursuant to paragraph (f) (3) (ii) of this section.

4. Section 211.66 is amended by deleting paragraphs (c) and (f) and reserving them for future use and revising paragraphs (d) and (e) to read as follows:

§ 211.66 Reporting requirements.

(d) *Refiner-buyers' semiannual report.* Not later than the tenth (10th) day of the fifth (5th) month of each allocation

period (February 10, 1978 for the allocation period commencing October 1, 1977) each refiner-buyer shall file with the FEA a report containing the following information as to the six-month period ending with the last full month prior to which the report is filed:

(i) The volume of the crude oil runs to stills for each of its eligible refineries, by month, identifying the volumes of domestic, imported and allocated crude oils so processed.

(ii) The volume by month of crude oil processed for the account of other refineries in each such refinery, identifying such refineries and the volume processed.

(iii) The volume by month of crude oil processed for the account of non-refiners in each such refinery, identifying such non-refiners and the volume processed.

(iv) The volume of crude oil by month processed for the account of that refiner-buyer by other refineries, identifying such other refineries and the volume processed.

(v) Any change in refinery capacity since the previous report.

(vi) Purchases of allocated crude oil for each eligible refinery.

(vii) Deliveries of allocated crude oil made by refiner-sellers to each eligible refinery.

(e) *Refiner-sellers' monthly report.* Not later than the tenth (10th) day of each month, each refiner-seller shall file with the FEA a report containing the following information with respect to any crude oil delivered to a refiner-buyer under § 211.65 in the month prior to the filing of the report:

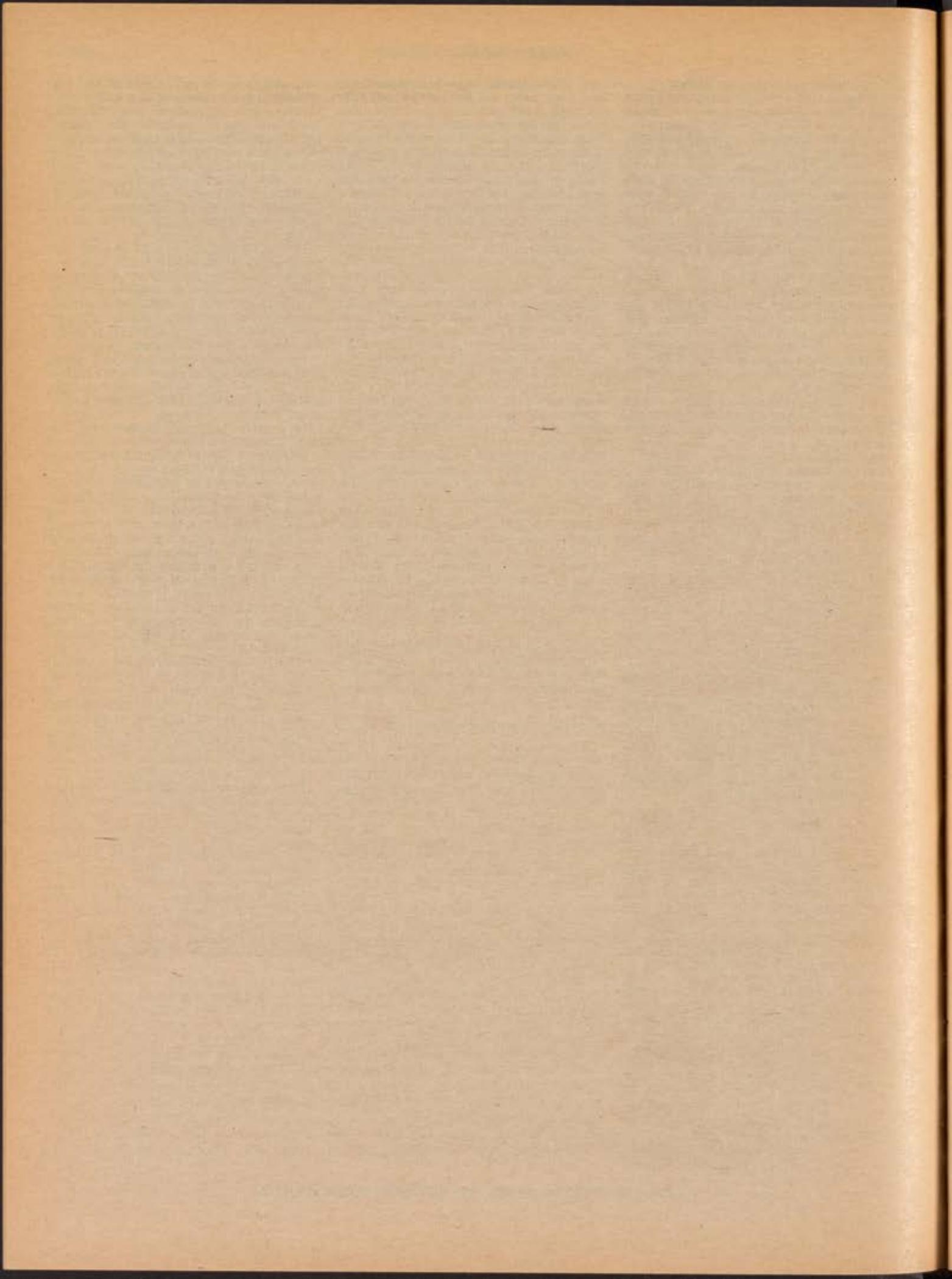
(i) The volume of crude oil delivered under § 211.65.

(ii) The name of the refiner-buyer for which and the refinery to which the crude oil was delivered.

(iii) The type of crude oil delivered by name, API gravity, and sulfur content.

(iv) The allocation period for which the crude oil was sold.

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Federal Register

WEDNESDAY, AUGUST 24, 1977

PART VI



**CONSUMER
PRODUCT SAFETY
COMMISSION**

■

**SELF-PRESSURIZED
CONSUMER PRODUCTS
CONTAINING
CHLOROFLUOROCARBON
PROPELLANTS**

Labeling and Data Submission
Requirements

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1401—SELF PRESSURIZED CONSUMER PRODUCTS CONTAINING CHLOROFUOROCARBONS: REQUIREMENTS TO PROVIDE THE COMMISSION WITH PERFORMANCE AND TECHNICAL DATA; REQUIREMENTS TO NOTIFY CONSUMERS AT POINT OF PURCHASE OF PERFORMANCE AND TECHNICAL DATA

Self-Pressurized Consumer Products Containing Chlorofluorocarbon Propellants: Labeling and Data Submission Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: This rule requires marketers and importers of self-pressurized consumer products that use a chlorofluorocarbon propellant to label such products with a warning that they contain chlorofluorocarbons that may harm the public health and environment by reducing ozone in the upper atmosphere. The Commission believes this labeling will help reduce unreasonable risks of injury associated with these propellants and assist consumers in evaluating the comparative safety of such products. The rule also requires manufacturers and importers to submit to the Commission certain information about aerosol products that contain chlorofluorocarbon propellants.

EFFECTIVE DATE: The requirements of this regulation become effective February 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles M. Jacobson, Division of Regulatory Management, Compliance and Enforcement Directorate, Consumer Product Safety Commission, Washington, D.C. 20207 (301-492-6400).

SUPPLEMENTARY INFORMATION:

PRODUCT DEFINITION

The requirements set forth below in 16 CFR Part 1401 apply to self-pressurized products containing fully halogenated chlorofluoroalkane (chlorofluorocarbon) propellants that are also consumer products as defined in section 3(a) (1) of the Consumer Product Safety Act (15 U.S.C. 2052(a) (1)). For the purposes of this regulation, "propellant" is defined as "a liquified or compressed gas in a container, where a purpose of the liquified or compressed gas is to expel material from the container. The material to be expelled may be the propellant itself and/or a material different from the propellant."

BACKGROUND

Chlorofluorocarbons are used as propellants in self-pressurized (aerosol) containers of a variety of products subject to the Commission's jurisdiction. Scientific research in recent years has indicated that chlorofluorocarbons may

pose a risk of depletion of the stratospheric ozone. The stratospheric ozone layer is of great importance in protecting life on earth from short wave ultraviolet rays of the sun. The consequences of ozone reduction include a possibility of a significant increase in human skin cancer and other effects of unknown magnitude on man, animals, and plants. Chlorofluorocarbon release may also cause climatic change, both by reducing stratospheric ozone and by increasing infrared absorption in the atmosphere.

A detailed history of the Commission's consideration of the problem of depletion of the earth's ozone layer from the release of chlorofluorocarbon propellants is set forth in the FEDERAL REGISTER notice which proposed this Part 1401 (42 FR 21807, April 29, 1977).

On November 22, 1976, the Commission granted a petition from the Natural Resources Defense Council (NRDC) to begin regulatory proceedings leading to a ban of certain fluorocarbons in aerosols. The Commission decided that, on the basis of the available information, certain aerosol consumer products with chlorofluorocarbon propellants may present an unreasonable risk of injury to consumers caused by destruction of the stratospheric ozone layer and that no feasible consumer product safety standard could adequately protect the public.

The Commission instructed its staff to prepare a notice proposing a ban of aerosol consumer products containing the compounds dichlorodifluoromethane, trichlorofluoromethane and other fluorocarbon compounds with similar physical and chemical properties as propellants.

In its decision, however, the Commission (CPSC) recognized that the Environmental Protection Agency (EPA), under the Toxic Substances Control Act (15 U.S.C. 2601-2629), planned regulatory action with respect to the non-essential uses of certain fluorocarbon propellants. Therefore, the Commission indicated that if EPA proposed a rule within a reasonable period of time and proceeded with regulatory action which would render Commission action in this area unnecessary, the Commission would consider terminating its proceeding.

The Commission's staff was instructed to cooperate closely with the EPA and the Food and Drug Administration (FDA), which had announced their intention to phase out the non-essential uses of fluorocarbons in products under their jurisdiction. Since that time, the staff has been working closely with the Interagency Chlorofluorocarbon Work Group (a committee including EPA, FDA, and CPSC representatives) to develop the proposed EPA prohibition on the manufacture, processing, and distribution of fully halogenated chlorofluoroalkanes for non-essential aerosol propellant uses.

EPA's proposed ban appeared in the FEDERAL REGISTER of May 13, 1977 (42 FR 24542), as did a complementary proposal by FDA to prohibit the use of certain fluorocarbons as propellants in self-pressurized containers of products sub-

ject to the Food, Drug, and Cosmetic Act (42 FR 24536). The ban proposed by EPA would ban chlorofluorocarbon propellants in non-essential consumer and other products where the purpose of the propellant is to expel from the container a liquid or solid material different from the propellant. EPA and FDA have indicated that they will also address in the future those products in which these propellants are used as the active ingredient or as both the active ingredient and the propellant. The Commission has reviewed EPA's proposed ban and has determined that banning action by the Commission is unnecessary at this time.

However, since the proposed EPA ban will not apply to every consumer product containing these propellants, and since the EPA proposal would not prohibit the sale of products subject to the ban that are sold and introduced into commerce by the processor by April 15, 1979, the Commission has decided to require that the aerosol consumer products within its jurisdiction that contain chlorofluorocarbon propellants shall bear a label stating that the product contains a chlorofluorocarbon and that such compounds may harm the public health and environment by reducing ozone in the upper atmosphere. In order to facilitate enforcement of the labeling rule, the Commission is also requiring manufacturers (including importers) to submit to the Commission information about aerosol products that contain chlorofluorocarbons, FDA, on April 29, 1977 (42 FR 22018), issued a final rule requiring that certain self-pressurized containers containing chlorofluorocarbon propellants bear the same label warning that is being required by the Commission. This FDA requirement applies to those finished products that are initially introduced into interstate commerce on or after October 31, 1977.

THE CPSC REGULATION

The final regulation which the Commission is issuing in this notice applies to self-pressurized consumer products which contain a chlorofluorocarbon propellant, regardless of whether any other material is expelled from the container. The regulation contains a requirement for submission of information concerning these products to the Commission and also contains a requirement that such products shall bear the following identification and warning statement:

WARNING—Contains a chlorofluorocarbon that may harm the public health and environment by reducing ozone in the upper atmosphere.

The warning may appear on a firmly affixed tag, tape, card, or sticker or similar overlabeling attached to the package. It must appear on the label with such prominence and conspicuousness as to render it likely to be read and understood by ordinary individuals under normal conditions of purchase. The warning shall appear on the immediate container of the consumer product and also on any outside container or wrapper

in which the product is normally offered for sale at retail.

The warning and identification statement is required to appear on the finished products that are imported or initially introduced into interstate commerce after February 20, 1978.

In addition, the manufacturers (including importers) of such products are required to submit to the Commission an identification of their specific self-pressurized products that are covered by this rule by type and brands, including identifying features such as package size, package or label design, and production codes. The initial report must be received by the Commission within 30 days after the effective date of Part 1401 (February 20, 1978), concerning all products imported or shipped on and after this date. Additional reports are required when any of the relevant information changes or when the manufacturer ceases distribution of the product in commerce.

As used in this regulation, the term "manufacturer" includes both a person who manufactures the product at the direction of another (such as a contract filler of aerosol products) and the person at whose direction the product is manufactured (such as the marketer of the brand).

For the purposes of Part 1401, the Commission defines the term "initially introduced into interstate commerce" to mean the first shipment of the product into interstate commerce by the firm marketing the product. There must be both physical movement in interstate commerce and passage of title to the product. Thus, mere shipment of a product across state lines from a contract filler to the marketer of the product would not constitute initial introduction into interstate commerce. All products initially introduced into interstate commerce before the effective date may continue to be distributed and sold even though they do not bear the warning statement. A finished product is a product which has been completely manufactured, packaged, and labeled.

The reporting requirement of § 1401.4 applies to "manufacturers," which, as explained above, includes both marketers and contract fillers. The Commission believes that enforcement of the regulation will be facilitated by the receipt of reports from both of these categories of manufacturers. The labeling requirement of § 1401.5, however, applies only to those manufacturers who import or "initially introduce" such products "into interstate commerce." Since, for the purposes of Part 1401, only the marketer can "initially introduce into interstate commerce," a contract filler is not responsible for seeing that labels bear the identification and warning statement.

As originally proposed, Part 1401 would have applied to products "first distributed in commerce" after the effective date. This terminology has been changed to "initially introduced into interstate commerce" in the final rule in

order to establish the same criteria as the FDA regulation in this regard.

REPORTING REQUIREMENT

The Commission is applying to the General Accounting Office (GAO) for clearance of the reporting requirement pursuant to 44 U.S.C. 3512 and 4 CFR Part 4 (Federal Reports Act and implementing regulations). The Commission will publish notice of the GAO's final action on the application.

COMMENTS ON THE PROPOSAL

The Commission received 15 written communications containing 21 comments on various aspects of the proposed regulation. The commentators included seven individuals, one retail and advertising firm, one refinery corporation, three manufacturers who make products that would be subject to this regulation, a major chemical company and manufacturer, the American Academy of Dermatology, the Chemical Specialties Manufacturers Association, Incorporated (CSMA), and the Natural Resources Defense Council, Inc. An explanation of the subject matter of the comments and the reasons why the Commission has accepted or rejected them is given below.

1. *In support of the regulation.* The largest group of comments that were received, six in all, supported the Commission's proposed regulation.

2. *In favor of a ban.* Four other comments, including two from persons who were also in favor of the Commission's proposed regulation, indicated that the Commission's action did not go far enough and that they wished to ban all products containing chlorofluorocarbon propellants.

The Commission agrees that a ban of non-essential consumer products containing chlorofluorocarbon propellants is desirable. As described above, the Commission has been working closely with the Interagency Chlorofluorocarbon Work Group to help develop a proposed EPA prohibition on the manufacture, processing, and distribution of fully halogenated chlorofluoroalkanes (chlorofluorocarbons) for non-essential aerosol propellant uses. The Commission has reviewed EPA's proposed ban and their statements of intention to regulate other products and has determined that further banning action by the Commission is unnecessary at this time because such would merely duplicate the proposed actions of EPA.

3. *Extend public comment.* One comment requested an extension of the public comment period in order to allow time for "organizing a people's lobby to gather 10 million signatures on a petition demanding an immediate and total ban of all fluorocarbon use."

As explained in paragraph 2 above, agencies of the federal government are already taking action to ban the non-essential uses of chlorofluorocarbon propellants. The Commission has decided that the proposed schedules for these bans are reasonable and that it

would be an unnecessary duplication for the Commission to take any banning action at this time. Accordingly, any petition relating to the extent or phasing of these bans should perhaps also be directed to FDA and EPA. The Commission has decided not to extend the period for public comment since the labeling requirement need not be delayed while banning actions are being considered by EPA and FDA.

4. *Indicate if no fluorocarbon.* One comment requested that aerosol products that do not contain a chlorofluorocarbon propellant should be required to have a label stating that fact. The requirement suggested by this comment is much broader than the requirements that were proposed, and consideration of the issues raised by this broader requirement would require a substantial period of time. If it were eventually decided that such a requirement was desirable, the requirement would probably have to be separately proposed or the entire regulation would have to be delayed to allow for its reproposal. The length of time required for this process of considering the additional issues raised by this comment and for repropounding the requirement could easily delay the effective date of this part past the time when EPA's ban will begin to have an effect in the marketplace. Accordingly, the Commission believes that it is not in the public interest to delay the issuance of Part 1401 while the possible ramifications of this suggestion are explored, and the comment is therefore not adopted at this time. The Commission also believes that potential benefit of such a requirement will be considerably reduced when the "pipeline" of unlabeled products is exhausted and consumers may rely on the absence of a chlorofluorocarbon warning on an aerosol consumer product as a sure indication that there is none present as a propellant.

In the proposal, the Commission specifically requested comments on a possible future regulation requiring the identification of all propellants in aerosol consumer products. Although no comments were received in response to this request, the subject matter of the comment discussed in the preceding paragraph will be considered during the consideration of any possible regulation in this area.

5. *The warning would result in too much label information.* One comment stated that requiring a warning label for fluorocarbons in aerosols would create an additional risk "since the essential instructions and cautions for use of the product may be missed in the welter of non-essential information that is competing for the consumer's limited capacity for absorbing information." The comment suggests that the Commission consult some human factor psychologists and run some experiments to measure information loss when the fluorocarbon warning label is added.

The Commission believes that the consumer should be alerted to all the serious

hazards that may be posed by a product and that the warnings on self-pressurized containers are not so numerous that the additional warning would substantially dilute the effectiveness of other warnings that may be required on products to alert consumers to even greater hazards. In addition, the regulation gives the manufacturer a choice in the way (by hang tag or other means) that the chlorofluorocarbon warning is attached to the container (so long as the warning is sufficiently prominent and conspicuous.) Accordingly, the Commission concludes that further consultation or experiments are not necessary.

6. *Make the effective date sooner.* The Natural Resources Defense Council, Inc. (NRDC), commented that it is important that the labeling requirement take effect as soon as possible. They believe that the effective date should not be delayed longer than 90 days.

The effective date proposed for Part 1401 was 180 days after promulgation of the part, with an additional 30 day period for submitting the required data to the Commission. The labeling requirements apply only to those consumer products containing chlorofluorocarbon propellants that were "imported or initially introduced into interstate commerce" on or after the effective date. For the purposes of this regulation, the Commission has defined the phrase "initially introduced into interstate commerce" to mean the first shipment of the product into interstate commerce by the firm marketing the product. There must be both physical movement in interstate commerce and passage of title to the product. Thus, mere shipment of a product across state lines from a contract filler to the marketer of the product would not constitute initial introduction into interstate commerce. Under the Commission's interpretation of "initially introduced into interstate commerce," the delay in the effective date need not take into account time required to clear out the wholesale and retail pipeline, since the regulation applies only to those products "initially introduced into interstate commerce" after the effective date of the regulation. However, the information available to the Commission indicates that an effective date of less than 180 days from the date of this notice could cause a substantial adverse economic effect on marketers who maintain a large inventory compared to their rate of production. Although the Commission would like the regulation to become effective as soon as is reasonably possible, it does not believe that such an adverse effect on these manufacturers is warranted. The 180-day delay in the effective date will allow these manufacturers to reduce their inventory to a reasonable level so that the cost to sticker or relabel the inventory will not be excessive.

7. *Regulation should apply to date of manufacture of product rather than date of distribution.* Whirlpool Corporation, which sells an aerosol deodorizer using chlorofluorocarbon gases as the propellant

to expel a deodorizer in connection with a trash compactor that they market, requests that the effective date be specified in relation to the date the product is manufactured, rather than the date of distribution in commerce. They argue that their wholesalers and independent retail outlets would not have time to dispose of their inventories of this aerosol product within 180 days. However, as explained above, the labeling portion of the regulation applies only to products initially introduced into interstate commerce after the effective date and not to products that are initially introduced into interstate commerce before the 180-day period and are subsequently sold by wholesalers and retailers. Accordingly, the change requested in this comment is unnecessary.

8. *Change the reporting requirements.* As proposed, Part 1401 required that data be submitted to the Commission identifying specific self-pressurized products by type and brand, including identifying features. These reports were required within 30 days after the effective date or within 30 days after a new product or new size is imported or first distributed in commerce. As proposed, reports would also have to be resubmitted within 30 days after each subsequent 6 month period. One comment suggests that instead of resubmitting reports every 6 month, resubmissions should be required only when any of the data in the first report changes or when a substitution for chlorofluorocarbon has been made in a product and the warning label is therefore being removed. The Commission agrees that the adoption of this suggestion would lighten the administrative burden on manufacturers, importers, and the Commission, while at the same time accomplishing the intended result. In addition, it would eliminate the necessity of comparing each 6-month report with the last one in order to determine which products have been withdrawn from the market (by inference from the failure to file a subsequent report). Accordingly, § 1401.3 (c) (formerly § 1401.3(b)) has been amended to require that subsequent reports be submitted when there is any change in the information that is required to be reported or if distribution of the product or size is stopped.

9. *Define "propellant."* Two comments (using identical wording) point out that the preamble of the proposed regulation used the terms "self-pressurized consumer products containing a fully halogenated chlorofluoroalkane (chlorofluorocarbon) as a propellant" and "self-pressurized consumer products containing chlorofluorocarbons" synonymously. The Commission agrees that this terminology is confusing, and the statement of the scope in § 1401.1 has been modified to specify that the consumer products referred to are only those in which the chlorofluorocarbon is used as a propellant.

These comments also request that the term "propellant" be defined and sug-

gest adoption of the terminology used in the Food and Drug Administration's labeling regulations (42 FR 22018). The FDA regulations contain the following restriction: "The warning * * * is applicable only to self-pressurized containers that use a chlorofluorocarbon in whole or in part as a propellant to expel from the container liquid or solid material different from the propellant." These comments claimed that in addition to clarifying the Commission's intent, adoption of the FDA propellant definition would achieve uniform inter-agency regulation, since the definition of "propellant" in EPA's proposed ban contains the same limitation as the FDA definition.

The Commission agrees that the term "propellant" should be specifically defined in order to remove the ambiguities mentioned in these comments. The Commission does not, however, believe that the limitation on the term "propellant" that is contained in the FDA regulation and the EPA proposal should apply to Part 1401. As can be inferred from the use of the broad term "self-pressurized consumer products containing chlorofluorocarbons" in Part 1401 as proposed and from the lack of a discussion of any limitation in the preamble of the proposal, the Commission never intended to limit the applicability of Part 1401 to only those products whose chlorofluorocarbons serve to expel other liquid or solid materials. The Commission believes that even where the self-pressurized container contains only chlorofluorocarbons or where chlorofluorocarbons are the active ingredient, the consumer should be informed of the presence of these chlorofluorocarbons in the product so that he or she may consider this fact in making the purchasing decision.

10. *Exempt "Drain Power."* Glamorene Products Corporation, the makers of "Drain Power", have requested that this product be exempted from the Commission's labeling regulation. "Drain Power" is an aerosol drain opener which injects liquefied chlorofluorocarbon 12 (F-12) into the drain pipe. The shock wave caused by the rapid expansion of the propellant travels through the hydrostatic head of water in the drain pipe to dislodge the clog. Glamorene states that the use of this product is safer than the use of the chemical drain openers that have been the major consumer remedy for clogged drains. They state that they have made exhaustive efforts to find an acceptable alternative to F-12 but that they have found nothing that would work without introducing other significantly safety hazards. They note that their product has been exempted from the proposed EPA ban.

The ban proposed by EPA as its initial step in regulating products containing chlorofluorocarbons does not apply to chlorofluorocarbons which are used in aerosols either as the active ingredient or as both the active ingredient and the propellant. This is so the public will not be denied the benefits of such products by means of an overall ban. However, it

is conceivable that some such products will be banned by EPA at a later date.

The labeling requirement which is issued by the Commission, however, will not prevent any consumer from utilizing any of the affected products. It does, however, insure that the consumer has access to information that can enable the consumer to make an informed choice of whether to use the product or not. The Commission believes that this choice should be available to consumers, who can weigh the risks involved in a product containing chlorofluorocarbon propellants against the risks involved in the available alternatives. Accordingly, Glamorene's request for an exemption of "Drain Power" from the scope of Part 1401 is denied.

11. *Falcon Safety Products Inc. exemption.* Falcon Safety Products Inc. (Falcon) requested an exemption for the following products manufactured by it that contain fluorocarbons:

(a) A fire detector in which freon (a chlorofluorocarbon) from a pressurized container operates an acoustic device to warn occupants.

(b) A burglar alarm in which an acoustic device is operated by freon from a pressurized container.

(c) A freon-powered horn.

(d) A canister of freon which is directed through a nozzle for cleaning instruments such as cameras, enlargers, and microscopes.

Falcon stated that there is insufficient room on many of these containers for additional instructions. In addition, they said it would be a severe financial hardship to change the dozens of printing plates for their labels. They argue that any labeling requirement instituted before a determination is made by EPA that these products are not "essential" would be arbitrary and unnecessarily harsh.

For the reasons given above in paragraph 10, the Commission does not believe that an exemption for these products is warranted. Since the regulation allows the flexibility to use hang tags, etc., for the required label, the size of the container should not present any difficulties. For this reason, it would also not be necessary to replace the existing label printing plates.

It also does not follow that products that are determined by EPA to be "essential" should not be labeled. Even for those consumer products that are sufficiently "essential" to be exempted from being banned by EPA, the consumer is entitled to exercise his or her right to choose whether to use such a product in view of the risks involved. The Commission believes that a consumer should be able to rely on the absence of a warning label on a consumer product as a sure indication that the product does not contain a chlorofluorocarbon propellant.

12. *Delete warning.* The Chemical Specialties Manufacturers Association, Incorporated (CSMA), suggested that the label should identify the presence of a chlorofluorocarbon but should not warn that it may harm the public health and environment by reducing ozone in the

upper atmosphere. They contend that the "hypothesis that certain chlorofluorocarbons may be a threat to the ozone layer has not been proved and many scientists have serious doubts about several aspects of the theory." Therefore, they argue, the benefits of the warning "must be considered wholly speculative." They further argue that even if the theory of ozone depletion is correct, the warning's benefits to public health are "clearly insignificant" because of the brief time the warnings will be available before the EPA ban and because of the "necessarily limited change in consumer purchasing habits it can realistically be expected to induce." They concluded that since the benefits of the warning are either speculative or insignificant, the requirement for warning labeling does not justify the "major unacceptable consequences." These consequences are said to include (1) creating consumer confusion concerning the nature of the risk, (2) promoting unwarranted discriminatory buying among products, and (3) fostering non-uniform state regulation.

In response to the implication that chlorofluorocarbons may not be a threat to the ozone layer, the Commission states that the great weight of current scientific opinion is that continued use of these compounds will result in a depletion of the ozone layer.³

Although there is some controversy as to the exact degree of ozone depletion, the Commission concludes that at any level within the range that is currently estimated by National Academy of Sciences' committees and other current researchers, the risk of harm is substantial.

The Commission also believes that providing the identification and warning statement on the containers of these products will substantially reduce the demand for them during the period that these products are available before the proposed EPA ban becomes effective. In addition, a number of products subject to Part 1401 are not affected by the initial phase of EPA regulation.

The Commission also does not agree with the allegation that Part 1401 will result in "major unacceptable consequences." The nature of the risk is stated in the warning statement and should not create consumer confusion. The warning will also enhance the consumer's ability to refrain from buying products containing chlorofluorocarbon propellants, and the Commission feels that the consumer is entirely warranted in making this choice. The Commission does

³ See the following reports, which may be obtained from the National Academy of Sciences, Printing and Publication Office, 2101 Constitution Avenue NW., Washington, D.C. 20418:

(a) Report of the Committee on Impacts of Stratospheric change of the National Academy of Sciences, "Halocarbons: Environmental effects of Chlorofluoromethane Release." (\$6.25, Order No. 2529)

(b) Report of the National Academy of Sciences Panel on Atmospheric Chemistry "Halocarbons: Effects on Stratospheric Ozones." (\$10.25, Order No. 2532)

not believe that Part 1401 will foster non-uniform state regulation, and, in fact, believes it will have precisely the opposite effect.

CONCLUSION

After considering the comments that have been received on the proposal and other available information, the Commission finds that the use of chlorofluorocarbons as propellants in self-pressurized consumer products presents an unreasonable risk of injury to the public, and that pursuant to section 27 (e) of the Consumer Product Safety Act, the provisions of proposed Part 1401, modified as discussed above, are necessary and required to carry out the purposes of the Act (1) to protect the public against unreasonable risks of injury associated with consumer products and (2) to assist consumers in evaluating the comparative safety of consumer products.

Therefore, under provisions of the Consumer Product Safety Act (sec. 27 (e), 86 Stat. 1228, 15 U.S.C. 2076(e)), the Commission amends Title 16, Chapter II, of the Code of Federal Regulations by adding to subchapter B a new Part 1401 reading as follows:

Sec.

1401.1 Scope.

1401.2 Purpose.

1401.3 Definitions.

1401.4 Submission of performance and technical data to the Commission.

1401.5 Providing performance and technical data to purchasers by labeling.

1401.6 Effective date.

AUTHORITY: Secs. 2(b), 27(e), Pub. L. 93-573, 86 Stat. 1208, 1228 (15 U.S.C. 2051(b), 2076(e)).

§ 1401.1 Scope.

This Part 1401 establishes requirements under section 27(e) of the Consumer Product Safety Act (15 U.S.C. 2076 (e)) for marketers and importers of self-pressurized consumer products that contain chlorofluorocarbons as propellants to provide notification of certain performance and technical data to prospective purchasers of such products at the time of original purchase and to the first purchaser of such products for purposes other than resale. The notification shall consist of a label on the product stating that it contains a chlorofluorocarbon that may harm the public health and environment by reducing the ozone in the upper atmosphere. Also, manufacturers and importers must provide the Commission with reports identifying which of the self-pressurized consumer products sold by them contain chlorofluorocarbon propellants.

§ 1401.2 Purpose.

Chlorofluorocarbons are used as propellants in self-pressurized containers of a variety of products subject to the Commission's jurisdiction. Scientific research has indicated that chlorofluorocarbons may pose a risk of depletion of ozone in the stratosphere. The stratospheric ozone shield is of great importance in protecting life on earth from shortwave ultra-

violet rays of the sun. Ozone depletion allows more of these rays to reach the earth, and the consequences include a possibility of a significant increase in human skin cancer and other effects of unknown magnitude on man, animals, and plants. Chlorofluorocarbon release may also cause climatic change, both by reducing stratospheric ozone and by increasing infrared absorption in the atmosphere. The Commission believes that the requirements of this Part 1401 will enable consumers to make a conscious choice of whether to use products that contain chlorofluorocarbon propellants. The Commission also believes that these requirements are necessary in order to carry out the purposes of the Consumer Product Safety Act of (a) helping to protect the public against unreasonable risks of injury associated with consumer products and (b) assisting consumers in evaluating the comparative safety of consumer products.

§ 1401.3 Definitions.

For the purposes of this Part 1401:

- (a) "Chlorofluorocarbon" means any fully halogenated chlorofluoroalkane.
- (b) "Finished product" means a product which has been completely manufactured, packaged, and labeled.
- (c) "Initially introduced into interstate commerce" means the first shipment of the product into interstate commerce by the firm marketing the product. There must be both physical movement in interstate commerce and passage of title to the product. Thus, mere shipment of a product across state lines from a contract filler to the marketer of the product would not constitute initial introduction into interstate commerce. All products initially introduced into interstate commerce before the effective date may continue to be distributed and sold even though they do not bear the warning statement.
- (d) "Manufacturer" means any person who manufactures or imports a consumer product. The term includes both a person who manufactures the product at the direction of another (such as a

contract filler of aerosol products) and the person at whose direction the product is manufactured (such as the marketer of the brand).

(e) "Propellant" means a liquefied or compressed gas in a container, where a purpose of the liquefied or compressed gas is to expel material from the container. The material to be expelled may be the propellant itself and/or a material different from the propellant.

(f) The definitions given in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) shall, where applicable, apply to this Part 1401.

§ 1401.4 Submission of performance and technical data to the Commission.

(a) All manufacturers, as defined in § 1401.3(d), of self-pressurized consumer products that contain a chlorofluorocarbon as a propellant shall submit to the Commission performance and technical data concerning all such products that they import or ship after February 20, 1978. The data shall consist of an identification of such products by type, brand, and identifying features such as package size, package or label design, and production codes.

(b) If the manufacturer claims confidentiality for any of the information required to be submitted by paragraph (a) of this section, the portions of the material for which confidentiality is claimed must be identified as required by the Commission's regulations under the Freedom of Information Act (16 CFR 5 Part 1015, issued February 22, 1977, at 42 FR 10490).

(c) The data required by paragraphs (a) and (b) of this section shall be submitted in writing to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. The data shall be submitted so that it is received by the Commission by March 22, 1978, or, if a new product or new size is imported or shipped after February 20, 1978, by 30 days after such importation or shipment. The Commission shall also be notified (1) of any change in the information required to be submitted by

paragraph (a) of this section or (2) if the manufacturer has stopped shipping the product or size. These reports shall be submitted so that they are received by the Commission within 30 days after the event that requires the report.

§ 1401.5 Providing performance and technical data to purchasers by labeling.

(a) Manufacturers of self-pressurized consumer products containing a chlorofluorocarbon propellant shall provide performance and technical data concerning such products that they import or initially introduce into interstate commerce after February 20, 1978, to prospective purchasers at the time of original purchase and to the first purchaser for purposes other than resale. The data shall consist of the following identification and warning statement: "WARNING—Contains a chlorofluorocarbon that may harm the public health and environment by reducing ozone in the upper atmosphere."

(b) The identification and warning statement required by paragraph (a) of this section shall be in addition to any other required labeling and shall be sufficiently prominent and conspicuous as to be likely to be read and understood by ordinary individuals under normal conditions of purchase. This identification and warning statement shall appear on the immediate container of the product and also on any outside container or wrapper in which the product is normally offered for sale at retail. The identification and warning statement may appear on a firmly affixed tag, tape, card, or sticker or similar overlabeling attached to the package.

§ 1401.6 Effective date.

This part becomes effective February 20, 1978.

Dated: August 19, 1977.

RICHARD E. RAPPS,
Secretary, Consumer
Product Safety Commission.

[FR Doc.77-24502 Filed 8-23-77;8:45 am]

Federal Register

WEDNESDAY, AUGUST 24, 1977

PART VII



**FEDERAL ENERGY
ADMINISTRATION**

■

**DOMESTIC CRUDE OIL
ALLOCATION PROGRAM**

Entitlement Notice for June 1977

**FEDERAL ENERGY
ADMINISTRATION**
DOMESTIC CRUDE OIL ALLOCATION
Entitlement for June 1977

In accordance with the provisions of 10 CFR § 211.67 relating to FEA's domestic crude oil allocation program the monthly notice specified in § 211.67(i) is hereby published.

Based on reports for June 1977 submitted to FEA by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports and imported naphtha utilized as a petrochemical feedstock in Puerto Rico; application of the entitlement adjustment for residual fuel oil production for sale in the East Coast market provided in § 211.67(d)(4); July 1977 deliveries of crude oil for storage in the Strategic Petroleum Reserve; and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio for June 1977 is calculated to be .272894.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of June 1977, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to .324493 of a barrel of deemed old oil.

The issuance of entitlements for the month June 1977 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR § 211.67(i)(4), FEA hereby fixes the price at which entitlements shall be sold and purchased for the month of June 1977 at \$8.65,

which is the exact differential as reported for the month of June between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil, less the sum of 21 cents.

In accordance with 10 CFR § 211.67(b), each refiner that has been issued fewer entitlements for the month of June 1977 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of June 1977 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of June 1977 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for that month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for the months September 1975 through May 1977 pursuant to 10 CFR § 211.67(j)(1).

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by FEA pursuant to § 211.67(h).

The listing contained in the Appendix identifies in a separate column additional entitlements issued to refiners pursuant to relief granted by FEA's Office of Exceptions and Appeals. Also set forth in this column are the adjustments for relief granted by the Office of Exceptions and Appeals for 1975, which adjustments are being reflected in monthly installments commencing with the September 1976 entitlement notice. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, see *Beacon Oil Company, et al*, 4 FEA par. 87,024 (November 5, 1976).

For purposes of the adjustments to refiners' crude run volumes under § 211.67(d)(4), total production of residual fuel oil for sale in the East Coast market (in excess of the first 5,000 barrels per day thereof for each refiner reporting such production) was 9,853,650 barrels for June 1977. For that month, import of residual fuel oil eligible for entitlement issuances totaled 30,285,107 barrels.

The total number of entitlements required to be purchased and sold under this notice is 23,031,329.

Payment for entitlements required to be purchased under 10 CFR § 211.67(b) for June 1977 must be made by August 31, 1977.

On or prior to September 10, 1977, each firm which is required to purchase or sell entitlements for the month of June 1977 shall file with FEA the monthly transaction report specified in 10 CFR § 211.66(i) certifying its purchases and sales of entitlements for the month of June. FEA has mailed the monthly transaction report forms for the month of June to reporting firms. FEA requests that firms which have been unable to locate other firms for required entitlement transactions by August 31, 1977 contact FEA at 202-254-6296 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to August 31, 1977, FEA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR § 211.67(k).

This notice is issued pursuant to Subpart G of FEA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with FEA's Office of Exceptions and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before September 23, 1977.

Issued in Washington, D.C. on August 18, 1977.

ERIC J. FYGI,
Acting General Counsel.

ENTITLEMENTS FOR DOMESTIC CRUDE OIL

REPORTING FIRM SHORT NAME	DEEMED OIL OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	E N T I T L E M E N T PRODUCT ENTITLEMENTS	1 0 M O N T H CLEAN-UP	P O S I T I O N REQUIRED TO BUY	***** REQUIRED TO SELL
A-JOHNSON	0	139,889	0	0	0	0	159,889
ALLIED	61,694	59,590	0	0	0	2,104	0
AMER-PETROFINA	1,497,863	1,306,042	0	0	0	189,841	0
AMERADA-HESS	1,619,204	3,461,577	0	263,351	0	0	1,842,373
AMOCO	11,546,309	9,529,470*	0	0	0	2,016,839	0
APCO	369,259	459,746	0	0	0	0	90,487
ARCO	6,165,467	6,272,295	0	0	0	0	106,828
ARIZONA	68,914	55,494	6,849	0	0	13,420	0
ASAMERA	248,235	215,684	0	0	0	32,551	0
ASHLAND	1,749,837	2,882,567	0	0	0	0	1,132,730
ASIATIC	0	220,224	0	220,224	0	0	220,224
AUGSBURY	0	6,744	0	6,744	0	0	6,744
BASIN	40,409	44,399	0	0	0	0	3,990
BAYOU	62,057	63,622	0	0	0	0	1,565
BEACON	238,762	172,211	1,365	0	0	66,551	0
BELCHER	0	137,050	0	137,050	0	0	137,050
BI-PETRO	2,048	73,936	0	0	0	0	71,888
C&H	0	667	0	0	0	0	667
CALUMET	22,283	31,736	0	0	0	0	9,453
CANAL	68,641	67,645	0	0	0	796	0
CARIBOU	119,470	105,391	0	0	0	14,079	0
CASTLE	0	12,280	0	12,280	0	0	12,280
CENTRAL	0	18,156	0	18,156	0	0	18,156
CHAMPLIN	1,945,754	1,548,765	0	0	0	396,989	0
CHARTER	541,882	1,019,034	421,710	0	0	0	477,152
CHEVRON	7,426,656	9,885,028	0	18,603	0	0	2,458,372
CIRILLO	0	29,284	0	29,284	0	0	29,284
CITGO	2,652,775	2,039,750	0	0	0	613,025	0
CLAIBORNE	81,068	61,664	0	0	0	19,404	0
CLARK	293,122	973,386	0	0	0	0	680,264
COASTAL	380,421	1,564,130	0	0	0	0	1,183,709
COLONIAL	0	53,248	0	53,248	0	0	53,248
CONOCO	3,551,537	2,693,833	0	14,661	0	657,704	0
CORCO	0	1,583,393	231,059	310,856	0	0	1,383,393

ENTITLEMENTS FOR DOMESTIC CRUDE OIL

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	F N I T L E M E N T PRODUCT	P O S I T I O N 10 MONTH CLEAN-UP	REQUIRED TO BUY	REQUIRED TO SELL
CRA-FARMLAND	419,279	642,401	0	0	0	0	223,122
CROSS	48,565	55,451	0	0	0	0	6,886
CROWN	345,253	751,791	0	0	0	0	406,538
CRYSTAL-OIL	236,312	193,982	0	0	0	42,330	0
CRYSTAL-REF	719	38,852	0	0	0	0	58,133
DELTA	215,212	391,408	26,586**	0	0	0	176,196
DEMEND	4,593	18,250	0	0	0	0	22,843
DIAMOND	660,405	478,893	0	0	0	181,512	0
DILLMAN	0	995	0	0	0	0	995
DORCHESTER	9,541	12,498	0	0	0	0	2,957
DOW	93,131	165,741	0	0	0	0	72,610
E-SEABOARD	0	66,063	0	66,063	0	0	66,063
ECO	7,356	14,991	0	0	0	0	7,635
EDDY	39,939	35,270	0	0	0	4,669	0
EDGINGTON-OIL	0	-117,529	-117,529	0	0	117,529	0
ENERGY-COOP	25,011	1,190,058	0	0	0	0	1,165,047
EVANGELINE	54,789	40,599	0	0	0	14,190	0
EXXON	13,915,924	11,415,376	0	508,986	0	2,500,548	0
EZ-SERVE	29,360	47,746	0	0	0	0	18,386
FARMERS-UN	191,543	395,822	0	0	0	0	204,279
FLETCHER	0	188,136	0	0	0	0	188,136
FLINT	9,767	11,040	0	0	0	0	1,273
GARY	48,690	80,647	0	0	0	0	31,957
GETTY	1,186,605	1,006,502	0	0	0	180,103	0
GIANT	20,067	43,593	0	0	0	0	23,526
GIBSON	381	3,047	0	0	0	0	2,666
GLACIER-PARK	82,035	41,985	0	0	0	40,050	0
GLADIEUX	53,217	83,583	0	0	0	0	30,366
GLENROCK	2,687	2,720	0	0	0	0	33
GOLDEN-EAGLE	0	153,274	0	0	0	0	153,274
GOLDKING	76,112	77,163	0	0	0	0	1,051
GOOD-HOPE	93,250	368,700	0	0	0	0	275,450
GUAM	0	221,031	0	0	0	0	221,031
GULF	8,277,133	6,477,250	0	38,016	0	1,799,883	0

ENTITLEMENTS FOR DOMESTIC CRUDE OIL

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	E N I T L E M E N T PRODUCT CLEAN-UP	10 MONTH REQUIREMENT TO BUY	***** REQUIRED TO SELL
GULF=STS	53,108	35,705	0	0	17,403	0
HIRI	0	515,742	0	0	0	515,742
HOWARD	0	21,139	0	21,139	0	21,139
HOWELL	678,282	397,738	0	0	280,544	0
HUDSUN=DIL	55,808	217,060	0	0	0	161,252
HUNT	222,941	333,315	0	0	0	110,374
HUSKY	765,492	765,492	358,862	0	0	0
INDEPENDENT=REF	158,241	177,329	0	0	0	19,088
INDIANA=FAH	75,324	228,898	0	0	0	153,574
INGER=DIL	179	461	0	0	0	282
J&K	238,799	238,799	153,566	0	0	0
KENCO	22,591	35,349	0	0	0	12,756
KENTUCKY	2,634	4,188	0	0	0	1,554
KERN	674,182	726,780	404,362	0	0	54,598
KERR=MC GEE	1,451,179	1,284,536	0	0	166,643	0
KOCH	361,023	961,083	0	0	0	600,060
LAGLORIA	439,015	430,663	0	0	8,352	0
LAKESIDE	16,241	50,877	0	0	0	34,636
LAKETON	110,035	131,197	0	0	0	21,162
LITTLE=AMER	1,195,518	1,152,377	585,861	0	43,141	0
LOUISIANA=LAND	368,268	386,309	0	0	0	22,041
MACHILLAN	41,890	182,928	0	0	0	140,938
MARATHON	3,932,296	3,544,615	0	0	387,681	0
MARION	199,265	239,150	0	0	0	39,885
MID=AMER	44,394	96,061	0	0	0	51,667
MID=TEX	44,340	24,265	0	0	20,075	0
MIDLAND	0	-10,191	-10,191	0	10,191	0
MOBIL	8,119,715	6,896,257	0	15,710	1,223,458	0
MOHAWK	421,640	387,636	82,403	0	34,004	0
MONOCO	0	9,009	0	9,009	0	9,009
MONSANTO	397,096	346,182	0	0	50,914	0
MORRISON	27,681	16,462	0	0	11,219	0
MOUNTAINEER	7,670	8,469	0	0	0	799
MURPHY	851,161	857,175	0	0	0	6,014

ENTITLEMENTS FOR DOMESTIC CRUDE OIL

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	***** ENTITLEMENTS CLEAN-UP	***** PRODUCT 10 MONTH REQUIRED TO BUY	***** REQUIRED TO SELL
N-AMER=PETRO	63,622	153,069	0	0	0	89,447
NATL=COOP	330,132	506,222	0	0	0	176,090
NAVAJO	327,971	327,971	8,126	0	0	0
NEVADA	904	2,569	0	0	0	1,665
NEW=EDGINGTON	455,618	541,223	274,693	0	0	85,605
NEW=ENGL=PETRO	0	398,381	0	398,381	0	398,381
NEW HALL	168,667	162,609	10,423	0	6,058	0
NORTHEAST=PETRO	0	39,073	0	39,073	0	39,073
NORTHLAND	35,240	66,569	0	0	0	51,329
NORTHVILLE	0	8,587	0	8,587	0	8,587
OKC	218,275	263,371	1,895	0	0	45,096
OXNARD	14,774	12,491	0	0	2,283	0
PASCO	0	65,756	65,756	0	65,756	0
PATCHUGUE	0	12,601	0	12,601	0	12,601
PENNZOIL	823,049	525,332	0	0	0	0
PESTER	132,461	249,682	0	0	297,717	117,221
PETRO=HEAT=CT	0	1,637	0	1,637	0	1,637
PHILLIPS	2,723,134	2,315,592	0	0	407,542	0
PHILLIPS=PR	0	192,208	0	192,208	0	192,208
PIONEER	34,667	67,061	0	0	0	32,394
PITTSTON	0	54,943	0	54,943	0	54,943
PLACID	192,230	407,503	0	0	0	215,273
PLATEAU	114,870	172,345	0	0	0	57,475
POWERINE	65,220	352,457	0	0	0	267,237
PRIDE	152,769	334,452	0	0	0	181,683
PRINCETON	1,598	72,059	0	0	0	70,461
QUAKER=ST	57,504	253,116	0	0	0	195,612
RANCHO=REF	36,462	595	0	0	0	0
RICHARDS	1,261	77,040	0	0	35,867	0
RICO	0	6,550	0	6,550	0	75,779
ROAD=OIL	0	3,462	0	0	0	6,550
ROCK=ISLAND	283,255	354,070	0	0	0	3,462
SABER=TEX	24,528	152,308	39,150	0	0	70,815
SABRE=CAL	223,867	145,931	53,596	0	77,936	127,780

ENTITLEMENTS FOR DOMESTIC CRUDE OIL

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	E N T I T L E M E N T PRODUCT ENTITLEMENTS	1 0 M O N T H CLEAN-UP	I T I O N REQUIRED TO BUY	***** REQUIRED TO SELL
SAGE=CREEK	3,782	5,348	0	0	0	0	1,566
SAN=JUAQUIN	182,279	182,279	17,893	0	0	0	0
SEMINDLE	0	64,152	0	0	0	0	64,152
SHELL	12,400,446	8,772,179	0	0	0	3,628,267	0
SIGMOR	4,638	150,431	0	0	0	0	145,793
SO=HAMPTON	57,934	207,643	0	0	0	0	149,709
SOHIO	1,618,874	3,340,041	0	0	0	0	1,721,167
SOMERSET	48,206	69,832	0	0	0	0	21,626
SOUND	11,240	33,555	0	0	0	0	22,315
SOUTHERN=UNION	396,825	347,970	0	0	0	0	41,145
SOUTHLAND	466,809	312,831	64,535	0	0	153,978	0
SOUTH=WESTERN	92,954	58,730	0	0	0	34,224	0
SPRAGUE	0	38,890	0	38,890	0	0	38,890
STEUART	0	50,541	0	50,541	0	0	50,541
SUNLAND	369	153,188	56,950	0	0	0	152,819
SUNOCO	5,208,439	4,229,174	0	17,918	0	979,265	0
SWANN	0	19,245	0	19,245	0	0	19,245
TARRICONE	0	42,406	0	42,406	0	0	42,406
TENNECO	1,044,736	740,977	0	0	0	303,759	0
TESORO	705,208	765,609	0	0	0	0	60,401
TEXACO	12,128,565	9,094,407	0	233,528	0	3,034,158	0
TEXAS=AMERICAN	39,362	147,533	0	0	0	0	108,171
TEXAS=ASPH	5,933	116,749	0	0	0	0	110,816*
TEXAS=CITY	480,867	686,238	0	0	0	0	205,371
THAGARD	746,603	746,603	474,488	0	0	0	0
THRIFTWAY	32,450	37,480	0	0	0	0	5,030
THUNDERBIRD	131,964	155,081	0	0	0	0	23,117
TONKAWA	29,088	50,323	0	0	0	0	21,235
TOSCO	2,316,317	1,668,334	229,861	0	0	647,983	0
TOTAL=PETROLEUM	262,995	425,780	0	0	0	0	162,785
TRANS=OCEAN	0	139,060	0	0	0	0	139,060
UCC=CARIBE	0	140,762	0	140,762	0	0	140,762
UNION=OIL	5,513,853	3,537,852	0	0	0	1,976,001	0
UNION=PETRO	0	96,912	0	96,912	0	0	96,912

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	***** PRODUCT ENTITLEMENTS	***** 10 MONTH CLEAN-UP	***** I O N REQUIRED TO BUY	***** REQUIRED TO SELL
UNTD=IND	9,153	4,181	0	0	0	4,972	0
UNTD=REF	157,381	419,255	0	0	0	0	261,874
US=OIL	19,249	199,662	0	0	0	0	180,413
USA=PETROCHEM	36,694	226,642	0	0	0	0	189,948
VICKERS	19,866	572,624	0	0	0	0	552,758
VULCAN	57,361	213,236	0	0	0	0	155,875
WALLER	0	8,187	0	8,187	0	0	8,187
WARRIOR	47,754	48,750	15,418	0	0	0	996
WEST=CUAST	55,575	48,581	0	0	0	6,994	0
WESTERN	101,303	90,476	0	0	0	10,827	0
WINSTON	128,960	187,731	0	0	0	0	58,771
WIREBACK	0	1,033	0	0	0	0	1,033
WITCO	71,790	154,425	0	0	0	0	82,635
WYATT	0	17,463	0	17,463	0	0	17,463
YETTER	0	1,167	0	0	0	0	1,167
YOUNG	96,652	96,652	43,344	0	0	0	0
TOTAL	139,187,937	139,187,937	3,291,219	3,123,212	0	23,031,329	23,031,329

* Includes entitlements issued for 330,770 barrels of imported crude oil purchased by the United States Government for storage in the Strategic Petroleum Reserve.

** Reflects adjustments for 1975 exceptions relief as provisionally modified by FEA pending agency review consistent with court order. For discussion, see December entitlement notice, 42 FR 12133 (March 2, 1977).

*** This does not include the purchase obligation stayed by court order in Texas Asphalt & Refinery Co. v. FEA Civ. Action No. 4-75-268 (N.D. Tex., filed October 31, 1975).

[FR Doc. 77-24423 Filed 8-19-77; 10:48 am]

**Register
Federal**

WEDNESDAY, AUGUST 24, 1977

PART VIII



DEPARTMENT OF
HOUSING
AND URBAN
DEVELOPMENT

Federal Insurance
Administration



NATIONAL FLOOD
INSURANCE PROGRAM

List of Communities With Special
Hazard Areas

**CHAPTER X—FEDERAL INSURANCE
ADMINISTRATION**

**SUBCHAPTER B—NATIONAL FLOOD INSURANCE
PROGRAM**

[Docket No. FI-3212]

**PART 1915—IDENTIFICATION AND
MAPPING OF SPECIAL HAZARD AREAS**

**List of Communities With Special Hazard
Areas**

AGENCY: Federal Insurance Adminis-
tration.

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 identifica-
tion is the date listed in the eighth col-
umn of the table or September 23, 1977,
whichever is later.

**FOR FURTHER INFORMATION CON-
TACT:**

Mr. Richard Krimm, Assistant Admin-
istrator, 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:
The Flood Disaster Protection Act of
1973 requires the purchase of flood in-
surance on and after March 2, 1974, as a
condition of receiving any form of Fed-
eral or Federally related financial assist-
ance for acquisition or construction
purposes in an identified plain area hav-
ing 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 re-
quirement applies to all identified spe-
cial flood hazard areas within the United
States, so that, after that date, no such
financial assistance can legally be pro-
vided for acquisition and construction
in these areas unless the community has
entered the program. The prohibition,
however, does not apply to loans by Fed-
erally 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 con-
taining 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 ag-
gregate do not exceed \$5,000, to finance
improvements to or rehabilitation of a
building or structure occupied as a resi-
dence 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 com-
munity, 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 ex-
isted have been corrected by floodworks
or other flood control methods. The six
months period shall be considered to be-
gin 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 accord-
ance with Part 1915 of Title 24 of the
Code of Federal Regulations as author-
ized 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 spe-
cial hazard areas (FHBMs in effect).

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	ISLAND OR COASTAL	HAZARD F/ME	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
AL	Rendolph	City of Roanoke 0001A	010348	N - S	I	F	June 10, 1977	June 10, 1977	F. J. Cauthen, Mayor P.O. Box 432 Roanoke, AL 36274 Phone: 205-863-4129
FL	Sarasota	City of North Port 01-25	120279A	E - S	I	F	Do.	June 10, 1977	Margaret M. Gentile, Mayor 311 North Port Blvd. North Port, FL Phone: 813-426-1288
GA	Dade	Dade County (Uninc. Areas) 0001A-0003A	130246	E - S	I	F	Do	June 10, 1977	Dan Hall, County Commissioner P.O. Box 613 Trenton, GA 30752 Phone: 404-657-4625
GA	Pierce	Town of Patterson 0001A	130457	N - S	I	F	Do	June 10, 1977	S. W. Gardener, Mayor P.O. Box 434 Patterson, GA 31851 Phone: 912-647-5635
IN	Harrison	Town of Crendall 01	180416A	E - S	I	F	Do	June 10, 1977	Town Bd. of Supervisors P.O. Box 29 Crendall, IN 47114 Phone: 812-366-3644

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/INE	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
IN	Dubois	Dubois County (Uninc. Areas) 0001A-0009A	180054	N - 10, 11, 12, 14	I	F	Dec. 13, 1974	June 10, 1977	David Schnell, Pres. County Commissioners County Courthouse Jasper, IN 47516 Phone: 812-482-5445
IN	Sullivan	Town of Merom 0001A	180413	N - S	I	F	June 10, 1977	June 10, 1977	Betty Turpen, Pres. Town Board Merom, IN 47861 Phone: 812-355-4626
KY	Breckin	Breckin County (Uninc. Areas) 0001A-0006A	210021	N - S	I	F	Do	June 10, 1977	John Corlis, County Judge P.O. Box 4 County Courthouse Brooksville, KY 41004 Phone: 605-735-2300
KY	Marion	Marion County (Uninc. Areas) 0001A-0006A	210160	N - S	I	F	Do	June 10, 1977	H. I. Smith, County Judge County Courthouse P.O. Box 606 Lebanon, KY 40033 Phone: 502-692-3451
KY	Martin	Martin County (Uninc. Areas) 0001A-0010A	210166	N - 10, 11, 12, 14	I	F	Dec. 13, 1974	June 10, 1977	Ray Fields, County Judge Box 406 Inez, KY 3290 Phone: 605-298-3290
KY	Rowan	Rowan County (Uninc. Areas) 0001A-0005A	210203	E - 10, 11, 12, 14	I	F	Oct. 18, 1974	June 10, 1977	Ottis Caldwell, County Judge County Courthouse Morehead, KY 40351 Phone: 505-784-5151

RULES AND REGULATIONS

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STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD FIVE	IDENTIFICATION DATE IS	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
MI	Berrien	City of Benton Harbor 01-03	260032A	E - 10, 11 12, 14	I	F	May 24, 1974	June 10, 1977	Charles F. Joseph, Mayor 200 Wall Street Benton Harbor, MI 49025
MI	Wayne	Township of Sumpter 00018-0002B	260243	E - 11, 12 14	I	F	June 28, 1974 Aug. 20, 1976	June 10, 1977	Fred Slaviero, Engineer Wade, Trim & Assoc. 25185 Goddard Road Taylor, MI 48180
MI	Ottawa	Township of Tallmadge 0001A-0004A	260494	N - 5	I	F	June 10, 1977	June 10, 1977	Nicholas Nannings, Twp. Supr. Township Hall 01451 Leonard Rd. Grand Rapids, MI 49604 Phone: 616-677-1582
MN	Cass	City of Boy River 01	270057A	N - 5	I	F	June 10, 1977	June 10, 1977	Junior Danleis, Mayor City Hall Boy River, MN 56532 Phone: 218-889-2221
MN	Mower	City of Rose Creek 01	270598A	N - 5	I	F	June 10, 1977	June 10, 1977	B. N. Schammel, Mayor City Hall Rose Creek, MN 55970 Phone: 507-437-3596

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE IS	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
MIN	Scott	City of Savage 0001B-0002B	270433	E - 11, 12, 14	I	F	March 29, 1974 June 11, 1976	June 10, 1977	Paul H. Haugen, City Clerk 101 Elm Street Savage, MN 55378 Phone: 612-890-1045
NJ	Hunterdon	Township of Alexandria 0001A-0004A	340230	E - 11, 12, 14	I	F	Feb. 1, 1974	June 10, 1977	Gerald D. Phikilli, P.E., Engr. 19 Trenton Avenue Frenchtown, NJ 08825 Phone: 201-996-2020
NJ	Hunterdon	Township of West Amwell 0001B-0002B	340243	E - 8, 11, 12, 14	I	F	May 11, 1973 July 9, 1976	June 10, 1977	Richard Gultick, Mayor R.D. 2 Lambertville, NJ 08530 Phone: 609-397-2054
NY	Columbia	Town of Chatbam 0001A-0004A	361314	N - 5	I	F	June 10, 1977	June 10, 1977	Richard F. Lobdell, In. Supr. Rural Route East Chatham, NY 12060 Phone: 518-392-4674
NY	Cattaraugus	Town of South Valley 0001B-0004B	360100	N - 11, 12, 14	I	F	Sept. 6, 1974 Sept. 24, 1976	June 10, 1977	Floyd Burch, Supr. R.D. 1 Frewsburg, NY 14738 Phone: 716-354-2386
NY	Ulster	Town of Wawarsing 01-33	360867A	E - 10, 11, 12, 14	I	F	Sept. 13, 1974	June 10, 1977	Franklin Sahler, Supr. 108 Canal Ellenville, NY 12428 Phone: 914-647-6550

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD FIVE	IDENTIFICATION DATE IS	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
NC	Randolph	City of Archdale 0001A	370273	E - 5	I	F	June 10, 1977	June 10, 1977	Lloyd H. Taylor, Mayor P.O. Box 4134 307 Balfour Dr. Archdale, NC 27263 Phone: 919-431-9141
NC	Brunswick	Town of Bolivia 0001A	370394	N - 5	I	F	June 10, 1977	June 10, 1977	Paul Hofham, Mayor P.O. Box 293 Bolivia, NC 28422 Phone: 919-253-5303
NC	Brunswick	Town of Calabash 0001A	370395	N-5	I	F	June 10, 1977	June 10, 1977	Ivey High, Mayor Rt. 1, Box 150 Shalotte, NC 28459 Phone: 919-529-6577
NC	Guilford Alamance	Town of Gibsonville 0001A	370387	E - 5	I	F	June 10, 1977	June 10, 1977	John O. Harper, Mayor 129 W. Main Street Gibsonville, NC 27249 Phone: 919-449-4144
OH	Warren	City of Lebanon 0001B-0002B	390557	E - 12, 14	I	F	May 10, 1974 July 23, 1976	June 10, 1977	Allen A. Thompson, City Engr. City Building Broadway at Main Street Lebanon, OH 45036 Phone: 513-932-3060

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD FIVE	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
PA	Clinton	Township of Chepman 0001A-0006A	420323	E - 10, 11 12, 14	I	P	March 1, 1974	June 10, 1977	Ralph A. Lupro, Jr., Chairman Box 122 North Bend, PA 17750 Phone: 717-923-1376
PA	Susquehanna	Township of Harmony 0001A-0004A	422082	E - 5	I	P	June 10, 1977	June 10, 1977	Allen Fencescey, Supr. & Chairman R.D. 3 Susquehanna, PA 18847 Phone: 717-853-3943
PA	Blair	Township of Woodbury 0001A-0004A	420953	E - 10, 11 12, 14	I	P	March 15, 1974	June 10, 1977	Donald Hilleman, Chairman R.D. 1, Box 46A Williamsburg, PA 16693 Phone: 814-832-3334

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	HAZARD TO COASTAL ZONE	HAZARD F/M/E	IDENTIFICATION DATES	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
AR	Uninc. Area	Carroll County (01-44)	050024 A	N-5	I	F	14 JUN 77	14 JUN 77	Honorable Arthur Carter - County Judge - Office of the County Judge - County Courthouse - Berryville, AR 72616 (501) 423-2967
AR	Uninc. Area	Madison County (01-11,13-17,19-42,43-46,48-51)	050449 A	N-5	I	F	14 JUN 77	14 JUN 77	Honorable Charles Horton - County Judge - Office of the County Judge - County Courthouse - Huntsville, AR 72740 (501) 738-6721
CA	Riverside	City of Palm Desert (01-03,05)	060629 A	E-5	I	F	14 JUN 77	14 JUN 77	Mr. Hill - Building Inspector - 45275 Prickly Pear Lane - P.O. Box 1648 - Palm Desert, CA 92260 (714) 346-0611
ID	Bonneville	City of Swan Valley (01-05)	160154 A	N-8,11,12	I	F	29 AUG 75	14 JUN 77	Honorable H. O. Sargent - Mayor - Swan Valley, ID 83449 (208) 483-2645
IA	Uninc. Area	Greene County (0001-0006)	190869 A	N-5	I	F	14 JUN 77	14 JUN 77	Mr. R. C. Frederickson - Chairman - Board of Supervisors - County Courthouse - Jefferson, IA 50129 (515) 386-2316

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	CLASSIFICATION	HAZARD F/M/E	IDENTIFICATION DATES	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
ME	Cumberland	Town of Brunswick (01,03-09,11-22)	230042 A	E-11,12,14	C	F	1 NOV 74	14 JUN 77	Mr. John P. Bibber - Town Manager Brunswick Town Hall - 28 Federal Street - Brunswick, ME 04011 (207) 725-7522
MA	Worcester	Town of Leicester (01-08)	250313 B	E-11	I	F	19 JUL 74 3 SEP 76	14 JUN 77	Mr. Johnston Glass - Acting Cartographer - Town Hall - Leicester, MA (617) 892-4011
MA	Franklin	Town of Whately (01-08)	250132 B	E-12,14	I	F	6 SEP 74 22 OCT 76	14 JUN 77	Mr. Wilfred J. Mennier, Jr. - Selectman - Town Hall - Whately, MA 01093 (413) 665-3803
NH	Merrimack	Town of Danbury (03-14)	330111 A	N-5	I	F	14 JUN 77	14 JUN 77	Mr. Donald J. Cook - Selectman - Town Hall - Danbury, NH 03230 (603) 768-3313
TX	Harris	City of Bellaire (02)	480289 A	E-12,14	I	F	28 JUN 74	14 JUN 77	Mr. Robert P. Schernig - Director of Community Development - 7002 South Rice - Bellaire, TX 77401 (713) 667-8315

RULES AND REGULATIONS

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	ENVIRONMENTAL QUALITY ACT (EQA) CLASSIFICATION	HAZARD F/M/E	IDENTIFICATION DATES	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
TX	Harrison	City of Marshall (01-06,08-09)	480319 A	E-8,10,11,12	I	F	22 FEB 74	14 JUN 77	Mr. Tom Dingle - City Engineer - City Hall - Marshall, TX (214) 935-5241
TX	Archer & Clay	City of Scotland (0001)	481280 A	N-5	I	F	14 JUN 77	14 JUN 77	Honorable Grady Schenk - Mayor - City Hall - Scotland, TX 76379 (817) 541-2233
TX	Uninc. Area	Terry County (0001-0012)	481019 A	N-5	I	F	14 JUN 77	14 JUN 77	Honorable Herbert Cheshire - County Judge - Office of the County Judge - Courthouse - Brownfield, TX 79316 (806) 637-6421
UT	Uninc. Area	Carbon County (01-12,14-30,32-35,38-39,41-42,44,46-49,51,55,59-62,64,68,71-77,79-80,83-92)	490032 A	E-5	I	F	14 JUN 77	14 JUN 77	Mr. James Simoni - Chairman - Board of County Commissioners - County Courthouse - Price, UT 84501 (801) 637-0327
VT	Windsor	Town of Reading (01,04,06-14)	500132 A	E-11,12,14	I	F	13 SEP 74	14 JUN 77	Mr. James L. Barngrave - Selectman - Town Hall - Reading, VT 05062 (802) 484-7250
VT	Windham	Town of Townshend (02,06,09-10,13)	500136 B	E-12,14	I	F	2 AUG 74 10 DEC 76	14 JUN 77	Mr. Richard Lucier - Selectman - Town Hall - Townshend, VT 05353 (802) 365-7300
VT	Windham	Town of Wardsboro (01-02,04-05)	500138 A	E-11,12,14	I	F	27 DEC 74	14 JUN 77	Mr. Raymond Young, Jr. - Chairman - Board of Selectmen - P.O. Box 35 West Wardsboro, VT 05360 (802) 856-6055

RULES AND REGULATIONS

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	Hillsborough	Hillsborough County (Uninc. Areas) 0001A-0020A	120112	E - 5	I	F	June 17, 1977	June 17, 1977	Mrs. Betty Caster, Chairman County Commissioners P.O. Box 1110 Tampa, FL 33601 Phone: 813-223-7811
FL	Holmes	Holmes County (Uninc. Areas) 0001A-0010A	120420	N - 5	I	F	June 17, 1977	June 17, 1977	Charles Q. Padgett, Chairman County Commissioners County Courthouse Bonifay, FL 32425 Phone: 904-547-3656

RULES AND REGULATIONS

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/ME	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
GA	Pulaski	Pulaski County (Uninc. Areas) 01-21	130378A	N - 5	I	F	June 17, 1977	June 17, 1977	John H. Anderson, Jr. County Commissioners County Courthouse Hawkinsville, GA 31036 Phone: 912-783-4154
GA	Pickens	Town of Talking Rock 01	130150A	N - 5	I	F	June 17, 1977	June 17, 1977	Benny Kirk, Mayor General Delivery Talking Rock, GA 30175 Phone: 404-698-4145
IL	Carroll	Village of Milledgeville 01	170908A	E - 15	I	F	June 17, 1977	June 17, 1977	William C. Pitencour, VII, Pres P.O. Box 395 Milledgeville, IL 61051 Phone: 815-225-7231
KY	Anderson	Anderson County (Uninc. Areas) 0001A-0006A	210002	E - 10, 11, 12, 14	I	F	Oct. 18, 1974	June 17, 1977	Hollie Warford, Sr., County Co. Courthouse Judge Lawrenceburg, KY 40342 Phone: 502-839-3471
KY	Floyd	Floyd County (Uninc. Areas) 0001A-0007A	210069	E - 10, 11, 12, 14	I	F	Dec. 13, 1974	June 17, 1977	Henry Stumbo, Co. Judge Box 510 Prestonburg, KY 41653 Phone: 606-886-3055

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD FINE	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
KY	Franklin	Franklin County (Uninc. 0001A-0006A Areas)	210280	E - S	I	F	June 17, 1977	June 17, 1977	Jack C. Golins, Co. Judge County Courthouse Frankfort, KY 40601 Phone: 502-875-5260
KY	Lewis	Lewis County (Uninc. Areas) 0001A-0017A	210141	E - 10, 11, 12, 14	I	F	Dec. 20, 1974	June 17, 1977	Boone Dummitt, Co. Judge Route 7 County Courthouse Vanceburg, KY 41749 Phone: 506-796-2722
KY	Owsley	Owsley County (Uninc. 0001A-0004A Areas)	210296	N - 5	I	F	June 17, 1977	June 17, 1977	Hamp Turner County Judge Route 1 Box 87 Booneville, KY 41314 Phone: 506-493-6202

RULES AND REGULATIONS

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD FIVE	IDENTIFICATION DATE IS	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
MI	Chippewa	Township of Bay Mills 0001A-0002A	260374	N - 5	I	P	June 17, 1977	June 17, 1977	Allen Bertrom, Jr., Twp. Supr., R. 1 Srimley, MI 48715 Phone: 906-248-5435
MI	Clinton	Township of DeWitt 0001A-0002A	260631	E - 5	I	P	June 17, 1977	June 17, 1977	Dale S. Emerson, Twp. Supr., 780 East, Wieland Rd. Lansing, MI 48906 Phone: 517-482-1291
MI	Ionis	Township of North Plains 0001A-0002A	260420	N - 5	I	P	June 17, 1977	June 17, 1977	Knight Kruger, Twp. Supr., Township Hall Muir, MI 48860 Phone: 517-855-3583
MI	Washtenaw	Township of Pittsfield 0001A-0002A	260623	E - 5	I	P	June 17, 1977	June 17, 1977	Robert A. Lillie, Tn. Supr., 701 W. Ellsworth, Rd Ann Arbor, MI 48104

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD FINE	IDENTIFICATION DATE (M)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
MI	Chippewa	Township of Sugar Island 0001A-0002A	260379	N - 5	I	F	June 17, 1977	June 17, 1977	John Morley, Twp. Supr. Township Hall Sault Ste. Marie, MI 49783 Phone: 906-635-0593
MI	Chippewa	Township of Superior 0001A-0002A	260380	N - 5	I	F	June 17, 1977	June 17, 1977	Harold W. Passmore, Twp. Supr. Township Hall Brimley, MI 49715 Phone: 248-5391
MI	Washtenaw	Township of Superior 0001A-0002A	260540	N - 5	I	F	June 17, 1977	June 17, 1977	Diana M. Parkes, Supr. Twp. Hall 3040 N. Prospect Rd. Ypsilanti, MI 48197 Phone: 313-482-6099
MI	Bay	Township of Williams 0001A-0002A	260359	N - 5	I	F	June 17, 1977	June 17, 1977	Stanley T. Wasek, Twp. Supr. Box 97 Auburn, MI 48611 Phone: 517-662-6277

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD FINE	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
NC	Davidson	Davidson County (Uninc. Areas) 0001A-0007A	370307	E-5	I	F	June 17, 1977	June 17, 1977	Jim Phillips, Co. Manager County Courthouse Lexington, NC 27292 Phone: 704-246-2549
NC	Wayne	Town of Mount Olive 0001A-0002A	370369	E-5	I	F	June 17, 1977	June 17, 1977	I. Ray McDonald, Mayor P.O. Box 286 Mount Olive, NC 28365 Phone: 919-658-9536
PA	York	Township of Manchester 0001A-0002A	420931	E-10, 11, 12, 14	I	F	June 17, 1977	June 17, 1977	William D. Poet, Supt. 2500 Midpine Drive York, PA 17404 Phone: 717-764-9560
WI	Waushara	Waushara County (Uninc. Areas) 01-48	550510A	N-5	I	F	June 17, 1977	June 17, 1977	Elmer Weeland, Chairman County Board Coloma, WI 54930 Phone: 414-787-2320

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	TVLSVOO NO ONLY	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
AR	Benton	City of Little Flock (01-02)	050479 A	N-5	I	F	21 JUN 77	21 JUN 77	Honorable John McLeod - Mayor - Town Hall - Little Flock, AR 72756 (501) 636-3232
AR	Uninc. Area	Monroe County (01-47)	050154 A	N-5	I	F	21 JUN 77	21 JUN 77	Honorable Tom Catlett - County Judge - Office of the County Judge - County Courthouse - Clarendon, AR 72029 (501) 747-3632
AR	Uninc. Area	Sharp County (03-46)	050464 A	N-5	I	F	21 JUN 77	21 JUN 77	Honorable Les Anderson - County Judge - Office of the County Judge - County Courthouse - Hardy, AR 72542 (501) 984-7338
CA	Alameda	City of Fremont (04,07-12,14-16,18-30)	065028 A	E-11,12,14, 15	I	F	14 FEB 75	21 JUN 77	Mr. Herbert Epstein - Economic Development Director - City Government Building - Fremont, CA 94538 (415) 796-0800
CA	Shasta	City of Redding (0001-0004)	060360 A	E-8,11,12,14	I	F	20 DEC 74	21 JUN 77	Mr. Phillip Perry - Associate Planner - Department of Planning and Community Development - 760 Parkview - Redding, CA 96001 (916) 246-1151
CT	New Haven	Town of Cheshire (01-12)	090074 A	E-11,12,14	I	F	5 APR 74	21 JUN 77	Mr. William Blittz - Town Planner - Town Hall - 84 S. Main Street - Cheshire, CT 06410 (203) 272-7347

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	HAZARD TYPE	IDENTIFICATION DATES	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
CT	Tolland	Town of Mansfield (01-16)	090128 B	E-12,14	F	9 JAN 74 29 OCT 76	21 JUN 77	Mr. Grant Meitzler - Town Engineer - P.O. Box 207 - Mansfield Center, CT 06250 (203) 423-4547
IA	Uninc. Area	Kossuth County (0001-0010)	190884 A	N-5	F	21 JUN 77	21 JUN 77	Mr. Lawrence Newbrough - Chairman - Board of County Commissioners - Courthouse - Algona, IA 50511 (515) 295-2718
IA	Uninc. Area	Lee County (0001-0007)	190182 A	N-5	F	21 JUN 77	21 JUN 77	Ms. Darlene Morrison - Chairman - Board of Supervisors - County Courthouse - Fort Madison, IA 52627 (319) 372-6557
KS	Uninc. Area	Dickinson County (0001-0009)	200575 A	N-5	F	21 JUN 77	21 JUN 77	Mr. Gerald Smith - Chairman - Board of County Commissioners - Courthouse - Abilene, KS 67410 (913) 2027
ME	Washington	City of Eastport (01-05)	230137 A	E-11,12,14	F	26 JULY 74	21 JUN 77	Mr. Everett Baxter - City Manager 78 High Street - Eastport, ME 04631 (207) 853-2300

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	ENVIRONMENTAL COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
MA	Norfolk	Town of Norwood	(01-06) 250248	A E-11,12,14	I	F	16 AUG 74	21 JUN 77	Mr. John Nogan - General Manager - P.O. Box 40 - Town Hall - Norwood, MA 02062 (617) 762-1240
MA	Middlesex	Town of Reading	(01-06) 250211	A E-5	I	F	21 JUN 77	21 JUN 77	Mr. John W. Agnew, Jr. - Chairman Office of Board of Selectmen - Municipal Building - Reading, MA 01867 (617) 942-0500
MA	Norfolk	Town of Stoughton	(01-07) 250263	A E-11,12,14	I	F	2 AUG 74	21 JUN 77	Mr. Albert Gray, Jr. - Town Manager - 10 Pearl Street - Stoughton, MA 02072 (617) 344-6565
MO	Platte	City of Houston Lake	(01) 290576	A N-5	I	F	21 JUN 77	21 JUN 77	Honorable Frank E. Barnes - Mayor City Hall - Houston Lake, MO (816) 231-7711
MO	Ray	City of Orrick	(01) 290309	A E-11,12,14	I	F	5 APR 74	21 JUN 77	Honorable Lloyd F. Smith - Mayor - Office of the Mayor - P.O. Box 365 Orrick, MO 64077 (816) 496-3607
NB	Uninc. Area	Hall County	(01-35) 310100	A E-10,11,12, 14	I	F	20 DEC 74	21 JUN 77	Mr. Robert Boehm - Board of Super- visors - 621 West Koenig - Grand Island, NB 68801 (308) 382-4679
NB	Uninc. Area	Jefferson County	(0001-0006) 310447	A N-5	I	F	21 JUN 77	21 JUN 77	Mr. Willard Gumaer - Chairman - Board of County Commissioners - County Courthouse - Fairbury, NB 68352 (402) 729-2323

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	CLASSIFICATION OF HAZARD (F/M/E)	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
NH	Sullivan	Town of Washington (01-02,04-09,11-17)	B 330166	N-12	F	27 DEC 74 §-27-76	21 JUN 77	Mr. Hilbert S. Coffield - Chairman Board of Selectmen - Office of Selectmen - Washington, NH 03280 (603) 478-5765
OK	Harper	Town of Laverne (01)	A 400069	E-10,11,12	F	3 MAY 74	21 JUN 77	Mr. Cecil Hurley - Board President Town Hall - 115 North Ohio - Laverne, OK 73848 (405) 921-5121
OK	Payne	Town of Ripley (01)	A 400324	N-5	F	21 JUN 77	21 JUN 77	Mr. Dale Carothers - Board Presi- dent - Town Hall - Main Street - Ripley, OK 74062 (918) 372-4287
SD	Minnehaha	City of Garretson (01)	A 450177	E-11,12,14	F	26 SEP 75	21 JUN 77	Mr. Robert E. Nelson - Mayor - Garretson, SD 57030 (605) 594-3414

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	McLennan	Town of Lorena (01-02)	A 480928	N-5	I	F	21 JUN 77	21 JUN 77	Honorable William T. Woody - Mayor - Town Hall - Lorena, TX 76655 (817) 857-4504
UT	Juab	Town of Levan (01)	A 490080	N-5	I	F	21 JUN 77	21 JUN 77	Honorable Farrell Mankier - Mayor Town Hall - Levan, UT (801) 623-1959
UT	Utah	City of Lindon (01-03)	A 490210	N-5	I	F	21 JUN 77	21 JUN 77	Honorable Willard M. Johnson - Mayor - City Hall - Box 21A - Pleasant Grove, UT 84062 (801) 785-2267
UT	Juab	Town of Mona (01)	A 490081	N-5	I	F	21 JUN 77	21 JUN 77	Mr. Don F. Newton - Town President Town Hall - Mona, UT 84645 (801) 623-0630
WA	Whatcom	City of Bellingham (0001-0002)	A 530199	N-8,10,11,12	C	F	14 JUN 74	21 JUN 77	Honorable R. W. Williams - Mayor - City Hall - 210 Lottle Street - Bellingham, WA 98225 (206) 676-6800
WA	Uninc. Area	Franklin County (0001-0018)	A 530044	E-5	I	F	21 JUN 77	21 JUN 77	Mr. James Rogers - Chairman - Board of County Commissioners - County Courthouse - Pasco, WA 99301 (509) 545-3536
WA	Uninc. Area	Jefferson County (81-15,17-27,30-35,37-48, 51-54,56,59-63,65,67-83)	A 530069	E-5	C	F	21 JUN 77	21 JUN 77	Mr. B. G. Brown - Chairman - Board of County Commissioners - County Courthouse - Port Townsend, WA 98368 (206) 385-2016

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	HAZARD TO COASTAL LAND	HAZARD F/M/E	IDENTIFICATION DATES	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
MA	Uninc. Area	Pend Orelille County (02, 07, 11-12, 16, 21, 26-27, 33, 38-39, 43-44, 49-50, 54, 58-60, 63-65, 68-70, 73-76, 79-81, 83-94)	530131 A E-5	I	F	21 Jun 77	21 JUN 77	Mr. John Krogh, - Chairman - Board of County Commissioners - County Courthouse - Newport, MA 93155 (509) 447-4119	
MA	Pierce	Town of Roy . (01)	530262 A M-11,12	I	F	18 JULY 75	21 JUN 77	Honorable Gary W. Roush - Mayor - P.O. Box 154 - Roy, MA 98560 (206) 843-2253	
NY	Lincoln	Town of Afton (01)	560968 A M-5	I	F	21 JUN 77	21 JUN 77	Honorable Elno F. Draney - Mayor - Town Hall - 40 East Fifth Avenue - Afton, NY 83110 (307) 886-5238	

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
AL	Hele Tuscaloosa	Town of Moundville 0001A	010096	E - 10, 11, 12, 14	I	F	June 21, 1974	June 24, 1977	W. B. Chandler, Mayor P.O. Box 206 Moundville, AL 35474 Phone: 205-371-2231
DE	Sussex	Town of Laurel 01	100040A	E - 10, 12, 14	I	F	June 7, 1974	June 24, 1977	George M. Warner, Mayor P.O. Box 210 Laurel, DE 19956 Phone: 302-875-2277
FL	Flagler	Town of Beverly Beach 0001A	120569	N - 5	I	F	June 24, 1977	June 24, 1977	Bob Conkling, Mayor P.O. Box 146 Flagler Beach, FL 32036 Phone: 904-439-2102
IL	Lake	Village of Lake Barrington 01-04	170372B	E - 12, 14	I	F	Sept. 13, 1974 Jan. 14, 1977	June 24, 1977	Jorden Hubschman, Vill. Pres. 114 Vance Court Lake Barrington, IL 60010 Phone: 312-381-6010

RULES AND REGULATIONS

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IN	Lake	Lake County (Uninc. Areas) 0001A-0009A	180126	E - 10, 11, 12, 14	I	F	Dec. 6, 1974	June 24, 1977	Atterson Spann, Pres. Bd. of Commissioners 2293 North Main Street Crown Point, IN 46307 Phone: 219-663-0760
IN	Posey	Posey County (Uninc. Areas) 01-37	180209A	E - 10, 11, 12, 14	I	F	Dec. 13, 1974	June 24, 1977	Everett Searsey, Chairman County Commission County Courthouse Mt. Vernon, IN 47520 Phone: 812-838-3492
KY	Allen	Allen County (Uninc. Areas) 0001A-0013A	210267	N - 5	I	F	June 24, 1977	June 24, 1977	A. R. Oliver, County Judge County Courthouse Box 115 Scottsville, KY 42164 Phone: 502-237-3631
KY	Bourbon	Bourbon County (Uninc. Areas) 0001A-0010A	210271	E - 5	I	F	Do	June 24, 1977	Guy F. Ornsby, Jr., Co. Judge County Courthouse Paris, KY 40361 Phone: 606-987-3010
KY	Christian	Christian County (Uninc. Areas) 0001A-0012A	210277	N - 5	I	F	Do	June 24, 1977	William S. Edmunds, Co. Judge County Courthouse P.O. Box 15 Hopkinsville, KY 42240 Phone: 502-886-6665
KY	Henderson	Henderson County (Uninc. Areas) 0001A-0008A	210286	N - 5	I	F	Do	June 24, 1977	A. G. Pritchett, Co. Judge County Courthouse Henderson, KY 42420 Phone: 502-826-3971

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD FIVE	IDENTIFICATION DATE IS	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
KY	McCracken	McCracken County (Uninc. Areas) 0001A-0004A	210151	E - 10, 11, 12, 14	I	F	Dec. 6, 1974	June 24, 1977	Raymond Schultz, Co. Judge County Courthouse Raducah, KY 42001 Phone: 502-443-8831
MI	Arenac	Township of Deep River 0001A-0002A	260350	N - S	I	F	June 24, 1977	June 24, 1977	Stanley Oztuben, Twp. Supr. R.D. 2, Box 71 Standish, MI 48658 Phone: 517-846-4372
MI	Oakland	Township of Holly 0001A-0002A	260474	N - S	I	F	Do	June 24, 1977	Seeley Tinsman, Twp. Supr. 102 Front Street Holly, MI 48442
MI	Menominee	Township of Meyer 0001A-0002A	260458	N - S	I	F	Do	June 24, 1977	Lester Johnson, Supr. Twp. Hall Hermansville, MI 49047 Phone: 906-498-2382
MIN	Washington	City of Mahtomedi 0001A	270698	N - S	I	F	Do	June 24, 1977	Joe Muhuich, Mayor 600 Stillwater Road Mahtomedi, MN 55115 Phone: 612-426-3344
NJ	Somerset	Township of Bedminster 0001A-0002A	340427	E - 10, 11, 12, 14	I	F	July 26, 1974	June 24, 1977	Albert F. Winkler, Mayor Hillside Ave. Bedminster, NJ 07921 Phone: 201-234-0333

RULES AND REGULATIONS

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NJ	Camden	Borough of Runnemede 0001A	340144	E - 10, 11, 12, 14	I	F	Dec. 7, 1973	June 24, 1977	David Venella, Mayor Fifth Ave. & Black Horse Pike Runnemede, NJ 07078 Phone: 609-939-5161
NY	Orange	Village of Goshen 0001A	361571	E - 5	I	F	June 24, 1977	June 24, 1977	Robert J. Rysinger, Mayor 41 Webster Ave. Goshen, NY 10924
NY	Nassau	Village of Port Washington 0001A	361562	E - 5	I	F	June 24, 1977	June 24, 1977	Thomas J. Pelligrino, Mayor One Soundview Drive Port Washington, NY 11050 Phone: 516-883-5900
NC	Duplin	Town of Kenansville 01A	370399	N - 5	I	F	June 24, 1977	June 24, 1977	E. Douglas Judge, Mayor P. O. Box 420 Kenansville, NC 28349 Phone: 919-286-5241
OH	Paulding	Village of Grover Hill 01	390436A	E - 15	I	F	June 24, 1977	June 24, 1977	Jerry Priest, Mayor Village Hall Grover Hill, OH 45849 Phone: 419-887-3656
OH	Richland	Village of Lucas 01	390661B	N - 12, 14	I	F	April 5, 1974 Sept. 26, 1975	June 24, 1977	Donald E. Smith, Mayor 152 Brightwood Blvd. Lucas, OH 44843 Phone: 419-892-2451

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PA	Columbia	Township of Catawissa 0001A-0002A	420342	E - 10, 11, 12, 14	I	F	Feb. 1, 1974	June 24, 1977	Frank B. Ernest, Chairman R.D. 1 Catawissa, PA 17820 Phone: 717-784-2919
PA	York	Township of Hellam 0001A-0003A	420927	E - 10, 11, 12, 14	I	F	March 29, 1974	June 24, 1977	Michael P. Loucks, Twp. Chairman R.D. 1 Wrightsville, PA 17368 Phone: 717-252-3169
PA	Beaver	Township of Independence 0001B-0002B	421323	E - 11, 12, 14	I	F	Aug. 30, 1974 June 18, 1976	June 24, 1977	E. Lee Ulmer, Twp. Sec. R.D. 2, Box 670 Alliquippa, PA 15001 Phone: 412-378-2851

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PA	Berks	Township of Pike 0001A-0003A	421382	E - 5	I	P	June 24, 1977	June 24, 1977	Gordon E. Brown, Chairman Township Supervisors R.D. 1 Millville, PA. 17846 Phone: 717-458-6723
PA	Union	Township of Union 01-07	420834A	N - 11, 12, 14	I	F	Dec. 28, 1973	June 24, 1977	Union Twp. Planning Comm. c/o Samuel A. Wood, Sec. Winfield, PA. 17889 Phone: 717-524-4411
WI	Washington	Village of Germantown 0001A-0002A	550472	E - 10, 11, 12, 14	I	F	June 28, 1974	June 24, 1977	William Wetterell, VII, Pres. N 122 - W 17177 Fond du Lac Germantown, WI Phone: 414-677-2177

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AR	Uninc. Area	Lincoln County (01-41)	050445 A	N-5	I	F	28 JUN 77	28 JUN 77	Honorable Charles Green - County Judge - Office of Lincoln County Judge - Star City, AR 71667 (501) 628-4521
AR	Uninc. Area	St. Francis County (01-43)	050184 A	N-5	I	F	28 JUN 77	28 JUN 77	Honorable M. R. Hamilton - County Judge - Office of the County Judge - County Courthouse - Forrest City, AR 72335 (501) 633-1656
ID	Uninc. Area	Ada County (01-02, 04-06, 08-11, 13-16, 18-35, 37-41, 44-50, 52, 54-56, 58-60, 64-66, 69-70)	160001 A	E-5	I	F	28 JUN 77	28 JUN 77	Linda L. Davis - Chairman - Board of County Commissioners - County Courthouse - Boise, ID 83707 (208) 343-4605
ID	Uninc. Area	Latah County (01-02, 04-05, 07-08, 10-21, 23-32, 35-58, 60-67)	160086 A	E-10, 11, 12, 14	I	F	8 NOV 74	28 JUN 77	Mr. Gerald A. Ingle - Chairman - Board of County Commissioners - County Courthouse - Moscow, ID 83843 (208) 882-6580

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KS	Uninc. Area	Lyon County	200201	A E-5	I	F	28 JUN 77	28 JUN 77	Mr. R. P. Feikner - Chairman - Board of County Commissioners - County Courthouse - Emporia, KS 66801 (316) 342-3832
KS	Uninc. Area	Marshall County	200210	A N-5	I	F	28 JUN 77	28 JUN 77	Mr. L. M. Rasmussen - Chairman - Board of County Commissioners - County Courthouse - Marysville, KS 66508 (913) 562-3721
KS	Uninc. Area	<i>McPHERSON</i> County	200214	A N-5	I	F	28 JUN 77	28 JUN 77	Mr. Carl Oakleaf - Chairman - Board of County Commissioners - County Courthouse - McPhearsom, KS 67460 (316) 241-3656
KS	Uninc. Area	Saline County	200316	A E-5	I	F	28 JUN 77	28 JUN 77	Mr. James L. Martin - Chairman - Board of County Commissioners - County Courthouse - Salina, KS 67401 (913) 827-1961
LA	Uninc. Area	Iberia Parish	220078	A E-5	C	F	28 JUN 77	28 JUN 77	Mr. Romo Romero - President - Office of the Police Jury - Parish Courthouse - New Iberia, LA 70560 (318) 365-8246
LA	Uninc. Area	Red River Parish	220152	A E-10, 11, 12, 14	I	F	6 SEP 74	28 JUN 77	Mr. Glenn Jones - President - Police Jury - Parish Courthouse - Coushatta, LA 71019 (318) 932-5719

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LA	Uninc. Area	Richland Parish (01-46)	220154 A	E-5	I	F	28 JUN 77	28 JUN 77	Mr. E. T. Greer - President - Office of the Police Jury - Parish Courthouse - Rayville, LA 71269 (318) 728-2061
LA	Uninc. Area	St. Charles Parish (01-30)	220160 A	E-11,12,14	I	F	11 Nov 74	28 JUN 77	Inaz R. Schillaci - Secretary, St. Charles Parish Police Jury - P.O. Box 302 - Hahnville, LA 70057 (504) 783-2233
MA	Middlesex	City of Woburn (0001)	250229 A	E-5	I	F	28 JUN 77	28 JUN 77	Honorable Edward P. Gilgun - Mayor - 10 Common Street - Woburn, MA 01801
MT	Uninc. Area	Flathead County (03-04,06-08,12-13,17-19,21-22,27-49,52-59,62-65,67-91,94-96,98-99,103-105,107-108)	300023 B	E-10,11,12,14	I	F	13 SEP 74 19 MAR 76	28 JUN 77	Mr. Frank Guay - Chairman - Board of County Commissioners - P.O. Box 1000 - Kalispell, MT 59901 (406) 755-5300
NB	Uninc. Area	Dakota County (01-20)	310429 A	E-5	I	F	28 JUN 77	28 JUN 77	Bert G. Harris - County Clerk - County Clerk's Office - Dakota City, NB 68731 (402) 987-3646

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OR	Uninc. Area	Mallowa County (02-03,07,09,11,14-18,24,32, 37,46-48,54,56-59,61-62,64-72, 74-78,83-86,90,92,96,98,101- 102,105)	410224 A	E-5	I	F	26 JUN 77	28 JUN 77	Mr. Claude H. Hall - Chairman - Board of County Commissioners - County Courthouse - Enterprise, OR 97828 (503) 426-3226
TX	Uninc. Area	Angel Ina County (0001-0011)	480007 A	N-10,11,12	I	F	27 DEC 74	28 JUN 77	Honorable Claude Melch - County Judge - Office of the County Judge - County Courthouse - Lufkin, TX 75901 (713) 634-5413
WA	Uninc. Area	Spokane County (01-04,06-14,16-20,22-23, 25-40,42-62,64-97,99-105)	530174 A	E-10,11,12, . 14	I	F	17 JAN 75	28 JUN 77	Mr. E. W. Parsons - Chairman - Board of County Commissioners - County Courthouse - Spokane, WA 99201 (509) 458-2265

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD ZONE	IDENTIFICATION DATE IS	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
AL	Henry	Henry County (Uninc. 01-45 Areas)	010261A	E - 10, 11, 12, 14	I	F	Jan. 17, 1975	July 1, 1977	R. M. McSwain, Pro. Judge P.O. Box 457 Abbeville, AL 35310 Phone: 205-585-3257
AL	Madison	Madison County (Uninc. 0001A-0012A Areas)	010151	N - S	I	F	July 1, 1977	July 1, 1977	James Record, Chairman County Commission County Courthouse Huntsville, AL 35801 Phone: 205-536-5911
FL	Hillsborough	City of Tampa 01-40	120114A	E - S	C	F	July 1, 1977	July 1, 1977	William F. Poe, Mayor City Hall Tampa, FL 33602 Phone: 813-223-8181
GA	Effingham	Town of Guyton 01	130456A	N - S	I	F	July 1, 1977	July 1, 1977	John Barner, Mayor City Hall Guyton, GA 31312 Phone: 912-772-3353
GA	Carroll	Town of Mount Zion 0001A	130286	N - S	I	F	July 1, 1977	July 1, 1977	Jack Dorsey, Mayor Town Hall Mount Zion, GA 30117 Phone: 404-832-9340

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IL	Cook	Village of South Holland 01-03	170163A	E - 8, 11	I	F	March 15, 1974	July 1, 1977	Harold J. Gouwens, Vil. Pres. 16015 Wausau Ave. South Holland, IL 60473 Phone: 312-333-0572
IN	Boone	Boone County (Uninc. Areas) 0001A-0006A	180011	E - 10, 11, 12, 14	I	F	Nov. 29, 1974	July 1, 1977	Roy Dulin, Pres. Board of Co. Commissioners Zionsville, IN 46052 Phone: 317-873-3432
IN	Hancock	Hancock County (Uninc. Areas) 0001A-0006A	180419	E - 5	I	F	July 1, 1977	July 1, 1977	Dawfon Frey, Chairman County Commissioners County Courthouse Greenfield, IN 46410
IN	LaGrange	LaGrange County (Uninc. Areas) 0001A-0004A	180125	N - 5	I	F	July 1, 1977	July 1, 1977	Orville Yoder, Chairman County Commissioners County Courthouse LaGrange, IN 46761 Phone: 219-463-3431
IN	Newton	Newton County (Uninc. Areas) 0001A-0008A	180179	E - 10, 11, 12	I	F	Jan. 3, 1975	July 1, 1977	Chairman County Commissioners County Courthouse Kentland, IN 47951 Phone: 219-474-5842
KY	Kenton	Kenton County (Uninc. Areas) 0001A-0003A	210128	E - 10, 11, 12, 14	I	F	Oct. 18, 1974	July 1, 1977	James Dressman, C. Judge City-County Building Third and Court Street Covington, KY 41011 Phone: 606-292-2320

STATE	COUNTY	COMMUNITY NAME AND NO. OF PARCELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD FUME	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
KY	Owen	City of Monterey 01	210295A	E - 11	I	F	March 28, 1975	July 1, 1977	Joe Peters, Mayor City Hall Monterey, KY 40349 Phone: 502-484-2666
MN	Rock	Rock County (Uninc. Areas) 01-28	270642A	N - 5	I	P	July 1, 1977	July 1, 1977	William J. Doherty, Chairman Bd. of Commissioners County Courthouse Luverne, MN 56156 Phone: 507-283-9501
NJ	Burlington	Township of Medford 0001A-0003A	340104	E - 10, 11, 12, 14	I	P	Feb. 1, 1974	July 1, 1977	Ephraim Tomlinson, II, Mayor 17 North Main Street P.O. Box 8 Medford, NJ 08055 Phone: 609-554-2608
NJ	Gloucester	Borough of Newfield 01	340549A	N - 5	I	P	July 1, 1977	July 1, 1977	Albert Robinson, Mayor P.O. Box 328 Newfield, NJ 08344 Phone: 609-697-1100
NY	Tompkins	Town of Caroline 01-07	360843B	E - 9	I	P	Sept. 6, 1974 April 9, 1976	July 1, 1974	Harold K. Pecton, Supr. 736 Valley Road Brooktondale, NY 14817 Phone: 607-539-7357

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NY	Columbia	Town of Canaan 0001B-0004B	361313	E - 11.12. .14	I	F	Nov. 1, 1974 May 21, 1976	July 1, 1977	William Butt, Chairman Town Planning Board Frisbee Street East Chatham, NY 12060 Phone: 518-392-4096
NY	Dutchess	Town of Clinton 01-05	361334B	E - 9	I	F	Dec. 20, 1974 Aug. 20, 1976	July 1, 1977	Arthur L. Fried, Supr. Box 366 Hollow Road Staatsburg, NY 12580
NY	Chautauqua	Village of Forestville 01	36150A	N - 5	I	F	July 1, 1977	July 1, 1977	James K. Merritt, Mayor Chestnut Street Forestville, NY 14062 Phone: 716-965-4842
NY	Oswego	Town of Hastings 01-08	360653B	E - 9	I	F	Nov. 1, 1974 May 21, 1976	July 1, 1977	Richard English, Supr. R.D. 1 Hastings, NY 13076 Phone: 315-668-2456
NY	Warren	Town of Johnsburg 01-24	360875A	N - 9	I	F	Aug. 27, 1976	July 1, 1977	Sterling J. Goodspeed, Supr. North Creek, NY 12853 Phone: 518-998-2421

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NY	Otsego	Town of Morris 01-03	361273B	E - 9	I	F	Nov. 15, 1974 July 9, 1976	July 1, 1977	Lewis Foote, Sr., Supr., Town Hall Morris, NY 13808 Phone: 507-263-5170
NY	St. Lawrence	Town of Morristown 01-09	360706B	N - 9	I	F	Sept. 6, 1974 July 16, 1976	July 1, 1977	William Farley, Supr., Morristown, NY 13766 Phone: 315-375-6510
NY	Montgomery	Village of Nelliston 01	360453B	E - 9	I	F	Feb. 15, 1974 April 30, 1976	July 1, 1977	Harvey Grant, Mayor Village Hall Nelliston, NY 13410 Phone: 518-593-2861
NY	Sullivan	Town of Neversink 01-11	360828B	E - 9	I	F	June 21, 1974 July 30, 1976	July 1, 1977	Joseph Rassa, Supr., Town Hall Neversink, NY 12765 Phone: 914-985-2922
NY	Schuyler	Town of Orange 01-06	360748B	E - 9	I	F	July 26, 1974 April 16, 1976	July 1, 1977	Robert W. Scott, Supr., R. D. 1, Box 77 Beaver Dam, NY 14812 Phone: 607-562-2963

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NY	Yates	Village of Penn Yan 01-02	360962B	E - 9	I	F	May 31, 1974 Sept. 24, 1976	July 1, 1977	Bruce LeClaire, Mayor Village Hall Penn Yan, NY 14527 Phone: 315-536-3015
NY	Seneca	Town of Waterloo 01-03	360759A	E - 10, 11, 12, 14	I	F	July 19, 1974	July 1, 1977	Laverne Sessler, Supr. R. D. 3, Kings Row Waterloo, NY 13165
NC	Allegheny	Allegheny County (Uninc. Areas) 0001A-0006A	370004	N - 5	I	F	July 1, 1977	July 1, 1977	Leo J. Thompkins, Chairman County Commissioners P. O. Box 73 Sparta, NC 28575 Phone: 919-372-4179
NC	Edgecombe	Town of Leggett 0001A-0002A	370317	N - 5	I	F	July 1, 1977	July 1, 1977	J. H. Koonze, Mayor Rt. 2, Box 138 Leggett, NC 27886 Phone: 817-823-4875

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PA	Washington	Borough of Coal Center 01	422131A	E - 8, 11	I	F	Nov. 8, 1974	July 1, 1977	Edgar Delbarre, Mayor Borough Building Coal Center, PA 15423 Phone: 412-938-8933
PA	Juniata	Township of Lack 0001A-0005A	421742	E - 10, 11, 12, 14	I	F	SEPT. 13, 1974	July 1, 1977	Edward L. Neidigh, Twp. Chairman Blairs Mills, PA 17213 Phone: 717-734-3615
PA	Tioga	Township of Ward 0001A-0004A	422101	E - 5	I	F	July 1, 1977	July 1, 1977	Mason Machmer, Twp. Chairman R.D. 2, Box 206A Canton, PA 17724 Phone: 717-673-8430
PA	Lycoming	Township of Wolf 0001A-0003A	420663	E - 5	I	F	July 1, 1977	July 1, 1977	Harry Rodgers, Twp. Chairman R.D. 1 Hughesville, PA 17737 Phone: 717-584-2721
PA	Lycoming	Township of Woodward 0001A	420664	E - 10, 11, 12, 14	I	F	March 15, 1974	July 1, 1977	Michael Farmer, Chairman P.O. 68 Linden, PA 17744 Phone: 717-323-4836

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE IS	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
IN	McMinn	McMinn County (Uninc. Areas) 0001A-0006A	470126	N - 5	I	F	July 1, 1977	July 1, 1977	Lowell T. Stewart, Co. Manager County Courthouse Athens, TN 37303 Phone: 615-259-5000
WV	Marion	Marion County (Uninc. Areas) 0001A-0005A	540097	N - 10, 11, 12, 14	I	F	Aug. 30, 1974	July 1, 1977	Betty Gill, Pres. Bd. of Commissioners Second Floor - C. Courthouse Adams Street Fairmount, WV 26554 Phone: 304-366-1940
WI	Waukesha	City of Brookfield 0001A-0002A	550478	E - 10, 11, 12, 14	I	F	Nov. 9, 1973	July 1, 1977	William A. Mitchell, Jr., Mayo: 2000 North Calhoun Road Brookfield, WI 53005 Phone: 414-782-3550
WI	Chippewa	Village of Cadott 01	550043A	E - 10, 11, 12, 14	I	F	Dec. 17, 1973	July 1, 1977	Walter Ebert, VII. Pres. Route 1 Cadott, WI Phone: 715-289-3277

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PARCELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	Q N I E	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
CO	Uninc. Area	Archuleta County (03-04,06-07,11,15,18-20, 24-28,30,33-39,43-44,46- 48,50,53-54,56-57,60,62- 63,65-66,68-71,73-77,79- 82)	080273	A E-5	I	F	5 JULY 77	5 JULY 77	W. H. Diestelkamp - Chairman - Board of County Commissioners - County Courthouse - Pagosa Springs CO 81147 (303) 968-2536
CO	Uninc. Area	Jefferson County (02-43)	080087	A E-11,12,14	I	F	22 NOV 74	5 JULY 77	Ms. Donna Paschke - County Land- Use Co-ordinator - Jefferson County Courthouse - 1700 Arapahoe Golden, CO 80419 (303) 279-6511
ID	Uninc. Area	Shoshone County (01-03,05-16,24,26-32,35-36, 38-39,41-42,45-46,50-51)	160114	A E-5	I	F	5 JULY 77	5 JULY 77	Vernon T. Lannen - County Commissioner - Board of County Commissioners - County Courthouse Wallace, ID 83873 (208) 752-1264
KS	Gray	City of Montezuma (01)	200539	A N-5	I	F	5 JULY 77	5 JULY 77	Honorable Vernon Musser - Mayor - City Hall - Montezuma, KS 67867 (316) 846-3190

RULES AND REGULATIONS

42835

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATES	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
KS	Uninc. Area	Nemaha County (0001-0008)	200237 A N-5		I	F	5 JULY 77	5 JULY 77	Mr. Frank H. Meyers, Jr. - Chairman - Board of County Commissioners - County Courthouse - Seneca, KS 66538 (913) 336-2170
OK	Uninc. Area	Carter County (0001-0010)	400030 A N-5		I	F	5 JULY 77	5 JULY 77	Mr. Thomas M. Fraser - Chairman - Board of County Commissioners - County Courthouse - Ardmore, OK 73401 (405) 223-8414
OK	Garvin	City of Pauls Valley (01-02)	400246 A N-5		I	F	5 JULY 77	5 JULY 77	Honorable Claude E. Cotten - Mayor - City Hall - P.O. Drawer 578 - Pauls Valley, OK 73075 (405) 238-6354
TX	Uninc. Area	Cass County (01-61)	480730 A N-5		I	F	5 JULY 77	5 JULY 77	Honorable Bennett Hill - County Judge - Office of the County Judge - County Courthouse - Lincoln, TX 78948 (214) 756-5181
TX	Uninc. Area	Newton County (01-73)	480499 A E-5		I	F	5 JULY 77	5 JULY 77	Honorable Lee Roy Fillyaw - County Judge - Office of the County Judge - County Courthouse - Newton, TX 75966 (713) 379-5691

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	LAND USE CODE	HAZARD F/M/A/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
TX	Uninc. Area	Tarrant County (01-17,19-21,23-25,29-31, 35,37-41,43-54)	480562 A	E-10,11,12, 14	1	F	7 FEB 75	5 JULY 77	Honorable Mike Moncrief - County Judge - Office of the County Judge - County Courthouse - Fort Worth, TX 76101 (817) 336-9551

(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: August 5, 1977.

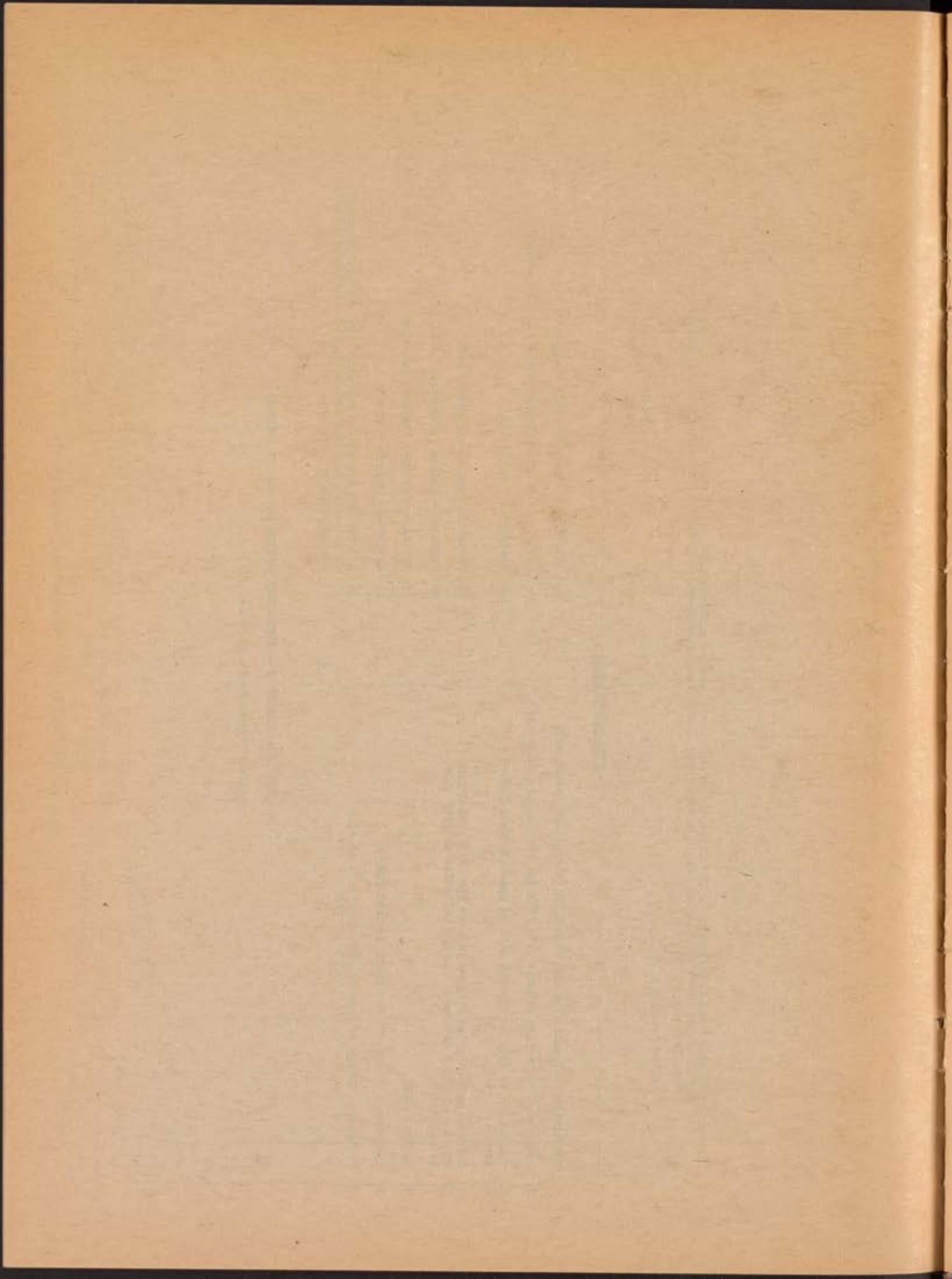
PATRICIA ROBERTS HARRIS,
Secretary.

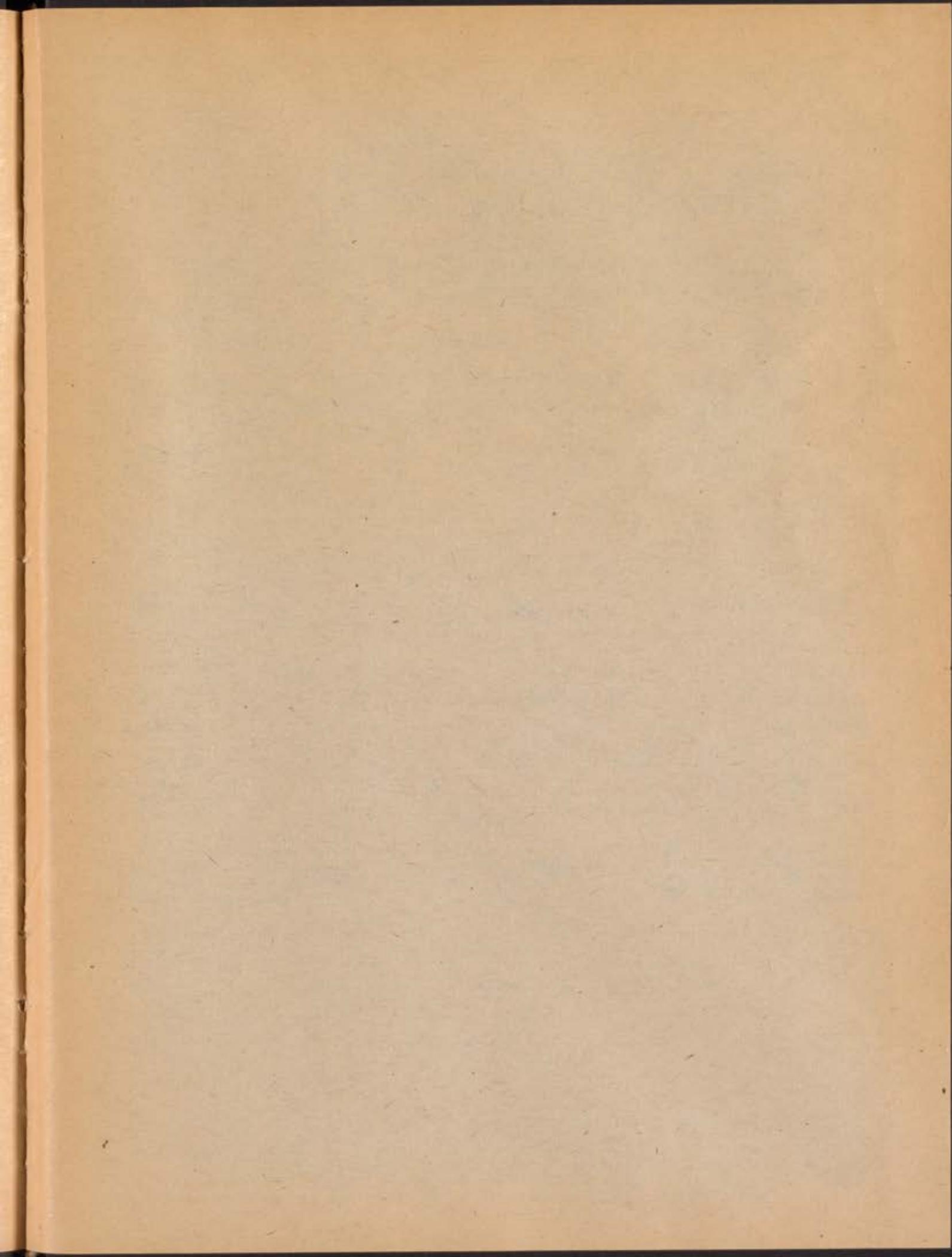
FINAL LIST COMES

- | | |
|---|--|
| <ol style="list-style-type: none"> 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; rescission of FIRM effective on same date as conversion 5. Initial FIRM 6. Revision - Change of elevation; revised FIRM 7. Revision - Change of zone designation; revised FIRM | <ol style="list-style-type: none"> 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

[FR Doc. 77-24068 Filed 8-23-77; 8:45 am]





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(Revised as of April 1, 1977)

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_____	Title 26—Internal Revenue (Part 1, §§ 1.641—1.850)	4.25	_____
_____	Title 26—Internal Revenue (Parts 2—29)	4.50	_____
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