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federal register

WEDNESDAY, AUGUST 31, 1977

highlights

"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

St. Louis, Mo. 9–28 and 9–29–77
(Details: 42 FR 42719, 8–24–77)
For reservations call: Delores O'Guin
at (314) 425–4106

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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
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	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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Draft environmental impact statement on location and program for the proposed Washington Civic Center; Washington, D.C. (open), 9–8–77..... 40998; 8–17–77

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

presidential documents

Title 3—The President

PROCLAMATION 4516

National Hispanic Heritage Week, 1977

By the President of the United States of America

A Proclamation

The Hispanic heritage of over sixteen million Americans, representing a broad diversity of cultures, has enriched our Nation by contributing to the advancement of art and science and by affirming the importance of family bonds and community spirit.

Today, Americans have come to recognize the important role of the Hispanic community both in the life and work of the United States and in our efforts to achieve understanding, mutual respect and common purpose with the Spanish-speaking nations of this hemisphere.

In recognition of our Hispanic heritage, the Congress, by joint resolution approved September 17, 1968 (36 U.S.C. 169f), has requested the President to issue annually a proclamation designating the week including September 15 and 16 as National Hispanic Heritage Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week beginning September 11, 1977, as National Hispanic Heritage Week and call upon the people of the United States, especially the educational community, to observe it with appropriate ceremonies and activities; to reflect on the influence of Hispanic culture in our land; and to encourage the full participation of Hispanic Americans in every phase of American life.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of August, in the year of our Lord Nineteen hundred seventy-seven, and of the independence of the United States of America the two hundred and second.

Jimmy Carter

[FR Doc.77-25559 Filed 8-29-77;4:02 p.m.]

PROCLAMATION 4517

Citizenship Day and Constitution Week, 1977

By the President of the United States of America

A Proclamation

On July 4, 1976, we joyfully celebrated the 200th anniversary of our Nation's independence. Now, on September 17, 1977, we commemorate the 190th anniversary of a quieter but equally momentous event: the signing of the Constitution of the United States, at Independence Hall, Philadelphia.

The Constitution audaciously proposed a new plan of government—a government through which the new Nation's people could, in the words of the Preamble, "form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity . . ."

With amendments, notably the Bill of Rights, that Constitution has endured these 190 years as the supreme law of our land. We are its inheritors—the "posterity" whose liberty the Founding Fathers wished to secure—and it is fitting for us to mark the anniversary of what they did.

By a joint resolution of February 29, 1952 (36 U.S.C. 153), Congress designated September 17 as Citizenship Day, in commemoration of the formation and signing of the Constitution and in recognition of all who, by coming of age or by naturalization have attained the full status of citizenship, and authorized the President to issue annually a proclamation calling upon officials of the Government to display the flag on all Government buildings on that day. By a joint resolution of August 2, 1956 (36 U.S.C. 159), the Congress authorized the President to designate the period beginning September 17 and ending September 23 of each year as Constitution Week and to issue a proclamation calling for the observance of that week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, call upon appropriate Government officials to display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1977, the 190th anniversary of the signing of the Constitution. I urge Federal, State and local officials, as well as leaders of civic, educational and religious organizations to conduct related ceremonies and programs on that day.

I also designate as Constitution Week the period beginning September 17 and ending September 23, 1977, and urge all Americans to observe that week with ceremonies and activities in their schools, churches and in other suitable places in order to foster a better understanding of the Constitution, and of the rights and duties of United States citizens.

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

Jimmy Carter

[FR Doc.77-25628 Filed 8-30-77;10:35 am]

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 32—National Defense

CHAPTER V—DEPARTMENT OF THE ARMY

SUBCHAPTER H—SUPPPLIES AND EQUIPMENT

[AR 725–1]

PART 621—LOAN AND SALE OF PROPERTY

Procedures and Responsibilities

AGENCY: Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: This amendment revises procedures concerning the loan of Army-owned property to recognized National Veterans' Organizations for use at National and State conventions, and adds new rules assigning responsibilities and prescribing procedures on the sale of Ordnance property to individuals, non-Federal Government agencies, institutions and organizations; and provides information relative to issue, loan or donation of Government property to the Boy and Girl Scouts of America. This revision and addition was necessary due to the recent reorganization and the deletion of material no longer pertinent to the subject matter.

EFFECTIVE DATE: August 1, 1977.

ADDRESSES: Commander, US Army Materiel Development and Readiness Command, ATTN: DRCMM–SP, 5001 Eisenhower Avenue, Alexandria, VA 22333.

FOR FURTHER INFORMATION CONTACT:

Mrs. Caryl L. Veth, 274–9617/9674.

SUPPLEMENTARY INFORMATION: The rule is being adopted without a commenting period because it implements pertinent statutes, regulations in support of Federal and civilian agencies. Therefore, it is not considered necessary to invite public comment.

By authority of the Secretary of the Army,

ROME D. SMYTH,
Colonel, United States Army, Director, Administrative Management, The Adjutant General Center.

Accordingly, 32 CFR 621 is amended by revising § 621.1 and adding § 621.2 through § 621.4 as follows:

Sec.

621.1 Loan of Army/Defense Logistics Agency (DLA) owned property for use at national and State conventions.
621.2 Sales of ordnance property to individuals, non-Federal government agencies, institutions, and organizations.
621.3 Accounting for arms and accouterments loaned to other government agencies.
621.4 Issues, loans, and donations for scouting.

1. Present § 621.1 is revised as follows:

§ 621.1 Loan of Army/Defense Logistics Agency (DLA) owned property for use at nationl and State conventions.

(a) *General.* This section—

(1) Prescribes procedures for loan of Army-owned property to recognize National Veterans' Organizations for National or State conventions as authorized by Pub. L. 193, 81st Congress.

(2) Request for loans for National Youth Athletic or recreation tournaments sponsored by veterans' organizations listed in the "Veterans Administration Bulletin 23 (ALPHA)," will be processed by parent veterans' organizations.

(3) Loans are not authorized for other types of conventions or tournaments.

(b) *Items authorized for loan.* If available, the following items may be loaned for authorized veterans' organizations requirements.

(1) Unoccupied barracks.
(2) Cots.
(3) Mattresses.
(4) Mattress covers.
(5) Blankets.
(6) Pillows.
(7) Chairs, folding.
(8) Tentage, only when unoccupied barracks are not available.

(c) *Requests for loan.* (1) Requests by authorized veterans' organizations for loan of authorized Government property will be submitted to the appropriate CONUS Army Commander of the area in which the convention will be held or the Commander, Military District of Washington (MDW) if within his area.

(2) The tenure of loan is limited to 15 days from the date of delivery, except unusual circumstances. A narrative explanation will be provided to support loan requests for more than 15 days duration.

(3) Loan requests should be submitted by letter at least 45 days prior to required date, if practicable.

(4) Requests for loans will contain the following information:

(i) Name of veterans' organization requesting the loan.

(ii) Location where the convention will be held.

(ii) Dates of duration of loan.

(iv) Number of individuals to be accommodated.

(v) Type and quantity of equipment required.

(vi) Type of convention (State or National).

(vii) Complete instructions for delivery of equipment and address of requesting organizations.

(viii) Other pertinent information necssary to insure prompt delivery.

(d) *Responsibilities.* The Army or MDW Commander will:

(1) When the availability of personal and real property is determined, notify the requesting veterans' organization of the following:

(i) The items and quantities available for loan and the source of supply.

(ii) No compensation will be required by the Government for the use of real property.

(iii) No expense will be incurred by the United States Government in providing equipment and facilities on loan.

(iv) Costs of packaging, packing, transportation and handling from source of supply to destination and return will be borne by the requesting organization.

(v) All charges for utilities (gas, water, heat, and electricity) based on meter readings or such other methods determined will be paid by the veterans' organization.

(vi) Charges which may accrue from loan of DLA/GSA material in accordance with paragraph III, AR 700–49/DSAR 4140.27, and GSA Order 4848.7 and Federal Property Management Regulations, subparagraph 101–27.5.

(vii) The Army will be reimbursed for any material not returned.

(viii) Costs of renovation and repair of items loaned will be borne by the requesting organization. Renovation and repair will be accomplished in accordance with agreement between the Army Commander and the loanee to assure expeditious return of items.

(ix) Transportation costs in connection with the repair and renovation of property will also be at the expense of the using organization.

(x) Assure that sufficient guards and such other personnel necessary to protect, maintain, and operate the equipment will be provided by the loanee.

(xi) The period of loan is limited to 15 days from date of delivery, except as provided for in paragraph (c) of this section.

(xii) Any building or barracks loaned will be utilized in place and will not be moved.

(xiii) Upon termination of use, the veterans' organization will vacate the premises, remove its own property therefrom, and turn over all Government property.

(2) Specify a bond in an amount to insure safe return of real and personal property in the same condition as when borrowed. (In the case of personal property, this amount will be equal to the

total value of the items based on current acquisition costs.)

(i) An agreement will be executed between the Army Commander and the Veterans' Organization if the terms of the loan are acceptable. A sample loan agreement is shown at Figure 7–5 of this subchapter.

(ii) When the agreement has been executed and the bond furnished, requisitions will be submitted to the appropriate source of supply. Requisitions will indicate shipping destination furnished by the veterans' organization. Transportation will be by commercial bills of lading on a collect basis.

(iii) Appoint a Property Book Officer to maintain accountability for the Government property furnished under this regulation.

(3) Property Book Officer will:

(i) Assume accountability from the document used in transferring property to the custody of the veterans' organization.

(ii) Perform a joint inventory with the veterans' organization representative. Survey any shortage or damages disclosde by the joint inventory in accordance with AR 735–11.

(iii) Maintain liaison with the veterans' organization representative, an inventory of property being returned. Certify all copies of the receipt document with the veterans' organization representative.

(v) Insure the return of all property at the expense of loanee to the supply source or to repair facilities.

(vi) Obtain a copy of receipted shipping document from the installation receiving the property.

(vii) Determine cost and make demand on the loanee for:

(A) Items lost, destroyed, or damaged.

(B) Costs of repair or renovation. Estimated costs will be obtained from the accountable activity.

(C) Comply with instructions contained in AR 700–49/DSAR 4140.27 in the application of condition A and/or B, C, and T items utilized.

(D) Ascertain that items lost in transit are reconciled prior to assessing charges. Where the loss is attributable to other than the loanee, charges should not be borne by the borrower.

(viii) Request payment from the loanee. Checks are to be made payable to the Treasurer of the United States. Upon receipt of payment(appropriate fiscal accounts will be credited. The Property Transaction Record will be closed and the Stock Record Accounts audited.

(ix) Deposit collections in accordance with instructions contained in AR 37–103. In the event payment is not received within a reasonable period, Report of Survey Action will be initiated in accordance with AR 735–11.

(x) Reimburse DLA/GSA for the cost of any repair, reconditioning and/or materiel not returned.

§ 621.2 Sales of ordnance property to individuals, non-Federal government agencies, institutions, and organizations.

(a) *General.* This Section—

(1) Cites the statutory authority for, and prescribes the methods and conditions of sale of certain weapons, ammunition, and related items as specified herein.

(2) Applies to all sales of weapons and related material to individuals, organizations, and institutions, when authorized by the US Army Armament Materiel Readiness Command (ARR COM), and overseas commanders.

(3) Provides that sales under this section will be limited to quantities of an item which authorized purchasers can put to their own use. It is not intended that property be sold under the provisions of this section for the purpose of resale or other disposition.

(4) Does not apply to sales of property determined to be surplus. See AR 755–series.

(b) *Price.* Except as noted below, when sales of the Army property are made and the title thereto passes from the US Government, the prices charged will be the standard list price contained in the SC 1305/30 Management Data List series, plus cost of packing, crating, and handling and administrative charges.

(c) *Condition of sale.* Provisions apply to sales under this section, as follows:

(1) Sales will be made without expense to the Government.

(i) All costs incident to sales (including packing, crating, handling, etc.) will be paid in advance by the purchaser.

(ii) All costs incident to shipment (transportation, parcel post charges, etc.) will also be paid by the customer.

(iii) Payment for items and charges incident to sale will be made only by cashier's check, certified check, bank money order, or postal money order made payable to the Treasurer of the United States.

(iv) For other than items of ammunition and ammunition components, cash will be acceptable when consignee pickup is authorized or purchase is made in person.

(2) All financial transactions will be accomplished in accordance with applicable Department of the Army directives and regulations. Moneys collected for cost of items, as well as packing, crating, and handling will be deposited as an appropriate reimbursement as prescribed in applicable regulations.

(3) Generally, all sales are final and, normally, the US Government assumes no obligation or responsibility for repair, replacement or exchange, except as provided in AR 920–20. Purchasers will be so advised prior to making the sale. All weapons sold, however, will be safe for firing.

(4) Weapons sold at standard price will be supplied with equipment. Weapons sold at less than standard price will be supplied less equipment.

(5) Sales of specific items may be suspended at any time by the direction of CDR, ARRCOM.

(d) *Purchasing procedure.* (1) Except as provided in paragraph (e) of this section, all requests originating within CONUS for the purchase of small arms weapons, repair parts, cleaning, preserving, and target material will be submitted to the Commander, ARRCOM, Rock Island, IL 61201.

(i) Upon approval, these items will be shipped from Army depots stocking such material, based upon availability of material. Customers will be furnished instructions for submission of remittance.

(ii) Upon receipt of proper remittance from eligible customers ARRCOM will issue the necessary documents directing shipment from an Army depot where the items are available.

(2) In implementing the subchapter, oversea commands should designate installations within the oversea command to which requests for purchase of ammunition and related material will be directed.

(3) Depots shipping weapons to individuals, Director of Civilian Markmanship (DCM) affiliated rifle and pistol clerk, museums, veterans' organizations, and other US Government agencies will annotate shipping documents with the serial number of all the weapons they ship. Firearms shipped will be reported to Commander, ARRCOM, ATTN: DR SAR–MMD–D, Rock Island, IL 61202, using DA Form 3535 (Weapons Sales Record). DA Form 3535 may be obtained from Commander Letterkenny Army Depot, ATTN: DRXLE–ATD, Chambersburg, PA 17201.

(i) The transportation officer will ascertain estimated transportation security measures (costs) for shipment to destination. Such information will be transmitted by letter to consignee with request for acknowledgement that shipment will be accepted based on costs submitted.

(ii) Shipment will not be made unless consignee agrees to accept shipments. Refusal to accept shipment shall be reported to ARRCOM.

(4) CDR, ARRCOM is responsible for maintaining a record by serial number of all weapons reported by depot in accordance with paragraph (d)(3) of this section. He will establish procedures to screen purchase requests to insure compliance with any limitations established by this section.

(e) *Sales to individuals, organizations, and institutions.* (1) Sales of small arms weapons and ammunition are limited by statute (10 U.S.C. 4308) to members of the National Rifle Association (NRA). Such sales will be made in accordance with the provisions of this section and with other rules and regulations approved by the Secretary of the Army.

(2) Sales will be limited to M1 service rifles, either national match grade or

service grade. Only one such rifle and spare parts for it will be sold to an individual. No ammunition will be sold to individuals.

(3) Junior marksmanship clubs and junior marksmanship division affiliated within the Director of Civilian Marksmanship (DCM) pursuant to AR 920–20 may purchase limited quantities of .22 caliber ammunition.

(4) The DCM will determine the maximum quantity of such ammunition that clubs will be permitted to purchase in each fiscal year.

(5) Approved, non-profit summer camp organizations which are of a civic nature and are chartered or recognized by the NRA are allowed to purchase from the DCM at cost plus shipping and handling charges, 300 rounds of .22 caliber ammunition for each junior who is participating in a summer camp marksmanship program.

(6) Requests for purchase of ammunition by marksmanship clubs and summer camp organizations will be submitted to the DCM for approval. If he approves, the application will be forwarded to ARRCOM for processing. If it is disapproved, it is returned to applicant with reason(s) stated for disapproval.

(f) *Eligibility of purchasers.* In order to purchase a rifle under this program, an individual must:

(1) Be a member of the NRA as required by statute.

(2) Be a member of a marksmanship club affiliated with the DCM (AR 920–20).

(3) Based upon regular competitive shooting, have an established status as a marksman as determined by the DCM.

(g) *Purchase procedure.* (1) Individual members of the NRA desiring to purchase National Match grade M1 service rifles will submit requests to the Director of Civilian Marksmanship, Department of the Army, Washington, DC. 20315.

(i) The request should contain the name and address of the shooting club with which the purchaser is affiliated and appropriate evidence of status as a competitive marksman.

(ii) The individual's current NRA membership card (or exact facsimile thereto) will be forwarded with the request, accompanied by a self-addressed stamped envelope for return of the membership card.

(2) Upon receipt of a request, the Director of Civilian Marksmanship will forward to the individual a Certificate for Purchase of Firearms in the suggested format at figure 5–1 be completed, notarized and returned. When returned with check or arrangements for payment, the Certificate will be referred for appropriate verification in the records of US Government agencies and for other investigation as required. This is done to insure that the sale of a weapon to the applicant is not likely to result in a violation of law. The Privacy Act Statement for Certificate of Purchase of Firearms (figure 5–2) will be made available to the individual supplying data on the Certificate for Purchase of Firearms (suggested format, figure 5–1). Prior to requesting the individual to supply data on the Certificate for Purchase of Firearms (suggested format, figure 5–1) the Privacy Act Statement for Certificate will be made available to the individual concerned. The Privacy Act Statement will be reproduced locally on 8 x 10½ inch paper.

(i) A purchase application will be denied if the applicant fails to meet all the conditions required in the Certificate.

(ii) If an application is denied, the applicant will be informed of the action and will be given an opportunity to submit additional information justifying approval of the application.

(iii) If the results of the investigation are favorable, the application will be forwarded to ARRCOM for processing.

(h) *Targets and spare parts.* Marksmanship clubs affiliated with the DCM and individuals who are members of National Rifle Association are authorized to purchase from the Army targets of types not otherwise available from commercial sources. Request for such purchases will be submitted to the Director of Civilian Marksmanship for approval and processing. Individuals who are members of the National Rifle Association and who have in the past purchased rifles from the Army under the authority of 10 U.S.C. 4308(a)(5), may purchase spare parts for those rifles if the parts are available. Requests for purchase of spare parts will be submitted to the Director of Civilian Marksmanship for approval. If he approves the application, he will forward it to ARRCOM for processing. If he disapproves the application, he will return it to the applicant stating the reasons for disapproval. Current DA transportation security measures for weapons will be applied under procedures contained in paragraph (d)(1)(i) and (ii) of this section.

(i) *Cadets, US Military Academy.* (1) When approved by the CDR DARCOM, the Superintendent, US Military Academy may sell to cadets upon graduation from the Academy those sabers which no longer meet prescribed standards of appearance and/or serviceability.

(2) Application to purchase sabers under these provisions will be made in accordance with procedures established by the Superintendent.

(j) *Reserve Officer's Training Corps (ROTC) and National Defense Cadet Corps (NDCC).* Supplies required by educational institution for the training of units and individuals of the Reserve Officer's Training Corps and National Defense Cadet Corps, in addition to authorized items normally furnished to ROTC and NDCC schools, may be sold when available (10 U.S.C. 4627). Such purchasers will be in accordance with AR 145–2.

(k) *Manufacturers and designers.* (1) Under the provisions of title 10 U.S.C. Section 4506, the Secretary of the Army is authorized to sell to contractors or potential contractors such samples, drawings, and manufacturing and other information as he considers best for national defense. Procedures for such sale are contained in APP 13–1502.

(2) Under the provisions of title 10, U.S.C. Section 4507, the Secretary of the Army may sell to designers who are nationals of the United States, serviceable ordnance and ordnance stores necessary in the devolpment of designs for the Armed Forces. Designers will submit application to purchase to the appropriate Commodity Command.

(3) If any item normally requiring demilitarization pursuant to the Defense Disposal Manual (DoD 4160.21–M) and the AR 755-series is sold, a special condition of sale will prohibit further disposition by the purchaser without prior approval of the Deputy Chief of Staff for Logistics, Department of the Army.

(l) *Sales of individual pieces of US armament for sentimental reasons.* Under the provisions of title 10, U.S.C., Section 2574, individual pieces of US armament, which are not needed for their historical value and can be advantageously replaced, may be sold at a price not less than cost when there exists for such sale sentimental reasons adequate in the judgement of the Secretary of the Army.

(m) *Method of sale.* (1) Applications to purchase under the provisions of this act will be submitted to Deputy Chief of Staff for Logistics, ATTN: DALO–SMS, Department of the Army, with a complete identification including serial number, and location of desired items, if known.

(2) Approved applications for major items will be forwarded through Commander, US Army Materiel Development and Readiness Command, ATTN: DRCMM–SP, to the Commander, US Army Armament Materiel Readiness Command.

§ 621.3 Accounting for arms and accouterments loaned to other government agencies.

(a) *General.* This section —

(1) Prescribes procedures governing the accounting for arms and accouterments loaned to another agency of the Government by DARCOM for the protection of public money and property under the provisions of Title 10 U.S.C. 4655.

(2) Applies to DARCOM and those activities and installations thereof responsible for shipment of materiel and processing of supply documents for loans of arms and accouterments to other Government agencies.

(3) Issue of arms and accouterments to other Government agencies should be pursuant to section 601, Economy Act of 1932, (47 Stat. 417; 31 U.S.C. 686) as amended by the act of 26 June 1943 (57 Stat. 219).

(4) The Secretary or Under Secretary of the Army is the approving authority for loans covered by this section. Loans will be approved or disapproved after consideration of the purpose and proposed duration of the loan, and such factors as stock position, programmed Army requirements, and type classification with pending changes thereto.

(5) Unless otherwise approved by the Secretary or Under Secretary of the

Army, loan agreements will be for a maximum of one year.

(b) *Requests.* (1) Requests for an initial loan of material or for the extension of an existing loan will be forwarded by the head of the agency involved to the Secretary Under Secretary of the Army. Only those items which are available in on-hand stocks will be considered for approval. Procurement of materiel required to satisfy a loan requirement is not authorized.

(2) Normally, request for loan of weapons/items which are type classified standard (Logistics Control Code A or B), will not be approved when a similar item or lower type classification is available.

(c) *Issue, cost and care.* (1) Loaned materiel will be returned to the Army in the same condition in which it was received.

(2) Cost of packing, handling, and transportation will be borne by the borrowing agency.

(3) Borrowing agencies are fully responsible for the care, custody, and paper use of material loaned, and for payment for material lost, damaged or destroyed.

(d) *Responsibilities.* (1) Under the provisions of statute cited in paragraph (a)(1) of this section, CDR DARCOM will require the maintenance of a stock record account, as specified in AR 735–5, for the purpose of reflecting accountability for property loaned pursuant to this regulation.

(2) Commander, ARRCOM, ATTN: DRSAR–MMD, has been designed by Commander, DARCOM as the activity to maintain accountable property records for these loans.

(e) *Processing loan requests.* (1) Requests for loan of arms and accouterments received in DARCOM or other Army activity supply channels will be returned to the originating agency for referral in accordance with paragraph (b)(1) of this section. Those approved by the Secretary or Under Secretary will be sent to ARRCOM for execution of a formal loan agreement.

(2) Requests for loans will specify the responsible official, consignee, specific need for material, proposed duration of the loan, a citation of funds to cover the cost of packing, handling, and transportation, and that facilities are available to keep firearms in locked security when not in use.

(f) *Shipment procedure.* (1) Inventory control points will initiate material release orders in accordance with AR 725–50. Concurrently with initiation of the material release order, the consignee will be furnished notice that shipment has been directed, a list of the DOD Single Line Item Release/Receipt Documents (DD Form 1348–1), and instructions as follows:

(i) *Special note to consignee.* Upon receipt of the articles listed herein, the following certificate will be signed on three copies and forwarded with receiving document (DD Form 1348–1) to (insert name and address of responsible official).

"I certify that the articles listed on (insert number) copies of attached DD Form 1348–1, numbered as follows: (list number of each Release/Receipt Document) were received in apparent good condition, except as noted. Serial numbers have been verified. (Omit second sentence if not applicable).

(Signed) _____
(Typed) _____
(Date) _____"

(ii) Special note to responsible official.

(A) Upon receipt of signed copies from the consignee, another certificate as given in (B) below will be prepared and signed, with one copy to (insert name and address of accountable property officer) and one copy retained for file.

(B) When the requirement for these articles no longer exists, disposition instructions will be requested from (insert inventory control point). (The next sentence will be varied to fit cases where items are furnished on a nonreimbursable basis and can be disposed of in accordance with regulations of the borrowing agency; and cases where weapons, through furnished on a nonreimbursable basis, must be returned to Army control for demilitarization prior to disposal.)

"I certify that desponsibility for articles listed on (insert number) copies of attached DD Form 1348–1, numbered as follows: (list number of each Release Receipt Document) is acknowledged, except as noted.

(Signed) _____
(Typed) _____
(Date) _____"

(2) All shipments will be documented on DoD Single Line Item Release/Receipt Document (DD Form 1348–1). Transportation, packing, and handling costs will be shown on all copies as will serial numbers in the case of weapons shipments.

(3) In addition to the normal distribution of DD Form 1348–1 to the consignee, one copy will be mailed to the designated responsible official of the agency concerned, and one to the pertinent inventory control point.

(g) *Accounting.* (1) Copies of the DD Form 1348–1 transmitted by the supplying installations as prescribed in paragraph (f)(1) of this section will be used as a basis for establishing accountability for the items on loan.

(2) *Hand receipt accounts.* The signature of the responsible official of the agency on DD Form 1348–1 will constitute a valid hand receipt in the accounts of the Army accountable property officer.

(3) *Annual settlements.* If a loan has been approved for a period longer than one year, property officers will reconcile loan accounts with responsible officials each 12 months. An Inventory Adjustment Report, DA Form 444, will be prepared in quadruplicate by the accountable property officer, listing items and quantities on loan to each agency. Three copies will be forwarded to the responsible official concerned requesting verification of the listing and return of two signed copies.

(h) *Returns.* (1) The responsible property officer normally will request disposition instructions from the accountable property officers when materiel is no longer needed or upon expiration of the established loan period. However, property may be drawn from the borrowing agency at any time to satisfy military requirements.

(2) The accountable property officer will issue shipping instructions for the return of property to a designated installation. The letter of instruction will contain a MILSTRIP document number (AR 725–50) for each line item to be returned, to be used for the shipment. The shipper will be directed to cite this document number on the shipping document.

(3) The accountable property officer will prepare and submit to the receiving installation a prepositioned materiel receipt card (DoD Materiel Receipt Document (DD Form 1486)) (document identifier DWC) as advance notice of the shipment.

(i) Exception data will be annotated as follows: "Return of Loan from other Government Agency-Report Receipt of Arms and Accouterments Accountable Property Officer, ATTN: DRSAR–MMD".

(ii) A copy of the letter of shipping instructions (paragraph (h)(2) of this section) will be inclosed with the prepositioned materiel receipt card for information.

(4) Upon receipt at the receiving installation, property will be inspected immediately. Cost of repairing unserviceable items and cost of replacement, if irreparable, will be determined at time of inspection. The MILSTRIP receipt card will be mailed to the accountable property officer with estimated damage cost and detail materiel conditions as exception data.

(5) Upon notification of material receipt, the accountable property officer will clear the loan record with a credit entry and process the receipt to the inventory records as an increase on-hand to asset balance.

(6) The accountable property officer will furnish receipted copies of the receiving document to the consignor and the responsible property officer closing the transaction. Billing action, when required, will be initiated as prescribed below by paragraph (i) of this section.

(i) *Fiscal procedure.* Inventory control points will be responsible for initiating billing and collection upon receipt of documents specified in paragraphs (g) and (h) of this section.

(1) Collection of amounts due the Department of the Army under this section will be in accordance with the procedures set forth in paragraph 5, AR 37–27. The same procedure will be followed whether collections are to cover the cost of packing handling, and transportation; the value of property lost or irreparably damaged; or the cost of repair.

(2) Collections will be credited to the appropriation out of which similar materiel will be procured, or similar services rendered.

(3) Standard Form 1080 (Voucher for Transfer between Appropriations and/or Funds) will be annotated to indicate that collections are to reimburse Department of the Army appropriations in accordance with 10 U.S.C. 4655.

§ 621.4 Issues, loans, and donations for scouting.

(a) *General.* This section provides information relative to issue, loan or donation of Government property to the Boy Scouts of America and the Girl Scouts of America.

(b) *Guidance.* (1) Issues are made under the provisions of the loan agreement and reimbursement is made for adjusted shortages and damages.

(2) Provisions for donations of surplus property to Scout organizations, including, hadnling, and transportation; the ing lists of classes of donable property, are contained in Chapter III, Part 3, Defense Disposal Manual (DOD 4160.21M).

(3) The loan of certain Army, Navy, Air Force and DLA equipment and the provision of transportation and other services for Jamborees is initially provided for by Pub. L. 92-249. Implementation on a current basis is made in DoD Directive 7420.1. Army implementation is provided as follows:

(i) Army stock fund in paragraph 2-6b (4), AR 37-111, Working Capital Fund-Army Stock Fund Uniform Policies, Principles and Procedures Governing Army Stock Fund Operations.

(ii) Non-stock fund in paragraph 2-17a, AR 310-34, Equipment Authorization Policies and Criteria, and Common Table of Allowances.

(c) *Procedure.* Loan agreements are mutually developed preceding the actual lending of the equipment. Paragraph 1-16, AR 735-5, General Principles, Policies and Basic Procedures, is used as the guide for preparation of loan agreements. Authority for commanders to participate in World and National Jamborees is included in paragraph (d) of this section; Procedure for Loan of Equipment and Providing of Transportation and Other Services to the Boy Scouts of America for World and National Jamborees is included in paragraph (j); and sample loan agreement to be executed by area commanders is included as figure 7-5.

(d) *World and National Boy Scout Jamborees.* The Act of 10 March 1972 (Public Law 92-249; 86 Stat 62.) and (86 Stat 63.) authorized the Secretary of Defense to lend equipment and provide transportation and other services to the Boy Scouts of America in support of World and National Jamborees. The Secretary of Defense has delegated his authority and responsibility for the support of Jamborees to the Secretary of the Army. The Commander DARCOM, ATTN: DRCMM-SP, has been assigned to monitor the program for the Secretary of the Army.

(e) *Group travel and visits.* Many Scouts and Leaders will travel in groups and their itinerary will provide for visits to places of interest in CONUS enroute to and from Jamborees. Such group travel may begin in June and extend into September and October of the Jamboree year. In keeping with Department of the Army policies, commanders of Army Installations may extend an invitation to and honor requests from Scout groups enroute to and from the Jamboree to visit and encamp at their installations.

(f) *Commissary and post privileges.* Installation commanders are authorized to provide commissary and post exchange privileges to Scout groups enroute to and from the Jamboree for food items such as bread, meat, and dairy products. These privileges will be extended only to Scout groups which are enroute to or from the Jamboree, and who are encamped or quartered at the installation or the Jamboree site. Commissary and post exchange privileges extended to Scout groups while encamped at the Jamboree site for supply and food items will only be honored upon-application by officials of the Boy Scouts of America to supplement supplies and rations not considered adequate for American Scouts or Scouters.

(g) *Arrangements.* Regional Scout Executives have been informed by the National Headquarters of the contents of this subchapter and that arrangements pursuant to this subchapter must be made in advance directly with the installation commanders. However, commanders will consider factors of extenuation or emergency which may preclude advance arrangements.

(h) *Hospitalization.* Boy Scouts and Scout Leaders attending Jamborees are considered designees of the Secretary of the Army for the purpose of receiving medical care at US Army Medical facilities. The reciprocal rate will not be charged. Subsistence charges will be at the rate of $1.80 per day for hospitalized patients, but will not be collected locally. Each Boy Scout and Leader participating in Jamborees and hospitalized in Army medical treatment facilities will be reported to The Surgeon General, ATTN: DASG-SGRE-SSC, Department of the Army, Washington, DC 20314, on DD Form 7 (Report of Treatment Furnished Pay Patients: Hospitalization Furnished (Part A)). No local collections are authorized.

(i) *Service coordination.* (1) The Departments of the Navy and the Air Force and the Defense Logistics Agency will assist the Department of the Army in providing necessary equipment, transportation, and services in support of the Boy Scouts of America attending Jamborees. The Secretary of the Army or his designee will maintain liaison, as appropriate, with such agencies to avoid duplication of effort.

(2) Other departments (agencies) of the Federal Government are authorized under such regulations as may be prescribed by the Secretary (Administrator) thereof, to provide to the Boy Scouts of America (BSA), equipment and other services, under the same conditions and restrictions prescribed for the Secretary of Defense.

(j) *Procedure for loan of equipment and providing of transportation and other services to the Boy Scouts of America for world and national jamborees.* (1) In accordance with the provisions of Pub. L. 92-249, 92d Congress, H.R. 11738, 10 March 1972, and Secretary of Defense Memo of 17 May 1972, subject: Loan of Equipment and Providing of Transportation and Other Services to the Boy Scouts of America for Boy Scout Jamborees; Memo of 23 January 1973, subject: Military Transportation Support for Boy Scout Jamborees; and Memo of 19 August 1974, subject: Military Transportation Support for Boy Scout Jamborees, the DOD is authorized to lend certain items and provide transportation and certain other services to such Jamborees. Prior to the loan of property and providing transportation and other services, an appropriate agreement will be executed between the United States of America and the activity to be supported. A bond (fig. 7-6), in an amount specified by the Commander, DARCOM, based on statute will be taken by the Commander-in-Chief/Commander, Major Army Command (MACOM), and held until termination of the encampment and final settlement is made for each Jamboree.

(2) The Commander-in-Chief/Commander, MACOM designated, on behalf of the Commander, DARCOM, representing the Secretary of Defense will enter into legal arrangements with the Boy Scouts of America for the loan of equipment and the providing of transportation and certain other services for Boy Scouts World and National Jamborees. National Jamborees include Jamborees conducted by and within the United States and also those conducted by and within foreign nations.

(3) The Commander-in-Chief/Commander, MACOM, will appoint a Property Book Officer who will maintain separate stock records in order to provide for a single final billing to the supported activity (Boy Scouts of America) for items consumed, lost, damaged or destroyed. The Department of the Army will not be billed for items obtained from other than Army sources, except medical supply losses. Bills for medical supply losses will be submitted to the US Army Area Surgeon for payment. He will establish liaison with the activity to be supported. The property book account will be established in accordance with section 2, chapter 2, AR 710-2.

(4) The Commander-in-Chief, MACOM, will task the Army Areas Surgeon for Medical Supply Support to the Jamborees. Each Surgeon designated should appoint an accountable officer and furnish the name, location, and routing identifier of a project office wherein medical supply problems can be resolved.

(5) The Property Book Officer is authorized direct communication with the source of supply, other military department liaison personnel and DARCOM ICP's to resolve routine supply problems.

(k) *Preparing bills of material.* (1) The activity (BSA) will submit a list of equipment and supplies desired to the Commander-in-Chief/Commander, MACOM. This list will be edited during and subsequent to preliminary conferences with representatives of the activity and furnished to Commander, DARCOM, ATTN: DRCMMSP.

(2) HQ, DARCOM, will convert the informal list to a tentative Bill of Material

and will furnish the respective Commodity Command that part of the Bill of Material for their items of logistical responsibility. A suggested format for the Bill of Material is included as figure 7–1. Local reproduction is authorized. Copies of the entire tentative Bill of Material will also be furnished to each of the military departments authorized to participate in the support of the encampments. The Bill of Material forwarded to the Commander-in-Chief/Commander, MACOM will be screened to determine in-house availability prior to placing requisitions on CONUS supply points.

(3) At such time as item availability information is on hand and the sources to be used are determined (paragraph (m) of this section, a Bill of Material (figure 7–1) will be prepared by HQ, DARCOM, and forwarded to the Commander-in-Chief/Commander, MACOM.

(4) The Bill of Material will list, by commodity command (military department), all items desired, identified by National Stock Number (NSN) description, quantity desired and required delivery date. The NSN will provide identification of the items required. Items will be identified by the Property Book Officer to the responsible commodity command or military department as indicated below:

(i) ECOM	1 US Army Electronics Command.
(ii) TSARCOM	2 US Army Troop and Aviation Materiel Readiness Command.
(iii) ARRCOM	3 US Army Armament · Materiel Readiness Command.
(iv) TARCOM	4 U.S. Army Tank-Automotive Materiel Readiness Command.
(v) DLA	5 Defense Logistics Agency.
(vi) Navy	N Department of the Navy.
(vii) Air Force	F Department of the Air Force.
(viii) Other Installations	A

The Bill of Material will be screened to insure that radioactive items restricted for military use are not included.

(l) *Establish property transaction records.* (1) A Property Transaction Record reflecting complete information about each item loaned to the activity will be established and maintained by the Property Book Officer (figure 7–2) and the respective commodity command military department (figure 7–3). Suggested formats for the Property Transaction Records are found in figures 7–2, 7–3, and 7–4. Local reproduction is authorized.

(2) The Property Book Officer will also establish and maintain separate Property Transaction Records for items obtained from supply sources other than Army commodity commands, i.e., other Army installations, Department of the Navy, Department of the Air Force (figure 7–4).

(3) Each entry on the Property Transaction Record will be supported by appropriate documentation (commodity command; copies of shipping documents, copies of return documents and copies of surveillance inspection report—Property Book Officer: Requisition voucher files and hand receipt cards. This is particularly important for reconciliation purposes in order that all property received from each source will be returned to that source upon termination of each encampment.

(m) *Locating and obtaining equipment and supplies.* (1) The respective commodity commands (military departments) will screen the tentative Bill of Material (paragraph (k)(2)) and determine availability and source of supply identified by Routing Identifier Code. They will advise HQ, DARCOM, ATTN: DRCMM–SP, of availability, appropriate substitute items when the requested items are not available in sufficient quantity, and the source of supply for requisitioning purposes.

(2) Concurrently, the Bill of Material will be screened within the MACOM to determine those items that can be obtained from assets available in the command.

(3) The Property Book Officer will requisition equipment and supplies from the source of supply as indicated by Commander, DARCOM in accordance with AR 725–50 or other separately furnished instructions. The requisition number, quantity requisitioned, stock number and source of supply will be entered in the Property Transaction Record. Requisitions will cite the appropriate project code assigned and appropriate activity address code on all requisitions submitted. Project codes will be assigned by Commander, Logistic Systems Support Activity, ATTN: DRXLS–LCC, Chambersburg, PA, 17201 and distributed by message to all interested addressees.

(4) Loan of General Services Administration (GSA) General Supply Fund Material—The Federal Property and Administrative Service Act of 1949, as amended, authorizes the Administrator GSA to loan GSA General Supply Fund Material to the Department of Defense and other federal agencies. Loan shall be made to the extent that items are readily available and that such loans will not jeopardize the GSA stock inventory. The loan of GSA General Supply Fund Material shall normally be limited to 90 calendar days. Requisitions for GSA material should be submitted to the nearest GSA Regional Office by the CINC/CDR MACOM.

(5) Formal accountability for all items shipped to the site of the activity will be retained by the appropriate accountable activity. Property and financial accounting will be in accordance with respective military department regulations governing loans.

(6) The shipping depot or other source will furnish a copy of the shipping document to the respective commodity command (military department) where the quantity charged, date shipped, condition of the property and total value will be posted to the Property Transaction Record.

(7) Upon receipt of the advance copy of the shipping document, the commodity command (military department) will post information to his Transaction Record, by source as in paragraph (l)(1) of this section.

(8) When the shipment is received, the Property Book Officer will inspect the property. A narrative statement of condition will be prepared if condition of the property is other than that indicated on the shipping document and referenced to the condition entry on the Property Transaction Record. The source of supply, as appropriate, will be immediately notified of overages or shortages and verified in condition, as provided in Chapter 8, AR 735–11. The Property Book Officer will enter on the shipping document the quantity actually received when it differs from quantity shown as shipped and will post the quantities received to the property book record.

(9) Discrepancies between the quantity shipped by the depot and that received by the Property Book Officer and variance in condition will be reconciled as rapidly as possible and appropriate records will be brought into agreement. When shortage or damage is not attributable to the carrier, the Property Book Officer will immediately contact the responsible source of supply, furnishing the stock number and document number involved, together with an explanation of the discrepancy. Reconciliation is particularly important in order to ensure a common point of departure in determining charges to be assessed upon termination of the activity. Replacement shipments, when required, will be covered by appropriate shipping documents.

(10) Special Instructions for Defense Logistics Agency, Clothing and Textile Items. (See DSAR 4140.27/AR 700–49).

(n) *Transportation.* (1) Transportation of equipment and supplies—The responsibility of coordinating movement of equipment and supplies placed on loan to the Boy Scouts of America during National and World Jamborees is delegated to the Commander, US Army Materiel Development and Readiness Command, ATTN: DRCMM–ST.

(2) All requisitions for items in question, will cite the appropriate project code and will be shipped by commercial bill of lading on a collect basis to all National Jamborees and World Jamborees held in the United States.

(3) Shipments to Boy Scout contingents at World Jamborees in foreign

countries will be by Government bills of lading, unless otherwise specified by the Boy Scouts of America.

(4) All shipments directed to Boy Scout Jamborees will be routed by the most feasible means as determined by the shipper. Shipments will be consolidated to the maximum extent possible to assure the lowest charges available to the Boy Scouts of America.

(5) Separate shipping instructions will be provided for each Jamboree to assure that correct consignee and railhead addresses are furnished.

(6) Movement of Boy Scouts, Scouters, and officials living in the United States of America to a Jamboree within the United States of America or to a Jamboree in an oversea area shall be the responsibility of the Boy Scouts of America or the individuals concerned.

(7) No authority exists under Public Law 92-249 for the movement of Boy Scouts, Scouters, and officials via military capabilities other than those of the Military Airlift Command or the Military Sealift Command.

(o) *Transportation by vessels of the Military Sealift Command (MSC).* (1) The MSC does not operate any ships suitable for carriage of passengers on transoceanic routes. Although pertinent directives and Public Law 92-249 authorize the movement of Boy Scouts on Military Vessels, the MSC has no capability to provide such transportation.

(2) The MSC is an industrial-funded organization and charges the military service for sealift services provided in accordance with established rates. The host command will be responsible to compensate the MSC for any equipment or material moved on MSC ships. The limitations inherent in Public Law 92-249 stipulate that transportation support provided will be at no cost to the Government. Under these directions, Boy Scout equipment or materiel is not authorized movement on a space available basis without prior approval of the Secretary of Defense. Such approval is not anticipated.

(3) All billings for transportation provided by MSC will be forwarded to the appropriate Commander-in-Chief/Commander of the support major Army command (MACOM). Reimbursement will be requested by the MACOM Commander from the Boy Scouts of America.

(p) *Transportation of oversea based scouts, scouters, and other authorized personnel by military airlift to national or international jamborees.* (1) Space required reimbursable transportation by Military Airlift Command (MAC) airlift over established MAC channels is authorized from points outside the Continental United States (OCONUS) to aerial ports within CONUS, or to other oversea locations and return. Such transportation will be provided only to the extent that it does not interfere with the requirements of military operations, and only to those Boy Scouts of America (BSA) as representing the BSA at the Jamboree. Certification by the BSA will be in the form of a letter identifying each such individual as their authorized representative at the Jamboree. This letter of authorization must be presented to the sponsoring overseas command.

(2) Boy Scouts, Scouters, officials and their equipment will be moved after all space required traffic, but before any space available traffic.

(3) Each passenger is authorized the normal accompanying free baggage allowance of 66 pounds while traveling on MAC aircraft. It is not contemplated that any excess baggage allowance will be authorized.

(4) Transportation of Boy Scouts, Scouters, officials, and their equipment provided by MAC controlled aircraft will be reimbursed at the common user tariff rates assessed US Government Traffic, as contained.

(5) On the basis of letters of authorization issued by the BSA, the BSA will monitor services provided by the Department of Defense. One copy of each BSA letter of authorization will be forwarded to the Commander, US Army Materiel Development and Readiness Command, ATTN: DRCMM-SP, 5001 Eisenhower Avenue, Alexandria, VA 22333, for planning purposes. This letter of authorization should specify whether one way or round trip transportation is requested.

(6) DACROM responsibilities include the following:

(i) Compiling a passenger forecast to be submitted to MAC in accordance with AR 59-8/OPNAVINST 4630.18C/AFR 76-38/MCO 4630.6B.

(ii) Providing Military Traffic Management Command (MTMC) an information copy of the passenger forecast.

(iii) Submitting all passenger requirements for one way and round trip transportation originating overseas to the appropriate overseas command.

(7) The responsibilities of the sponsoring overseas command include:

(i) Verifying that Scout passengers are officially authorized representatives of BSA in accordance with paragraph (p) (1) of this section.

(ii) Making all necessary passenger reservations with MAC, for transportation originating overseas, in accordance with AR 55-6, AFR 76-5, OPNAVINST 4630.23, and MCO P4630.11. The oversea command will submit CONUS outbound return passenger requirements to command, Military Traffic Management Commander, ATTN: MTMC-PTO-P, Washington, DC 20315.

(iii) Issuing each passenger a MAC Transportation Authorization (DD Form 1482) for transportation from the overseas location and return, when round trip transportation has been requested. The customer identification code, item (7) of the DD Form 1482, should be designated—JBWJ—which was approved by MAC as the permanent CIC for direct

billing purposes to HQ, Boy Scouts of America, North Brunswick, New Jersey, 08902.

(iv) Insuring that each Scout passenger has a completed DD Form 1381, signed by a parent, guardian or other legally responsible individual.

(v) Evaluating the use and necessity of military airlift within or between overseas locations. This evaluation will include such factors as reasonable travel time, number of connections required, and assurance of Scout group integrity. Surface transportation will normally be used for travel within an overseas area.

(8) The responsibilities of the MTMC include:

(i) Evaluating the return outbound passenger requirements and making the necessary transportation arrangements so as to maintain Scout group integrity at all times.

(ii) Assisting the BSA in completing required documentation and insuring that passengers are ready prior to the return flight.

(iii) Pub. L. 92-249 does not provide authorization for the use of the Department of Defense transportation by Scouts, Scouters, and Officials of foreign nations. All requests to transport such persons should be forwarded through the unified command channels to the Office of the Assistant Secretary of Defense (Public Affairs). However, DOD does not contemplate authorization for the use of MAC aircraft for other than US Scouts, Scouters, and Officials.

(iv) Use of military helicopters in support of medical evacuation, VIP, press and photo-services—The Director of Army Aviation, the Department of the Army Staff Judge Advocate, and the Comptroller of the Army have furnished the general opinion that Public Law 92-249 authorizes the use of Military helicopters in support of the above described services to the extent they are reasonably available and permits the use of appropriated funds.

(q) *Determination of charges and settlement.* (1) All property on which repair cost is claimed will be held at the depot or post, camp or station until final charges are determined and a release is given by CDR, DARCOM, Department of the Army.

(2) The commodity command (military department) will prepare the following information and statement and forward them to CDR, DARCOM, Department of the Army, for final review:

(i) Complete Property Transaction Record and supporting documents.

(ii) Proper accounts for which reimbursement received for shortages and repairs are to be deposited.

(iii) The following statement: "The losses and/or damages indicated on the Property Transaction Report in the amount of $_____ represent the total claim by (appropriate commodity command or military department) relative to commodity command or military department property loaned to (Boy Scouts of America). Upon settlement and deposit to the proper account, the CDR of the commodity command or military department releases the (Boy Scouts of America) from further obligations."

(iv) Statements as to the general type of repair, e.g., tentage, repair tears, insert new panels, replace grommets will be reported on separate addendum to the Property Transaction Record for items requiring repair.

(3) The CINC/CDR, MACOM, will prepare the following information and statement for property furnished for assets in the command and will forward this to CDR, DARCOM:

(i) Same as (q) (2) (i) of this section.

(ii) Same as (q) (2) (ii) of this section.

(iii) The following statement: The losses and/or damages indicated on the Property Transaction Record in the amount of $_____ represent the total claim by (appropriate Army) relative to (appropriate Army) property loaned to (Boy Scouts of America). Upon settlement and deposit to the proper account, the CINC/CDR, MACOM releases the (Boy Scouts of America) from further obligations.

(iv) Same as (q) (2) (iv) of this section.

(4) CDR, DARCOM, will review the charges, inspect property to be repaired, if necessary, reconcile any discrepancies and determine final charges to be levied against the supported activity. Approved list of charges will be forwarded to the CINC/CDR, MACOM, for collection, and property being held for repair will be released.

(5) The CINC/CDR, MACOM, will prepare and dispatch a letter to the supporting activity and request payment made payable to the Treasurer of the United States. Upon receipt of payment, collection documents will be prepared and appropriate fiscal accounts, as furnished by the commodity command (military departments) (q) (2) and (3) of this section) credited. The MACOM Surgeon will take action to reimburse the DLA stock fund for expendable medical supply losses reported. The CINC/CDR, MACOM, will close the Property Transaction Record Account.

(6) The CINC/CDR, MACOM, will advise the CDR, commodity command (military departments and CDR, DARCOM, DA) that settlement has been accomplished. Commodity (military department) Property Transaction Records will be closed upon receipt of the foregoing advice.

(7) The CDR, DARCOM will advise the CINC/CDR, MACOM, to return the bond to Boy Scouts of America.

(8) In the event of unsatisfactory settlement, the proceeds of the bond will be used to satisfy the claim. The Power of Attorney executed in connection with the agreement will be envoked and proceeds collected from the bond (fig. 7-7).

CERTIFICATE FOR PURCHASE OF FIREARMS

I hereby certify that I am a citizen of the United States of America; that I was born on _____ (date) at _____ (place); that my Social Security Account number is _____; that I am not a member of any organization which has as any part of its program the attempt to overthrow the Government of the United States by force or violence; that I am not under indictment or information for nor have I been convicted of a crime for which the maximum penalty imposable by law (whether or not actually imposed) is imprisonment for a term exceeding one year, or a crime involving use of a firearm or assault against the person, or a violation of Federal ,State, or local firearms regulations; that I am not a fugitive from justice; that I am not now or ever have been under medical care for psychiatric reasons (statement from psychiatrist may be attached for consideration); that my previous purchases of weapons from the US Government are as listed below; that I am a member of the National Rifle Association, Membership Card No. _____ Expiration Date _____; that I am an active member of _____ club, affiliated with the Director of Civilian Marksmanship; that I have been active for _____ years in competitive marksmanship activity (evidence attached); that I desire to purchase _____ (exact description of item(s) to be purchased) for my personal use and not for resale or other disposition; that I will use this weapon in competitive marksmanship programs which promote practice in the use of rifled arms; that I have complied with all State and local requirements relative to the acquisition of firearms (evidence of compliance must be attached); and that I will comply with the Federal and National Firearms Acts and all State and local laws concerning the possession and use of firearms.

_____
(Signture)

_____
(Name—print or type)

_____
(City) (State) (Zip)

_____ _____
(Notary Public) (Day) (Month) (Year)

Previous Purchases:

MAKE	MODEL	CALIBER	SERIAL NO.	DATE OF PURCHASE

Notes.

1. No weapon will be sold to an individual under 18 years of age.
2. This certificate will be signed in the presence of and attested to by a Notary Public.
3. The purchaser's attention is directed to 18 U.S.C. 1001, which provides as follows:

"Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device of material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both."

Figure 5-1. Suggested Format.

DATA REQUIRED BY THE PRIVACY ACT OF 1974
(5 U.S.C. 552a)

TITLE OF FORM	PRESCRIBING DIRECTIVE
Certificate of Purchase of Firearms	AR 725-1

1. AUTHORITY

Title 10 U.S. Code, Section 4308 - Sale of Firearms

2. PRINCIPAL PURPOSE(S)

Information is required to establish eligibility for sale of firearms to competitive NRA Shooters who are U.S. citizens.

3. ROUTINE USES

This form is sent to the Department of Treasury: Bureau of Alcohol, Tobacco, and Firearms; to the Federal Bureau of Investigation; and to local police offices for security checks of eligible individuals applying for purchase of firearms.

4. MANDATORY OR VOLUNTARY DISCLOSURE AND EFFECT ON INDIVIDUAL NOT PROVIDING INFORMATION

The Department of Army is only authorized to sell firearms to competitive NRA Shooters who are U.S. Citizens; consequently the information required on the form is necessary to comply with this statute in ascertaining individual eligibility. Disclosure of Social Security Numbers is voluntary. The social security number is necessary solely for identification purposes. The routine uses made of the social security number are the same as those named under #3 above. However Failure to provide social security number will result in disapproval of the application.

Privacy Act Statement - 26 Sep 75

GPO 893-893

Figure 5-2

DATE _____

BILL OF MATERIAL

_____
(Activity)

Item No.	NSN	Description	Quantity	Date required	Quantity available	Unit price	Located at

Notes. 1. Separate sheets will be kept for the property of each Commodity Command (Military Department).
2. Item numbers will be listed vertically. If an item has components that are susceptible to loss or damage and are normally accounted for separately, for example, tent pins and poles, they will be listed separately.
3. The availability and location columns will be completed by each Commodity Command (Military Department).

Figure 7–1

PROPERTY TRANSACTION RECORD

(Accountable Property Officer—Commodity Command Property)[1]

(1) Item No.	(2) NSN	(3) Description	(4) Unit price	(5) Requisition No.	(6) Quantity requisitioned	(7) Depot shipped	(8) Quantity charged (received)	(9) Date received	(10) Condition
	•	•	•		•	•	•	•	

(11) Return doc #	(12) Total value	(13) Quantity credited (shipped)	(14) Depot receiving	(15) Condition	(16) Quantity over	(17) Quantity short	(18) Dollar value over (−) short (+)	(19) repair cost	(20) Stock status	(21) Total charge

Notes. 1. Separate sheets will be maintained for each Commodity Command.
2. Item numbers will be listed vertically.
3. If items have components that are susceptible to loss or damage and are normally accounted for separately, for example, tent pins poles, and they will be listed separately.
4. Column 21 is determined by adding columns 18 and 19. Column 19 will not be included in the computation if the items are Commodity Command excess.

Figure 7-2

PROPERTY TRANSACTION RECORD

(Commodity Command—Military Department)

(1) Item No.	(2) NSN	(3) Description	(4) Unit price	(5) Depot shipping	(6) Quantity charged (shipped)	(7) Date shipped	(8) Condition	(9) Shipping doc #	(10) Total value
	•	•	•	•		•	•	•	

(11) Quantity credited (returned)	(12) Depot receiving	(13) Return doc #	(14) Condition	(15) Quantity over	(16) Quantity short	(17) Dollar value over (−) short (+)	(18) Repair cost	(19) Stock status (excess req)	(20) Total charge

Notes. 1. Item numbers will be listed vertically.

2. If items have components that are susceptible to loss or damage and are normally accounted for separately, for example, tent pins and poles, they will be listed separately.

3. Column 20 is determined by adding columns 17 and 18. Column 18 will not be included in the calculation if the items are Commodity Command (Military Department) excess.

Figure 7-3

PROPERTY TRANSACTION RECORD

(Accountable property Officer—Property from Source other than Army Commodity Command ICP's)

(1) Item No.	(2) NSN *	(3) Description *	(4) Unit price	(5) Requisition No. *	(6) Quantity requisitioned *	(7) Shipping source *	(8) Quantity charged (received)	(9) Date received *	(10) Condition *	(11) Other source credit voucher No.
(12) Account debit voucher No.	(13) Total value	(14) Quantity credited (shipped)	(15) Receiving point	(16) Account credit voucher No.	(17) Condition	(18) Quantity over	(19) Quantity short	(20) Dollar value over (-) short (+)	(21) Repair cost	(22) Stock status	(23) Total charges

Notes. 1. A separate sheet will be maintained for each of the following sources of equipment: post, camp and station; Department of Navy, Department of Air Force.
2. Item numbers will be listed vertically.
3. If items have components which are susceptible to loss or damage and they are normally accounted for separately, for example, tent pins and poles, they will be listed separately.
4. Column 23 will not be completed by the Accountable Property Officer on sheets for property from posts, camps and stations. The US Army materiel ~~Command~~ command will determine stock status at the time of final review.
5. Column 23 is calculated by adding columns 20 and 21. Column 21 will not be included in the calculation if the items are excess to a military department.

Figure 7-4

SAMPLE

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE BOY SCOUTS OF AMERICA IN CONNECTION WITH EQUIPMENT LOANED AND TRANSPORTATION AND OTHER SERVICES PROVIDED FOR WORLD AND NATIONAL JAMBOREES

Agreement made this __ day of ____, 197__, in duplicate by and between the United States of America, hereinafter referred to as the Party of the First Part, and the Boy Scouts of America, North Bunswick, New Jersey 08902, a corporation organized and existing under and by virtue of the laws of the District of Columbna, hereinafter referred to as the Party of the Second Part.

This agreement shall bind the successors and assigns of the Party of the Second Part.

Pursuant to Section 133(d), Title 10, United States Code, The Secretary of the Army has been delegated authority with power of successive delegation to act as the representative of the Secretary of Defense. The authority to enter into this agreement has been further delegated to the commanders of the appropriate MACOM.

1. The Party of the First Part agrees to lend such equipment as may be necessary for the accommodation of the Boy Scouts and Officials at World and National Jamborees to be held during specified periods at appropriate site.

2. This agreement by the Party of the First Part is predicated upon the performance by the Party of the Second Part of the following conditions precedent:

a. Before delivery of any property or the provision of any transportation and other services by the Party of the First Part, the Party of the Second Part shall post a bond acceptable to the Party of the First Part in the amount of _____ in the form attached hereto, for the same return of such property in good order and condition and for reimbursement of transportation provided and the whole without expense to the United States.

b. The Party of the Second Part shall make a formal request for such equipment and transportation as may be useful or necessary in connection with the World and National Jamborees. The Party of the First Part will make formal determination of the availability of requested equipment and propriety of providing any transportation and incidental services in accordance with existing Federal Statutes and Department of the Army Regulations and Directives.

3. The Party of the Second Part agrees:

a. To appoint a representative for the purpose of making joint inventories of all equipment at the time of the receipt and return thereof, respectively. Said representative shall be authorized to, and shall, execute

Figure 7-5

receipted shipping documents for the equipment, upon delivery, and shall certify as to the correctness of the inventory of all equipment returned.

b. To provide such personnel as may be necessary to maintain and operate the equipment loaned, such necessity to be determined by the Party of the First Part.

c. To permit and facilitate inspection by representatives of the Party of the First Part at any and all times both of the equipment loaned and of the provisions made by the Party of the Second Part for compliance with the paragraphs numbered 3*a* and 3*b* hereof.

d. To turn back to the Department of the Army within 60 days, but not later than the termination of the Jamboree, except in case of emergency, after demand therefor by the Party of the First Part, all equipment loaned in accordance with this Agreement in good order and condition, reasonable wear and tear excepted, and the whole without expense to the Party of the First Part.

e. To pay transportation costs of all equipment loaned from source of supply to destination and return and passenger transportation provided from oversea areas to CONUS or to other areas and return.

f. To pay upon demand of the Party of the First Part reasonable and necessary expense of rehabilitation of equipment after use at World and National Jamborees, such rehabilitation to be accomplished in a manner satisfactory to the Party of the First Part. Rehabilitation shall not be deemed required when equipment has suffered only reasonable wear and tear. Transportation charges incurred by the Party of the First Part in connection with said rehabilitation shall be paid as part of said expense.

g. To pay upon demand by the Party of the First Part for all items lost, destroyed or damaged beyond prospect of economical repair as reasonably determined by the Party of the First Party.

h. To save the Party of the First Part from all expense in the loan of equipment and the provision of transportation and other services and from any incidental loss, expense, damage, claims, or liability whatsoever not specifically mentioned herein arising in connection with said loan of equipment and provision of transportation and other services.

i. To take specific measures to protect the interests of the Party of the First Part by procuring comprehensive insurance for all property loaned, including motorized equipment covered for liability, property damage, fire, theft, and deductible collision, and to file duplicate copies of such insurance policy or policies with the Party of the First Part.

4. The Party of the Second Part further agrees that no member of or delegate to Congress shall be admitted to any share or part of such contract or agreement or to any benefit to arise therefrom.

In Witness Whereof the Party of the First Part has executed these presents as of the day and year above written.

Figure 7-5—Continued.

THE UNITED STATES OF AMERICA

By: _____
Commander, United States Army
Appropriate MACOM

In Witness Whereof the Party of the Second Part has executed these presents as of this _____ day of _____.

BOY SCOUTS OF AMERICA

By: _____
Name
Chief Scout Executive

By: _____
Name
Director, National Events
Jamboree Administrator

Figure 7-5—Continued.

SAMPLE

BOND FOR SAFEKEEPING OF PUBLIC SUPPLIES, EQUIPMENT AND MEANS OF TRANSPORTATION ISSUED TO THE BOY SCOUTS OF AMERICA UNDER PUBLIC LAW 92-249, 92D CONGRESS APPROVED 10 MARCH 1972

Know all men by these presents, that the Boy Scouts of America in the City of North Brunswick and the State of New Jersey, as obligor is held and firmly bound unto the United States of America in the penal sum of _____, lawful securities of the United States, for the payment of which sum, well and truly to be made to the United States, without relief from evaluation or appraisement laws said organization binds itself, its successors and assigns firmly by these presents.

The condition of the above obligation is such, that whereas the Boy Scouts of America is a corporation to which by Public Law 92-249, 92d Congress, approved 10 March 1972, the Secretary of Defense is authorized to lend, under such regulations as he may prescribe, such equipment and provide such transportation as may be necessary and useful for the accommodation of the Boy Scouts and officials at World and National Jamborees of the Boy Scouts of America to be held at (appropriate site), subject to the provision that before delivering such property he shall take from the Boy Scouts of America a good and sufficient bond for the safe return of such property in good order and condition and the whole without expense to the United States.

Now, therefore, if as to all the property of the United States to be issued to the Boy Scouts of America shall take good care of, safely keep and account, and shall, when required by the Secretary of Defense or his authorized representative, safely return to Department of the Army all said property issued and covered by this bond within 60 days from the conclusion of said Jamboree, the whole without expense to the United States, in as good order and in the same condition as that in which the equipment and property existed at the date of delivery, reasonable wear excepted, or upon formal demand make adequate monetary compensation for items lost or damaged beyond prospect of economic repair as well as for costs or renovation or repair of items accomplished at Government repair facilities and for transportation provided from oversea areas to CONUS and return or to other oversea areas and return or as more fully set forth and defined in the agreement dated _____ between the United States of America and the Boy Scouts of America, then this obligation shall become inoperative and void, otherwise to remain in full force and virtue.

The above-bounded obligor, in order to more fully secure the United States in the payment of the aforementioned sum, hereby pledges as security therefor, in accordance with the provisions of Section 1126 of the Revenue Act of 1926, as amended, Government securities in the principal amount of _____ which are numbered serially, are in the denominations and amounts, are otherwise more particularly described as follows:

Figure 7-6

United States of America Treasury Bonds 2½% due _____ _____.

Interest on said securites shall accrue and be paid to the Boy Scouts of America except and unless there occurs a default as defined herein and said securities are sold and applied to the satisfaction of such default as provided herein. Said securities have this day been deposited with the Finance and Accounting Officer, (appropriate US Army) and his receipt taken therefor.

Contemporaneously herewith the undersigned have also executed an irrevocable power of attorney and agreement in favor of the Finance and Accounting Officer, (appropriate US Army), acting for and in behalf of (appropriate US Army) authorizing and empowering said officer as such attorney to disburse said funds so deposited, or any part thereof, in case of any default in the performance of any of the above-named conditions or stipulations.

In Witness Whereof, this bond has been signed, sealed, and delivered by the above-named obligor, this _____ day of _____ 197__.

BOY SCOUTS OF AMERICA

_____ SEAL

Name
Chief Scout Executive

_____ SEAL

Name
Comptroller

Signed, sealed, and delivered in the presence of:

_____ _____

(Name) (Address)

_____ _____

(Name) (Address)

Before me, the undersigned, a Notary Public within and for the County of Middlesex, in the State of New Jersey, personally appeared _____, Chief Scout Executive, and for and in behalf of said Boy Scouts of America, a corporation, acknowledged the execution of the foregoing bond.

Witness my hand and notarial seal this _____ day of _____, 197__.

Notarial Seal _____

(Notary Public)

My commission expires _____

(Date)

Figure 7-6—Continued.

SAMPLE

POWER OF ATTORNEY

Know all men by these presents, that the Boy Scouts of America is a corporation, having its principal office in the City of North Brunswick, State of New Jersey. does hereby constitute and appoint the Finance and Accounting Officer, (appropriate US Army), acting for and in behalf of the (Commander, appropriate US Army), and his successors in office as attorney for said corporation, or its authorized representatives, for and in the name of said corporation to collect or to sell, assign and transfer certain securities described as follows:

United States of America Treasury Bonds 2½% due _____ such securities having been deposited by it, pursuant to authority conferred by Section 1126 of the Revenue Act of 1926, as amended, and subject to the provisions thereof and of Treasury Department Circular No. 154, dated February 6, 1935, as security for the faithful performance of any and all of the conditions or stipulations of a certain obligation entered into by it with the United States, under date of _____ which is hereby made a part hereof, and the undersigned agrees that, in case of any default in the performance of any of the conditions and stipulations of such or any part thereof, or to sell, assign, and transfer said securities or any part thereof without notice, at public or private sale, free from equity of redemption and without appraisement or evaluation, notice of right to redeem being waived, and to apply the proceeds of such sale or collection, in whole or in part, the satisfaction of such default and the undersigned further agree that the authority herein granted is irrevocable.

And such corporation hereby for itself, its successors and assigns, ratifies and confirms such action as is proper, taken within the scope of this Power.

In Witness Whereof, the Boy Scouts of America, the corporation herein-above named by its Chief Scout Executive and Comptroller duly authorized to act in the premises, has executed this instrument and caused the seal of the corporation to be affixed this _____ day of _____, 197__.

BOY SCOUTS OF AMERICA

By: _____
Name
Chief Scout Executive

By: _____
Name
Comptroller

Figure 7-7

Before me, the undersigned, a Notary Public within and for the County of Middlesex in the State of New Jersey, personally appeared _____, Chief Scout Executive, and _____, Comptroller, and for and on behalf of said Boy Scouts of America, a corporation, acknowledged the execution of the foregoing power of attorney.

Witness my hand and notarial seal this _____ day of _____, 19__.

NOTARIAL SEAL_____
(Notary Public)

Figure 7-7—Continued

SAMPLE

COMPTROLLER'S CERTIFICATE

I, _____, certify as follows:

(1) I am the Comptroller of the Boy Scouts of America identified as the Party of the Second Part in the foregoing agreement;

(2) _____ who signed said agreement on behalf of Boy Scouts of America as Chief Scout Executive of said corporation on the day he signed said agreement for and on behalf of said corporation;

(3) _____ who also signed said agreement on behalf of said corporation was the Director of National Events of said corportion on the day he signed said agreement for and on behalf of said corporation;

(4) _____ and _____, on the day they signed this agreement were acting pursuant to authority granted to them by the said corporation's Executive Board and that the execution hereof is within the scope of the said corporation's corporative powers.

In witness whereof, I have hereunto set my hand and seal of said corporation this _____ day of _____, 19__.

_____

Name
Comptroller, Boy Scouts of America

Figure 7-8

[FR Doc.77-25317 Filed 8-30-77;8:45 am]

Title 10—Energy

CHAPTER I—U.S. NUCLEAR REGULATORY COMMISSION

PART 70—SPECIAL NUCLEAR MATERIAL

Issuance of Licenses; Amendment

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Interim rule.

SUMMARY: NRC is amending its regulations on an interim basis to exempt exports of special nuclear material which is diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or is practicably irrecoverable, from the requirement that the export be subject to an agreement for cooperation. This amendment would conform NRC export regulations to internationally recognized standards and eliminate an unnecessary administrative burden.

EFFECTIVE DATE: August 31, 1977.

COMMENT PERIOD EXPIRES: October 17, 1977.

ADDRESSES: Send comments to: Secretary, Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

FOR FURTHER INFORMATION CONTACT:

Mr. R. Neal Moore, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: 301–492–7984.

SUPPLEMENTARY INFORMATION: Section 57 d. of the Atomic Energy Act of 1954, as amended (Act), authorizes the Commission to "exempt certain classes or quantities of special nuclear material or kinds of uses or users from the requirements for a license * * * when it makes a finding that the exemption * * * would not be inimical to the common defense and security and would not constitute an unreasonable risk to the health and safety of the public."

In November 1976, the Commission received a request from the Kerr-McGee Nuclear Corporation to export to Mexico less than 5 grams of low enriched uranium (special nuclear material) as an entrapped contaminant in 15 pieces of used standard laboratory testing equipment and fuel fabrication machinery which had been sold to the Instituto Nactional de Energia Nuclear (INEN) in Mexico, D.F. Recently, the NRC staff was further informed by NUSAC, Inc., the agent for Kerr-McGee Nuclear Corporation, that its client holds a letter of credit issued by INEN which expires August 31, 1977.

Under present regulations, the Commission is precluded from issuing an export license for this material because there is no agreement for cooperation with Mexico pursuant to Section 123 of the Atomic Energy Act.

Under other circumstances, small quantities of special nuclear material could be exported to countries which do not have an agreement for cooperation with the United States by exporting the material under the auspices of the United States/International Atomic Energy Agency (IAEA) Agreement for Cooperation. However, the IAEA system for the application of safeguards provides that "safeguards shall terminate on nuclear material * * * upon determination by the Agency that it has been consumed, or has been diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or has become practically irrecoverable." (INFCIRC/153 and INFCIRC/66/Rev. 2) In such cases, therefore, no useful purpose would be served and an unnecessary administrative burden would be entailed in bringing such exports under the U.S./IAEA Agreement for Cooperation.

A letter dated August 17, 1977, from the Department of State has forwarded the Executive Branch view favoring issuance of the proposed license to Kerr-McGee Nuclear Corporation and an appropriate exemption under Section 57d. of the Act for this case.

While this is the first such case which has arisen, the Commission recognizes that there could be future proposed exports of special nuclear material which is diluted in such a way as to have no relevance from the point of view of safeguards, or is practicably irrecoverable. As with the present case, it is expected that future cases would also involve small quantities of material. At any rate, no such export license would be issued unless the Commission had determined that the proposed export would not be inimical to the common defense and security. Therefore, the Commission has decided to exercise the authority granted under Sections 53, 54, and 57d. of the Act to facilitate such material exports.

The Commission has determined that such action would not be inimical to the common defense and security and would not constitute an unreasonable risk to the health and safety of the public.

In view of the longstanding pendency of this minor case, the Executive Branch's view on the merits of the export license application, the need for timely action expressed by the applicant, the insignificant amounts of the material involved, the fact that the material is practicably irrecoverable and not relevant from the safeguards standpoint, and the fact that the amendment will relieve a restriction, the Commission has also found that the customary 30-day notice of proposed rulemaking and public procedure thereon are unnecessary and contrary to the public interest and that good cause exists why this regulation should be made effective on an interim basis upon publication in the FEDERAL REGISTER without the customary 30-day notice.

This interim rule will expire on March 1, 1978, unless extended by the Commission. The Commission expects to make a decision by March 1, 1978, on whether the interim rule should be made permanent.

All interested persons who desire to submit written comments or suggestions for consideration in connection with making the interim rule permanent should send them to the Secretary of the Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by October 17, 1977. Copies of comments on the interim amendment may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter 1, Code of Federal Regulations, Part 70 is adopted on an interim basis and published as a document subject to codification and effective August 31, 1977.

Section 70.31(e) of 10 CFR Part 70 is amended to read as follows:

§ 70.31 Issuance of licenses.

* * * * *

(e) "When a license is sought to authorize the export of special nuclear material, the Commission will determine whether the export is under the terms of an agreement for cooperation, except for proposed exports on or before March 1, 1978, of special nuclear material which is diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or is practicably irrecoverable. No license authorizing export of special nuclear material will be issued if the Commission finds that the issuance of such license would be inimical to the interests of the United States."

(Secs. 53, 161, Pub. L. 83-703, 68 Stat. 930, as amended, 948, as amended, (42 U.S.C. 2073, 2201); Sec. 57d., Pub. L. 93-377, 88 Stat. 475 (42 U.S.C. 2077); Sec. 201, Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 5841.)

Dated at Washington, D.C., this 26th day of August, 1977.

SAMUEL J. CHILK,
Secretary for the Commission.

[FR Doc.77-25411 Filed 8-30-77;8:45 am]

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Revision of Crude Oil Buy/Sell Program

Correction

In FR Doc. 24503 appearing as Special Part V at page 42769 in the issue for Wednesday, August 24, 1977, the following correction should be made.

On page 42775, in the first column, line 20 of § 211.65, the date, "August, 1977", should read, "August 24, 1977".

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Extension of Crude Oil Buy/Sell Program Current Allocation Quarter Through September 1977

AGENCY: Federal Energy Administration.

ACTION: Final Rule.

SUMMARY: This rule amends, effective September 1, 1977, the Mandatory Crude Oil Allocation Program (the "buy/sell program") by the addition of a special rule which extends the program's June through August 1977 allocation quarter through the month of September 1977 as a transition between the current program and the revised program which will be implemented on October 1, 1977. Under the special rule, refiner-buyers that purchased their allocations in the current quarter will be permitted 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.

EFFECTIVE DATE: September 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Ed Vilade (Media Relations), 12th & 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); Samuel M. Bradley or Jeffrey C. Conrad (Office of General Counsel); 12th and Pennsylvania Avenue NW., Room 5134, Washington, D.C. 20461 (202–566–9565—Bradley); (202–566–2087—Conrad).

SUPPLEMENTARY INFORMATION:

A. Background

On August 8, 1977 (42 FR 40448, August 10, 1977) FEA issued a notice of proposed rulemaking and public hearing concerning the addition of a Special Rule No. 9 in the Appendix of Subpart C of Part 211 that would extend the crude oil buy/sell program's June through August 1977 allocation quarter for the month of September 1977 as a transition between the current program and the then-proposed revised program. On August 19, 1977 FEA issued a final rule amending the crude oil buy/sell program effective October 1, 1977 (42 FR 42770, August 24, 1977). FEA determined that it would be necessary to extend the current allocation quarter through September because there was not adequate time to implement a new program between the date of the hearing on the proposed revised program, August 9, 1977, and September 1, 1977, the start of a new allocation quarter under the present regulations. At the same time, FEA did not consider it desirable to initiate a new allocation quarter under the present regulations, since it anticipated that a revised program could be ready for implementation on October 1, 1977.

Under the proposed special rule, refiner-buyers that purchased part or all of their allocations in the current allocation quarter would be permitted to purchase a pro-rata amount of their purchased allocations in the month of September 1977 from the same refiner-sellers from which they purchased crude oil in the current quarter. In addition to requesting comments on the substance of the proposed special rule, FEA also requested comments on whether it would be desirable to extend the current allocation period on a pro-rata basis for the month of October, as well as the month of 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, October 1, 1977.

The public hearing scheduled with respect to this proposal was cancelled for lack of interest. Comments on the proposal were invited through August 23, 1977, and written comments were received by FEA from nine large integrated refiners and one small refiner. The large refiners commenting generally supported the proposed special rule. One large refiner recommended that refiner-sellers be required to sell crude oil only on a best-efforts basis since pipeline and marine schedules for September are, in most cases, already finalized, and therefore refiner-sellers might experience difficulty in securing crude oil to replace any crude oil that FEA directs to be sold to refiner-buyers in September. FEA is not persuaded to modify the proposal in this regard since refiner-sellers were given notice of FEA's intention to extend the current allocation quarter through September in the July 21 proposal to modify the buy/sell program and therefore have had sufficient time to make appropriate arrangements for sales of allocated crude oil in September.

Two firms, including the small refiner, recommended that the current allocation quarter be extended through both September and October to provide FEA more time to evaluate the applications for allocations under the revised buy/sell program and to provide adequate time for small refiners ineligible under the revised program to establish other sources of crude oil supply. FEA believes that a two-month extension of the current allocation quarter is not necessary since it anticipates that the revised buy/sell program will be ready for implementation effective October 1. In addition, FEA believes that small refiners that are excluded or ineligible for an allocation under the revised program have had sufficient time since the issuance on July 21 of the proposed revision of the buy/sell program to make arrangements for alternative crude oil supplies. In the event that FEA determines that it is necessary and desirable to postpone the effective date of the revised program until November 1, it will issue an amendment on or before September 19, 1977 to the Special Rule No. 9 adopted today extending the current allocation quarter through October 1977. In that event, the allocations for the first allocation period under the revised buy/sell program would be pro-rated over a five-month allocation period.

The small refiner commenting also recommended that refiner-buyers should be permitted to purchase a pro-rata amount of their allocation in the current allocation quarter rather than their actual purchases in the current quarter, as proposed. This comment has not convinced FEA to modify its proposal. Small refiners that were able to secure adequate supplies of crude oil outside the buy/sell program in the current quarter should be able to continue to acquire such supplies in the month of September.

3. Special Rule No. 9

Based on its analysis of the material submitted in the written comments, and upon all other information available to it, FEA has determined to adopt Special Rule No. 9 essentially as proposed.

Special Rule No. 9 generally provides that refiner-sellers and refiner-buyers during the June through August allocation quarter will continue in such capacities for September 1977. Refiner-buyers that entered into contracts prior to August 1, 1977 pursuant to the May 25, 1977 buy/sell notice (42 FR 26694) will have the option of continuing those seller/buyer relationships on a pro-rata basis during September 1977. A refiner-seller will be required to offer for sale in September to such a refiner-buyer a volume of crude oil equal to 30/92 of the total volume of crude oil purchased by that refiner-buyer from that refiner-seller. Special Rule No. 9 provides dates by which contracts for the sale of crude oil pursuant to Special Rule No. 9 will have to be executed.

FEA has determined that extending the seller/buyer relationships established during the current allocation quarter is a rational basis upon which to allocate crude oil for the month of September 1977. The relative positions of most refiners, vis-a-vis the national supply to capacity average, should not change dramatically when measured on a June–September basis as compared with June–August. FEA recognizes, however, that unusual circumstances may affect individual companies such that they may have experienced a dramatic change in their crude oil supply situation since the May 25, 1977 buy/sell notice was published. FEA will entertain requests for exceptions where the effect of extending the current quarter buyer/seller relationships would work a severe hardship due to any such dramatic shifts in levels of crude availability among individual refiners.

Because the purpose of Special Rule No. 9 is to provide immediate guidance and information with respect to the allocation of crude oil for September 1977 (prior to the implementation of a revised crude oil allocation program), FEA finds that good cause exists for making these amendments effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, and 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 September 1, 1977.

Issued in Washington, D.C., August 26, 1977.

ERIC J. FYGI,
Acting General Counsel.

Subpart C of 10 CFR Part 211 is amended by adding a Special Rule No. 9 in the Appendix thereof to read as follows:

SPECIAL RULE NO. 9

1. *Scope.* This special rule applies to all refiners which were refiner-buyers and refiner-sellers during the crude oil allocation quarter under the buy/sell program commencing June 1, 1977.

2. *Purpose.* Nothwithstanding the provisions of § 211.65, this special rule suspends the crude oil allocation quarter which would otherwise commence September 1, 1977, and establishes a new rule for the allocation of crude oil during the month of September 1977.

3. *Special allocation rule for September 1977.* For the month of September 1977 the allocation of crude oil among refiners shall be made as follows:

(a) Each refiner-seller and refiner-buyer as determined for the allocation quarter commencing June 1, 1977, shall continue in such capacity in September 1977.

(b) Each refiner-seller shall sell in the month of September 1977 to each refiner-buyer to which sales of crude oil were made by the refiner-seller pursuant to the allocation quarter commencing June 1, 1977, including sales directed by the FEA pursuant to 10 CFR 211.65(h), a volume of crude oil equal to 30/92 of the total volume of crude oil sold to that refiner-buyer by that refiner-seller. Refiner-buyers shall have the option of exercising their respective purchase opportunities authorized under this paragraph.

(c) Prior to September 5, 1977, each refiner-seller shall notify each refiner-buyer of the volume of crude oil to be sold to such refiner-buyer by the refiner-seller pursuant to paragraph (b) of this rule.

(d) Prior to September 9, 1977, refiner-sellers and refiner-buyers shall enter into sales contracts for the delivery and purchase of crude oil pursuant to paragraph (b) of this rule.

(e) For purposes of adjusting refiner-sellers' sales obligations for allocation periods subsequent to September 30, 1977, FEA will calculate a total primary sales obligation for the month of September 1977 based on 30/92 of the total primary sales obligation in the allocation quarter commencing June 1, 1977. Each refiner-seller's imputed sales obligations for the month of September 1977 will be calculated according to the procedures provided in § 211.65(d), and refiner-sellers' unsold primary obligations from the allocation quarter commencing June 1, 1977 and the September 1977 allocation period will be carried forward to the allocation period commencing October 1, 1977; *Provided*, That, the volume of unsold sales obligations of each refiner-seller so carried over shall be reduced as provided in § 211.65 (f)(3) adopted on August 19, 1977.

(f) The provisions of § 211.65 (f) and (g) and § 212.94 are applicable to all sales made pursuant to this rule.

(g) The provisions of Subpart C of Part 211 (including but not limited to the procedures and reporting requirements of § 211.66) shall remain in full force and effect except as expressly modified by the provisions of this rule.

(h) FEA will not entertain applications for allocations of crude oil for future refining capacity submitted pursuant to § 211.65 (b) for the month of September 1977.

[FR Doc.77-25378 Filed 8-30-77;8:45 am]

Title 12—Banks and Banking

CHAPTER VI—FARM CREDIT ADMINISTRATION

ORGANIZATION; LOAN POLICIES, AND OPERATIONS; FUNDING AND FISCAL AFFAIRS

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, took final action to amend its regulations pertaining to amendments to charters of the associations of the Farm Credit System, loan policies of the banks for cooperatives, and certain funding aspects of the banks of the Farm Credit System. The changes in the regulations covering amendments to association charters are being made to clarify certain existing rules. In view of a study by the Capital and Credit Committee of the Banks for Cooperatives, the regulations covering loan policies are being made more responsive to the changing financial posture of the banks. The regulations on funding are redefined to more accurately reflect the ratio requirements of the banks of the Farm Credit System. In addition, the funding regulations are being amended to provide for the issuance of a Farm Credit Systemwide consolidated bond in book-entry form only and to parallel regulations issued by the Treasury Department.

EFFECTIVE DATE: August 15, 1977.

FOR FURTHER INFORMATION CONTACT:

John F. Greeneisen, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, SW., Washington, D.C. 20578 (202-755-2181).

SUPPLEMENTARY INFORMATION: The Farm Credit Administration, by its Federal Farm Credit Board, took final action on amendments to its regulations which (1) in a transfer of territory from one association to another, require prompt notification to all stockholders and borrowers whose operations are located in the adjusted territories; (2) provide for adjusting the lending limits of the banks for cooperatives semiannually instead of annually; (3) redefine the debt to capital ratio requirements of the banks of the Farm Credit System; (4) prescribe the form and denomination of consolidated bonds, consolidated Systemwide notes, and consolidated Systemwide bonds issued by Farm Credit banks; (5) reflect the liability of each bank of the Farm Credit System in connection with the issuance of consolidated or Systemwide obligations made on its behalf; (6) redefine the terms used in the subpart on issuance of book-entry and definitive Farm Credit securities; (7) clarify the authority of Reserve Banks to issue and otherwise handle book-entry Farm Credit securities; (8) redescribe the scope and effect of the book-entry procedure; (9) redescribe the transfer or pledge of book-entry Farm Credit securities; (10) redescribe the procedure for withdrawal of Farm Credit securities from a Reserve Bank; (11) clarify the liability of the Federal Reserve Banks in connection with book entries of Farm Credit securities; (12 specify the authority of the Federal Reserve Banks to maintain book-entry Farm Credit securities for member banks; (13) set forth the requirements for identification of book-entry accounts; (14) clarify the procedures for servicing book-entry Farm Credit securities; (15) make the regulations of the Treasury Department and the U.S. statutes governing lost, stolen, destroyed, mutilated or defaced U.S. Securities applicable to Farm Credit Systemwide obligations; (16) provide for restrictive endorsement of Farm Credit Systemwide obligations; (17) provide for loss from payment of spurious consolidated obligations to be shared by the 12 Federal intermediate credit banks; and (18) clarify the requirements under which Farm Credit securities may be illustrated in informational and educational materials.

By notice published in the FEDERAL REGISTER on June 20, 1977, interested persons were afforded the opportunity to file written comments or suggestions on these proposed regulations. Ten responses were received commenting on §§ 611.1120(b)(1), 614.4354, and 615.5220. Nine of these were either in favor of or had no objection to the proposed regulations. The other response recommended a change in § 611.1120(b)(1) to make provision for a situation where, in a territorial adjustment among Farm Credit associations, the transferee association does not have like kinds of equities as the transferor association. The proposed regulation was revised to provide, in such instances, for an offering of similar equities which will not adversely affect the interests of the owner and was adopted by the Federal Farm Credit Board as changed.

Of the twenty-six responses received on §§ 615.5450 to 615.5498, twenty-two were in favor of or had no objection to the proposed regulations. The other four comments were directed primarily to language clarification, and several minor technical changes were made in the proposed regulations. All responses received were considered in arriving at the final regulations. As changed, the proposed regulations were adopted by the Federal Farm Credit Board.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising §§ 611.1120(b)(1) and 614.4354; renumbering §§ 615.5106, 615.5107, 615.5108, and 615.5109 to be §§ 615.5495, 615.5496, 615.5497, 615.5498 respectively; revising § 615.5220; deleting § 615.5230; renumbering §§ 615.5450, 615.5455, 615.5460, 615.5465, 615.5470, 615.5475, 615.5480 to be §§ 615.5460, 615.5465, 615.5470, 615.5475, 615.5480, 615.485, 615.5494 respectively; adding new §§ 615.5450, 615.5451, 615. 5452, 615.5453; revising §§ 615.5460, 615.5465, 615.5470, 615.5475, 615.-

5480, 615.5485; adding new §§ 615.5490, 615.5492, and revising §§ 615.5494, 615.5495, 615.5496, 615.5497, 615.5498 as follows:

PART 611—ORGANIZATION

§ 611.1120 Amendments of association charters.

* * * * *

(b) *Other charter amendments.* (1) Territorial adjustments may be made among like associations subject to the approval of the bank board and the Farm Credit Administration, provided, however, that the Governor shall have the power to direct at any time such changes in a charter as he finds necessary for the accomplishment of the purposes of the Farm Credit Act of 1971. All stockholders and all borrowers whose operations are located in the adjusted territories shall be informed in writing of the change and notified that their loans are being transferred to and related equities exchanged for equities of like kinds and amounts in the transferee association. If a like kind of equity is not available in the transferee association, similar equities shall be offered which will not adversely affect the interests of the owner. At that time, each stockholder shall also be informed that the latest association financial and related information will be made available for review upon the stockholder's written request. The Agreement of Transfer of Territory and the notice to stockholders shall provide for a 60-day period from date of stockholder notification during which they may, by written notice to either association, decline to accept the equities of the transferee association and elect to remain with the transferor association for normal servicing until the current loan is paid. Any application by the borrower for renewal or additional credit shall be made to the transferee association, except for those applications permitted under § 614.4070 of this chapter.

* * * * *

PART 614—LOAN POLICIES AND OPERATIONS

§ 614.4354 Banks for cooperatives.

(a) *District banks.* Loans outstanding at any one time to any one borrower, exclusive of participations sold to others shall be limited to the following percentages of the net worth of a district bank as of the preceding June 30 or December 31, whichever is more recent or at an interim date determined by the Farm Credit Administration as a result of material changes in a bank's net worth.

* * * * *

(3) Net worth for the calculation of lending limits at December 31 shall exclude 20 percent of the bank's undistributed earnings and shall not include any portion of Central Bank for Cooperative's undistributed earnings.

(4) Loans made within the established lending limits that become excessive because of a subsequent decrease in the bank's net worth shall be reduced to the lending limits in an orderly manner over a reasonable period.

* * * * *

(d) * * *

(1) Determine its balance sheet net worth total as of the preceding June 30 or December 31, whichever is more recent, or at any interim date determined by the Farm Credit Administration as a result of material changes in the bank's net worth.

* * * * *

PART 615—FUNDING AND FISCAL AFFAIRS

§ 615.5220 Ratio requirements.

(a) A bank shall not incur aggregate liabilities exceeding 20 times its capital and surplus, except with the specific written approval of the Farm Credit Administration. Such approval shall not be granted if the consolidated ratio for all like banks will exceed 20 to 1. When such an exception occurs, all other like banks shall be notified by the Farm Credit Administration. A bank shall notify the Farm Credit Administration whenever its aggregate liabilities exceed 18 times its capital and surplus.

(b) An issue of notes, bonds, debentures, or other similar obligations by a bank or banks shall not be approved by the Farm Credit Administration if such issue together with the aggregate of all other liabilities exceeds 20 times the capital and surplus of the bank or banks which will be primarily liable on the proposed issue. If more than one bank will be primarily liable on the proposed issue, the capital and surplus of the banks involved shall be calculated on a consolidated basis.

(c) The term "capital and surplus," as used in this section, represents total net worth including undistributed earnings or losses but excluding valuation reserves and liability reserves. The term "aggregate liabilities," as used in this section, represents all amounts owed to others.

§ 615.5230 [Deleted]

* * * * *

Subpart O—Issuance of Book-Entry and Definitive Farm Credit Securities

Sec.

615.5450 Consolidated bonds.
615.5451 Consolidated Systemwide notes.
615.5452 Consolidated Systemwide bonds.
615.5453 Liability.
615.5460 Definition of terms for book-entry issuance of Farm Credit securities.
615.5465 Authority of Reserve Banks.
615.5470 Scope and effect of book-entry procedures.
615.5475 Transfer or pledge.
615.5480 Withdrawal of Farm Credit securities.
615.5485 Delivery of Farm Credit securities.
615.5490 Classes of accounts.
615.5492 Identification of accounts.
615.5494 Servicing book-entry Farm Credit securities: Payment of interest, payment at maturity or upon call.
615.5495 Lost, stolen, destroyed, mutilated or defaced Farm Credit securities, including coupons.
615.5496 Restrictive endorsement of bearer securities.
615.5497 Loss from payment of spurious consolidated bonds.
615.5498 Farm Credit securities as illustrations.

AUTHORITY: Secs. 5.9, 5.12, 5.18, 85 Stat. 619, 620, 621.

Subpart O—Issuance of Book-Entry and Definitive Farm Credit Securities

§ 615.5450 Consolidated bonds.

(a) The 12 Federal land banks issue consolidated bonds in definitive form in denominations of $1,000, $5,000, $10,000, $50,000, $100,000, and $500,000, or in book-entry form in denominations of $1,000 or multiples thereof.

(b) The 12 Federal intermediate credit banks issue consolidated bonds in definitive form in denominations of $5,000, $10,000, $50,000, $100,000, and $500,000, or in book-entry form in denominations of $5,000 or multiples thereof.

(c) The 13 banks for cooperatives issue consolidated bonds in definitive form in denominations of $5,000, $10,000, $50,000, $100,000, and $500,000, or in book-entry form in denominations of $5,000 or multiples thereof.

§ 615.5451 Consolidated Systemwide notes.

The 12 Federal land banks, the 12 Federal intermediate credit banks, and the 13 banks for cooperatives issue consolidated Systemwide notes only in bearer definitive form in denominations of $50,000, $100,000, and $1,000,000.

§ 615.5452 Consolidated Systemwide bonds.

The 12 Federal land banks, the 12 Federal intermediate credit banks, and the 13 banks for cooperatives issue consolidated Systemwide bonds only in book-entry form in denominations of $1,000 or multiples thereof for issues with an original maturity over 1 year and 1 month and $5,000 or multiples thereof for issues with an original maturity of under 1 year and 1 month.

§ 615.5453 Liability.

Each bank of the Farm Credit System is primarily liable for the portion of any issue of consolidated or Systemwide obligations made on its behalf and is jointly and severally liable for the payment of any additional sums as called upon by the Farm Credit Administration in order to make payments of interest or principal which any bank primarily liable therefor shall be unable to make. Such calls shall be made first upon the other banks operating under the same title of the Farm Credit Act of 1971 as the defaulting bank, and second upon banks operating under other titles of the Act, taking into consideration the capital, surplus, bonds, debentures, or other obligations which each may have outstanding at the time of such assessment.

§ 615.5460 Definition of terms for book-entry issuance of Farm Credit securities

In this subpart, unless the context otherwise requires or indicates:

(a) "Reserve Bank" means a Federal Reserve Bank and its branches acting as agent for the banks of the Farm Credit System and, where indicated, acting in its individual capacity.

(b) "Banks of the Farm Credit System" means the 12 Federal land banks, the 12 Federal intermediate credit banks, the 13 banks for cooperatives, or all of them.

(c) "Farm Credit securities" means consolidated note, bonds, debentures, or other similar obligations of the 12 Federal land banks, the 12 Federal intermediate credit banks, or the 13 banks for cooperatives, and Systemwide notes, bonds, debentures, or similar obligations of the 37 banks of the Farm Credit System, issued under the Farm Credit Act of 1971, or laws repealed thereby, the completion and delivery of which is or has been undertaken by a Reserve Bank as agent of the banks of the Farm Credit System.

(d) "Definitive Farm Credit security" means a Farm Credit security issued in engraved or printed form by the Federal Reserve Bank of New York as agent of the banks of the Farm Credit System.

(e) "Book-entry Farm Credit security" means a Farm Credit security issued in the form of an entry made as prescribed in this subpart on the records of a Reserve Bank.

(f) "Convertible" means a definitive Farm Credit security convertible into a book-entry Farm Credit security or vice versa.

(g) "Pledge" includes a pledge of, or any other security interest in, Farm Credit securities as collateral for loans or advances or to secure deposits of public monies or the performance of an obligation.

(h) "Member bank" means any national bank, or State bank, or other bank or trust company which is a member of a Reserve Bank.

(i) "CUSIP number" is a unique identification for each security issue established by the Committee on Uniform Security Identification Procedures.

§ 615.5465 Authority of Reserve Banks.

Each Reserve Bank is hereby authorized in accordance with the provisions of this subpart to:

(a) Issue book-entry Farm Credit securities by means of entries on its records, which shall include the name of the bank's depositor, the latter's employer identification number, where appropriate, and the amount, maturity date and CUSIP number of each loan.

(b) Effect conversions between book-entry Farm Credit securities and definitive Farm Credit securities, if convertible.

(c) Otherwise service and maintain book-entry Farm Credit securities.

(d) Issue a confirmation of transaction in the form of an advice (serially numbered or otherwise), which specifies the amount, maturity date, and CUSIP number of the loan as well as the date of the transaction.

§ 615.5470 Scope and effect of book-entry procedure.

(a) A Reserve Bank as agent for the banks of the Farm Credit System may apply the book-entry procedure provided for in this subpart to any Farm Credit securities which may be issued either in book-entry or definitive form, which have been or are hereafter deposited for any purpose, or maintain Farm Credit securities which may only be issued in book-entry form, in accounts with it in its individual capacity under terms and conditions which indicate that the Reserve Bank will continue to maintain such deposit accounts in its individual capacity notwithstanding application of the book-entry procedure to such securities. This paragraph shall be applicable but not limited to Farm Credit securities deposited or maintained:

(1) As collateral pledged to a Reserve Bank (in its individual capacity) for advances by it.

(2) For a member for its sole account.

(3) For a member bank held for the account of its customers.

(4) In connection with deposits in a member bank of funds of States, municipalities, or other political subdivisions.

(5) In connection with the performance of an obligation or duty under Federal, State, municipal, or local law, or judgments or decrees of courts.

The application of the book-entry procedure or the maintenance of book-entry Farm Credit securities under this paragraph shall not derogate from or adversely affect the relationships that would otherwise exist between a Reserve Bank in its individual capacity and the entities for which accounts are maintained. Whenever the book-entry procedure is applied to such Farm Credit securities, the Reserve Bank is authorized to take all action necessary in respect of the book-entry procedure to enable such Reserve Bank in its individual capacity to perform its obligations as depository with respect to such Farm Credit securities.

(b) A Reserve Bank as agent of the banks of the Farm Credit System shall apply the book-entry procedure to Farm Credit securities deposited as collateral pledged to the United States under Treasury Department Circulars Nos. 92 and 176; both as revised and amended, and may apply the book-entry procedure, with the approval of the Secretary of the Treasury, to any other Farm Credit securities deposited with a Reserve Bank as Fiscal Agent of the United States.

(c) Any person having an interest in Farm Credit securities which are deposited with a Reserve Bank (in either its individual capacity or as agent of the banks of the Farm Credit System) for any purpose shall be deemed to have consented to their conversion to book-entry Farm Credit securities pursuant to the provisions of this subpart and in the manner and under procedures prescribed by the Reserve Bank.

(d) No deposit shall be accepted under this section on or after the date of maturity or call of the Farm Credit securities.

§ 615.5475 Transfer or pledge.

(a) *Reserve Bank records.* A transfer or a pledge of book-entry Farm Credit securities to a Reserve Bank, or to any transferee or pledgee eligible to maintain an appropriate book-entry account in its name with a Reserve Bank under this subpart, is effected and perfected, notwithstanding any provision of law to the contrary, by a Reserve Bank making an appropriate entry in its records of the Farm Credit securities transferred or pledged. The making of such an entry in the records of a Reserve Bank shall:

(1) Have the same effect as the delivery of Farm Credit securities in bearer definitive form;

(2) Have the effect of a taking of delivery by the transferee or pledgee;

(3) Constitute the transferee or pledgee a holder;

(4) If a pledge, effect a perfected security interest therein in favor of the pledgee. A transfer or pledge of book-entry Farm Credit securities effected under this paragraph shall have priority over any transfer, pledge, or other interest, theretofore or thereafter effected or perfected under paragraph (b) of this section or in any other manner.

(b) *Member banks and others.* A transfer or a pledge of book-entry Farm Credit securities, or any interest therein, maintained by a Reserve Bank (in its individual capacity or as agent of the Farm Credit banks) in a book-entry account under this subpart, including Farm Credit securities in book-entry form under § 615.5470(a)(3), is effected, and a pledge is perfected, by any means that would be effective under applicable law to effect a transfer or to effect and perfect a pledge of Farm Credit securities, or any interest therein, if the securities were maintained by the Reserve Bank in bearer definitive form. For purposes of transfer or pledge hereunder, book-entry Farm Credit securities maintained by a Reserve Bank shall, notwithstanding any provision of law to the contrary, be deemed to be maintained in bearer definitive form. A Reserve Bank maintaining book-entry Farm Credit securities, either in its individual capacity or as agent of the Farm Credit banks, is not a bailee for purposes of notification of pledges of those securities under this paragraph, or a third person in possession for purposes of acknowledgment of transfers thereof under this paragraph. Where Farm Credit securities are recorded on the books of an entity for account of the pledgor or transferor thereof and such securities are on deposit or are maintained with a Reserve Bank in a book-entry account hereunder, such entity shall, for purposes of perfecting a pledge of such securities or effecting their delivery to a purchaser under applicable provisions of law, be the bailee to which notification of the pledge of the securities may be given or the third person in possession from which acknowledgment of the holding of the securities for the purchaser may be obtained. A Reserve Bank will not accept notice or advice of a transfer or pledge effected or perfected under this paragraph, and

any such notice or advice shall have no effect. A Reserve Bank may continue to deal with its depositors in accordance with the provisions of this subpart, notwithstanding any transfer or pledge effected or perfected under this paragraph.

(c) *Filing and recording unnecessary.* No filing or recording with a public recording office or officer shall be necessary or effective with respect to any transfer or pledge of book-entry Farm Credit securities or any interest therein.

(d) *Conversion.* A Reserve Bank shall, upon receipt of appropriate instructions, convert book-entry Farm Credit securities into definitive Farm Credit securities, if convertible, and deliver them in accordance with such instructions. No such conversion shall affect existing interests in such Farm Credit securities.

(e) *Transfer by Reserve Banks.* A transfer of book-entry Farm Credit securities within a Reserve Bank shall be made in accordance with the procedure established by the Bank not inconsistent with this subpart. The transfer of book-entry Farm Credit securities by a Federal Reserve Bank may be made through a telegraphic transfer procedure.

(f) *Timeliness of requests.* All requests for transfer, withdrawal or any authorized transaction, must be received prior to the maturity or date of call of the security.

§ 615.5480 Withdrawal of Farm Credit securities.

(a) A depositor of book-entry Farm Credit securities may withdraw them, if convertible, from a Reserve Bank by requesting delivery of like definitive Farm Credit securities to itself or on its order to a transferee.

(b) Farm Credit securities which can be delivered upon withdrawal will be issued in bearer form only.

§ 615.5485 Delivery of Farm Credit securities.

A Reserve Bank which has received Farm Credit securities and effected pledges, made entries regarding them, or transferred or delivered them according to the instructions of its depositor is not liable for conversion or for participation in breach of fiduciary duty even though the depositor had no right to dispose of or take over action in respect of the securities. A Reserve Bank shall be fully discharged of its obligations under this subpart by the transfer or delivery of Farm Credit securities in book-entry or definitive form to its depositor or upon the order of such depositor. Customers of a member bank or other entity (other than a Reserve Bank) may obtain Farm Credit securities in definitive form if convertible only by causing the depositor of the Reserve Bank to order the withdrawal thereof from the Reserve Bank.

§ 615.5490 Classes of accounts.

Reserve Banks are authorized to maintain book-entry Farm Credit securities for member banks for securities the member banks hold for their own account, or hold for the account of their customers, and as otherwise specified in § 615.5470. Purchasers of book-entry Farm Credit securities, on original issue or otherwise, may have such securities maintained at member banks, or in accounts maintained at entities providing securities safekeeping services for customers (e.g., nonmember banks or thrift institutions, or securities dealers) which have related accounts at member banks.

§ 615.5492 Identification of accounts.

Book-entry accounts may be established in such form or forms as customarily permitted by the entity (e.g., member bank, or other banking or thrift institution, or a securities dealer) maintaining them, except that each account should include data to permit both customer identification by name, address and taxpayer identifying number, as well as a determination of the Farm Credit securities being held in such account by amount, maturity date and CUSIP number, and of transactions relating thereto.

§ 615.5494 Servicing book-entry Farm Credit securities: Payment of interest, payment at maturity or upon call.

(a) Interest becoming due on book-entry Farm Credit securities shall be charged to the appropriate Farm Credit bank account at the Federal Reserve Bank of New York on the interest-due date and remitted or credited in accordance with the instructions from the member bank or other Reserve Bank depositor for whose account the securities shall have been maintained.

(b) Book-entry Farm Credit securities shall be redeemed and charged to the appropriate Farm Credit bank account at the Federal Reserve Bank of New York and the redemption proceeds, principal, and interest shall be disposed of in accordance with the instructions from the member bank or other Reserve Bank depositor for whose account the securities shall have been maintained.

§ 615.5495 Lost, stolen, destroyed, mutilated or defaced Farm Credit securities, including coupons.

(a) *Basis of relief.* The statutes of the United States, now or hereafter in force, and the regulations of the Treasury Department, now or hereafter in force, governing relief on account of the loss, theft, destruction, mutilation or defacement of U.S. securities, and the regulation of the Treasury Department, now or hereafter in force, governing the payment of mutilated or defaced coupons of U.S. securities, insofar as such statutes and regulations may be applicable, and as modified to relate to the consolidated or Systemwide obligations of the Farm Credit banks and coupons of such obligations shall govern the granting of relief on account of lost, stolen, destroyed, mutilated or defaced consolidated or Systemwide obligations of the Farm Credit banks and mutilated or defaced coupons of such obligations.

(b) *Claims and proof of loss.* Claims shall be presented to the Claims Branch of the Division of Securities Operations, Bureau of the Public Debt, Washington, D.C. 20226, and proof shall be made to the Bureau of Public Debt, by applicants for relief on account of the loss, theft, destruction, mutilation or defacement of consolidated or Systemwide obligations of the Farm Credit banks and the mutilation or defacement of coupons of such obligations, in accordance with the statutes of the United States, now or hereafter in force, and the regulations of the Treasury Department, now or hereafter in force, with respect to securities of the United States, and coupons of such securities.

§ 615.5496 Restrictive endorsement of bearer securities.

When consolidated and Systemwide obligations of the Farm Credit banks are being presented to Reserve Banks, for redemption, exchange, or conversion to book entry, such obligations may be restrictively endorsed. The restrictive endorsement shall be placed thereon in substantially the same manner and with the same effects as prescribed in United States Treasury Department regulations, now or hereafter in force, governing like transactions in United States bonds; and consolidated or Systemwide obligations of the Farm Credit banks so endorsed shall be prepared for shipment and shippe din the manner prescribed in such regulations for United States bonds. (See 31 CFR 328.1–328.6)

§ 615.5497 Loss from payment of spurious consolidated bonds.

Each of the 12 Federal intermediate credit banks agreed, by resolution adopted by its board of directors, to share in any loss resulting from the payment of counterfeit, forged, or unauthorized consolidated obligations. The agreement provides that such loss shall be shared by the 12 Federal intermediate credit banks in the same ratio as their respective participations in such obligations issued during the 12 months preceding the date of payment of such counterfeit, forged, or unauthorized obligations.

§ 615.5498 Farm Credit securities as illustrations.

Illustrations of Farm Credit securities may appear in information and educational materials if printed in black and white, but not in color, and must be less than ¾ actual size or more than 1½ times the actual size of the original security. Motion picture and microfilms and slides of such securities are permitted in black and white or color for projection on a screen or for use in telecasting.

(Secs. 5.9, 5.12, 5.18, 85 Stat. 619, 620, 621.)

DONALD E. WILKINSON,
Governor,
Farm Credit Administration.

[FR Doc.77-25376 Filed 8-30-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-1015, Amdt. 11]

[Docket No. 29806; Reg. ER-1015, Amdt. 11]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Minimum Seat Size for Split Charters

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: This final rule reduces to 20 seats the minimum size for split charters transported on aircraft with 80 or fewer seats, when there are no more than two charter contracts for the entire capacity of the aircraft. The amendment changes all split charter rules to conform with that adopted for the Advance Booking Charter (ABC), and is at the initiative of the Board.

DATES: Effective: September 30, 1977. Adopted: August 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Simon J. Eilenberg, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202-673-5442).

SUPPLEMENTARY INFORMATION: With the exception of the ABC rules contained in Part 371 of the Special Regulations, the Board's charter rules, as set forth in Parts 207, 208, 212, and 214 of the Economic Regulations, and in Part 372a, 373, 378, and 378a of the Special Regulations, require that on a split charter flight, each charter group be of a minimum size of 40 seats, regardless of the capacity of the aircraft. On September 1, 1976, the Board adopted SPR-110 which established the ABC rules, and provided that in small aircraft having fewer than 80 seats, where the aircraft is utilized by no more than two ABC groups, one of those groups may have as few as 20 seats. This exception for small aircraft was at the suggestion of the local service carriers.

The Board then issued Notice of Proposed Rulemaking, EDR-304/SPDR-49, dated September 21, 1976, stating its tentative conclusion that a similar exception should be provided for all types of split charters which utilize small aircraft. Comments in general support of the proposed rule were received from the Civil Aeronautics Board's Office of the Consumer Advocate (OCA), and Texas International Airlines (TXI). Comments in general opposition were filed by Trans World Airlines (TWA), on the grounds that the proposed rule goes too far, and by Trans International Airlines (TIA) and World Airways (World), on the ground that the proposed rule does not go far enough.

Upon consideration, the Board has decided to adopt the rule as proposed, with several modifications discussed below. The tentative findings and conclusions set forth in EDR-304/SPDR-49 are incorporated and made final, except as modified. All requests contained in the comments are denied unless specifically granted.

Since the origin of the Board's charter rules, domestic charter travel has been limited primarily to the long-haul, large vacation markets. It has simply been uneconomic for the charter operators to arrange charters from small cities or to lesser-known vacation areas. Small tour operators have also found it difficult to arrange tours of smaller groups, with accommodations at the smaller hotels. One of the reasons for these problems is the 40 seat minimum for split charters imposed by the charter regulations. This minimum has also given the domestic trunk and supplemental air carriers somewhat of a marketing advantage over the local service carriers, which use smaller aircraft, in competing for charter transportation.

By reducing the minimum group size for split charters, the rule would encourage the local service carriers to participate more actively in charter flights and would allow the small tour operators, in combination with these carriers, to develop new markets and tours and offer them to a wider range of travelers. This expansion of charter service availability to the traveling public is consistent with the Board's continuing efforts to encourage low-cost air transportation.

In its comments, TWA opposes the amendment, stating that the smaller a charter group becomes, the easier it is to satisfy the individual travel requirements of each of its members, and thus, in turn, to increase the attractiveness and diversion potential of charter service. However, considering the small size of the aircraft involved, and that all other restrictions on the charters remain in effect, the Board agrees with OCA that this amendment is unlikely to cause undue diversion from scheduled service, or to impair the distinction between charter and individually-ticketed service.

Two supplemental carriers, TIA and World, filed a joint comment that opposes changing the minimum size of the charter groups unless the amendment is extended to include all aircraft, and not just the small aircraft operated by the local service carriers. They argue that this change would give the local service carriers a competitive advantage over carriers such as TIA and World, which operate only the larger aircraft. Alternatively, these supplemental carriers contend that the proposed rule should be modified so as to permit at least one group of 20 passengers on any "split" charter flight, regardless of aircraft size. Such a change, they argue, would give all carriers needed additional flexibility in the charter market, and would permit maximum use of all aircraft. We have determined to reject these supplemental carriers' arguments, since they raise issues far beyond the narrow scope of this proceeding, in which we are considering only the issue of conforming all split charter rules to the special exception that the ABC rule already provides for small aircraft.[1]

TXI has proposed a modification which would specifically designate the DC 9-10 as a small aircraft for the purpose of this rule, regardless of its seating capacity. With 80 seats as the cut-off point, TXI contends that the rule, as worded, precludes the operation of the reduced "split" charter group on some aircraft which the exception is intended to cover. TXI states that the rule is intended to apply to small jet aircraft operated by the local service carriers, such as the BAC-111 and the DC 9-10, which are generally configured for 75 seats, but that since TXI also provides scheduled service and has modified its small aircraft by adding an extra row of seats, its small aircraft achieve a capacity of 80 seats and would thus be unable to benefit from the new rule that literally applies only to aircraft having "less than" 80 seats. The Board has accepted the suggestion of TXI, and has modified the rule to state specifically that its benefits will apply to aircraft having "80 seats or fewer."

For consistency, the Board is amending the ABC rule concerning "split" charters on small aircraft to read "80 or fewer" seats; and it is also making clarifying changes to the text of Parts 372a, 373, 378, and 378a, so as to follow the exact text of the Part 371 provision, unambiguously stating that only one group of 20 seats is allowed under the exception for small aircraft.

Finally, we have determined that this special split charter rule for small aircraft should not be restricted by a novel prohibition against combining different types of charters on the same aircraft. Since there was no opposition in the comments to deleting this restriction from the proposed rules, we are deleting it also from Part 371.

Accordingly, 14 CFR Part 207 is amended as follows:

Revise the proviso at the end of paragraph (c) of § 207.11 to read as follows:

§ 207.11 Charter flight limitations.

* * * * *

(c) * * *

Provided, That with respect to paragraph (c) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats, except that, if the entire capacity of an aircraft having 80 or fewer seats is engaged by no more than two persons described in paragraph (c), then either one of such persons may contract and pay for a minimum of 20 seats: *And provided further*, That paragraph (c) shall not be construed to apply to movements of property.

[1] By EDR-329/SPDR-59, dated July 21, 1977, the Board issued an Advance Notice of Proposed Rulemaking in Docket 30766 to re-examine its requirements for the minimum group size for all types of charter flights, and that proceeding will encompass such issues as those raised by the TIA/World proposals.

(Secs. 101, 204, 401, 416, Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 771; (49 U.S.C. 1301, 1324, 1371, 1386)).

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-25385 Filed 8-30-77;8:45 am]

[Docket No. 29806; Reg. ER-1016, Amdt. 11]

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Minimum Seat Size for Solit Charters

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: This final rule reduces to 20 seats the minimum size for split charters transported on aircraft with 80 or fewer seats unless there are no more than two charter contracts for the entire capacity of the aircraft. The amendment changes all split charter rules to conform with that adopted for the Advance Booking Charter (ABC), and is at the initiative of the Board. Supplementary information concerning this amendment is given in the preamble to ER-1015, which is being issued simultaneously.

DATES: Effective: September 30, 1977. Adopted: August 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Simon J. Eilenberg, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202-673-5442).

Accordingly, 14 CFR Part 208 is amended as follows:

Revise the proviso at the end of paragraph (c) of § 208.6 to read as follows:

§ 208.6 Charter flight limitations.

* * * * *

(c) * * *

Provided, That with respect to paragraph (c) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats, except that, if the entire capacity of an aircraft having 80 or fewer seats is engaged by no more than two persons described in paragraph (c), then either one of such persons may contract and pay for a minimum of 20 seats: *And provided further*, That paragraph (c) shall not be construed to apply to movements of property.

(Secs. 101, 204, 401, 416, Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 771; (49 U.S.C. 1301, 1324, 1371, 1386).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-25386 Filed 8-30-77;8:45 am]

[Docket No. 29806; Reg. ER-1017, Amdt. 21]

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Minimum Seat Size for Split Charters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule reduces to 20 seats the minimum size for split charters transported on aircraft with 80 or fewer seats when there are no more than two charter contracts for the entire capacity of the aircraft. The amendment changes all split charter rules to conform with that adopted for the Advance Booking Charter (ABC), and is at the initiative of the Board. Supplementary information concerning this amendment is given in the preamble to ER-1015, which is being issued simultaneously.

DATES: Effective: September 30, 1977. Adopted: August 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Simon J. Eilenberg, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202-673-5442).

Accordingly, 14 CFR Part 212 is amended as follows:

Revise the proviso at the end of paragraph (b) of § 212.8 to read as follows:

§ 212.8 Charter flight limitations.

* * * * *

(b) * * *

Provided, That with respect to paragraph (b) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats, except that, if the entire capacity of an aircraft having 80 or fewer seats is engaged by no more than two persons described in paragraph (b), then either one of such persons may contract and pay for a minimum of 20 seats: *And provided further*, That paragraph (b) shall not be construed to apply to movements of property.

(Secs. 101, 204, 402, 416, Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 757, 771; (49 U.S.C. 1301, 1324, 1372, 1386).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-25387 Filed 8-30-77;8:45 am]

[Docket No. 29806; Reg. ER-1018, Amdt. 19]

PART 214—TERMS, CONDITIONS AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Amendment of Minimum Seat Size for Split Charters

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: This final rule reduces to 20 seats the minimum size for split charters transported on aircraft with 80 or fewer seats when there are no more than two charter contracts for the entire capacity of the aircraft. The amendment changes all split charter rules to conform with that adopted for the Advance Booknig Charter (ABC), and is at the initiative of the Board. Supplementary information concerning this amendment is given in the preamble to ER-1015, which is being issued simultaneously.

DATES: Effective: September 30, 1977. Adopted: August 25. 1977.

FOR FURTHER INFORMATION CONTACT:

Simon J. Eilenberg, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202-673-5442).

Accordingly, 14 CFR Part 214 is amended as follows:

Revise the proviso at the end of paragraph (b) of § 214.7 to read as follows:

§ 214.7 Charter flight limitations.

* * * * *

(b) * * *

Provided, That paragraph (b) of this section shall not apply with respect to any foreign air carrier to the extent that its permit authorizes it to engage in "planeload" charter foreign air transportation of persons: *Provided, however*, That with respect to paragraph (b) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats, except that, if the entire capacity of an aircraft having 80 or fewer seats is engaged by no more than two persons described in paragraph (b), then either one of such persons may contract and pay for a minimum of 20 seats.

(Secs. 101, 204, 402, 416, Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 757, 771; (49 U.S.C. 1301, 1324, 1372, 1386).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-25388 Filed 8-30-77;8:45 am]

[Docket No. 23904; Reg. ER-1020, Amdt. 39]

PART 221—CONSTRUCTION, PUBLICATION FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Emergency Conditions; Transportation of Disabled Persons Needing Assistance

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This rule requires all U.S. certificated air carriers to include in their tariffs all rules and regulations relating to the transportation of disabled persons who may need assistance in evacuating an aircraft under emergency conditions. These carrier rules and regulations are to conform to those recently adopted by the Federal Aviation Administration.

DATES: Effective: September 30, 1977. Adopted: August 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Daniel D. Campbell, Rates and Agreements Division, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202-673-5437).

SUPPLEMENTARY INFORMATION: Section 1111 of the Federal Aviation Act of 1958 (14 U.S.C. 1511) provides as follows:

Subject to reasonable rules and regulations prescribed by the Administrator, any such carrier may also refuse transportation of a passenger or property when, in the opinion of the carrier, such transportation would or might be inimical to safety of flight.

In the absence of Federal Aviation Regulations providing safety standards relating to the transportation of physically handicapped persons, certificated air carriers have had in effect for a number of years a tariff rule under which they may refuse to accept for transportation any person whose physical condition is such as to render him incapable of caring for himself without assistance, unless the person is accompanied by an attendant for the duration of the flight.[1] In addition, the Board has approved, pursuant to section 412 of the Act, an intercarrier agreement which provides certain criteria for the interline transportation of physically handicapped persons.[2]

Due to concern about the availability of adequate air carriage for handicapped persons in the United States, the Civil Aeronautics Board on October 14, 1971, issued an Advance Notice of Proposed Rulemaking (EDR-215/PSDR-33) to notify the public of the Board's consideration of rulemaking action to amend its Economic Regulations (14 CFR Part 221) and Policy Statements (14 CFR Part 399) to provide for terms and conditions governing the carriage by air of physically handicapped persons. Subsequent to the issuance of our advance notice, the CAB referred the matter to the Department of Transportation and the Federal Aviation Administration (FAA) for a determination by the Secretary and the Federal Aviation Administrator as to the need for safety rules (under section 1111) concerning the carriage of disabled persons. The Federal Aviation Administration undertook, by its own rulemaking, to answer the questions thus posed. (See Notice 73-16, 38 FR 14747, June 5, 1973; Notice 74-25, 39 FR 24667, July 2, 1974.) Thereafter, on August 9, 1974, the Board issued a Notice of Proposed Rulemaking (EDR-215A) which proposed the adoption of a regulation that would require that all tariffs applicable to the transportation of physically handicapped persons be in conformance with the forthcoming regulations of the Secretary of Transportation, and which further proposed to prohibit the filing of tariff rules that would permit a carrier to refuse transportation to a handicapped person other than under circumstances governed by the FAA regulations.

Comments directed to the Board's August 9, 1974, notice have been received from a number of individuals and from the groups, organizations and agencies listed below.[3] Many of these comments were directed to safety issues, were reflective of the then outstanding FAA proposal (Notice 74-25, supra), and reiterated complaints or points of view made to that agency. The rules now adopted by the FAA (see below) are substantially different from those of the original proposal and many of the comments thus appear to have had an indirect impact on the outcome of that proceeding. The substance of the remaining comments which were not addressed to safety issues (generally dealing with free and reduced rate transportation for attendants and the Board's responsibility under section 1002 of the Act) are addressed below.[4]

On March 25, 1977, the Federal Aviation Administration issued its final rules (effective May 16, 1977) regarding the carriage of handicapped persons. (42 FR 18392, April 7, 1977.) The regulations adopted by the FAA provide that a passenger may not be refused transportation on the basis that his transportation would or might be inimical to safety of flight unless the air carrier has established procedures (including reasonable notice requirements) for the carriage of passengers who may need the assistance of another person to move expeditiously to an exit in the event of an emergency. Moreover, if the air carrier has these procedures, it may not refuse to carry the passenger unless: (1) The passenger fails to comply with the notice requirements in the air carrier's procedures; or (2) the passenger cannot be carried in accordance with the established procedures. A copy of the procedures must be provided to the FAA district office charged with overall inspection of the certificate holder's operation. The regulation further provides that whenever the Administrator finds that revisions in any air carrier's procedures are necessary in the interest of safety or in the public interest, the air carrier can be required, after notification by the Administrator, to make any changes that are found necessary.

With the adoption of the FAA rules outlined above, it is now appropriate to take action on the Board's August, 1974, Notice of Proposed Rulemaking.[5] After consideration of the comments filed in response to that proposal, and in view of the comprehensive nature of the FAA rules, we believe the appropriate action is to finalize our rule essentially as proposed. Thus, 15 days after the effective date of this rule, all certificated air carriers shall be required to file in their tariffs those rules and regulations required by the Federal Aviation Administration relating to carriage of persons who may need assistance to evacuate an aircraft during an emergency.[6]

There are several matters regarding the finalization of this proposal that require some comment. The most important of these matters is to set out our understanding of the manner in which the resulting arrangement between the Federal Aviation Administration and this agency will operate. Under the FAA rules, the carriers have a duty to provide the FAA with proposed rules and practices, and these rules will be reviewed by that agency to determine their consistency with "the interest of safety * * * (and) * * * the public interest * * *" Thus, the rules and practices which will ultimately become tariff rules under the primary jurisdiction of this agency, will have been first reviewed for safety and fairness by the Federal Aviation Administration. This is an obvious but impor-

[1] Airline Tariff Publishers, Inc., Agent, Rules Tariff, PR-6, C.A.B. 142, Rule 15(a)(2).

[2] Agreement C.A.B. 16614, approved by Order E-19154, December 31, 1962.

[3] Air Medic; Members of the Air Transport Association; the Council of State Administrators of Vocational Rehabilitation; the Departments of Transportation of the States of California and New Jersey; Flying Wheel Tours; Handi-Action, Minnesota; the National Center for Law and the Handicapped, Inc.; the National Federation of the Blind of California; the National Paraplegia Foundation; and the President's Committee on Employment of the Handicapped.

[4] It is appropriate, however, to respond to one individual comment at this point. The rule proposed in EDR-215A contains a negative statement prohibiting rules that would permit refusal to transport handicapped persons on any grounds related to their handicap other than those contained in the rules adopted by the FAA. One comment requested that this phrasing be remolded so as to become an affirmative statement of a carrier's obligation to provide carriage and make necessary arrangements. While we believe that the rule as stated is the appropriate method of directing the content of tariff rules and their application, we agree with the substance of the comment. As we have said before, the basic obligation of an air carrier under section 404 is to provide transportation upon reasonable request, and the fact that a passenger is handicapped or disabled in some fashion does not make his or her request unreasonable.

[5] We note that the Secretary of Health, Education, and Welfare has recently adopted final rules (42 FR 22676 *et seq.*, May 4, 1977) implementing section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, and will soon be promulgating model rules for the guidance of other Federal agencies, as provided by Executive Order 11914, 41 FR 17871 (1976). While the Board has determined not to postpone action in this proceeding until the HEW model rules have been received and evaluated, those carriers receiving Federal financial assistance from the Board should be aware that additional regulations implementing section 504 may be proposed in the near future.

[6] The 45 day period for filing that is granted will pose no burden on carriers and, as these rules are presumptively in effect now, the travelling public will not be harmed. We also request that all initial tariffs containing these rules be marked for effectiveness 45 days after filing in order to provide sufficient time for a complete analysis of industry practices.

tant point. The Civil Aeronautics Board does not have the staff nor the experience to judge the requirements of aircraft safety. Consequently, we are concerned that any such rules which are permitted to become tariff material (and thus to define the contract of carriage between passenger and airline) are reviewed by the appropriate authority. However, since the procedure adopted by the Federal Aviation Administration provides for such a review (see 14 CFR 121.586(c)) we are confident that an adequate review mechanism has been established. Nonetheless, the duty of air carriers to provide air transportation on a nondiscriminatory basis is so fundamental that it should be made clear that we are not in any way relinquishing our responsibility to suspend and/or investigate any such rule where it can be demonstrated that the review by the FAA has not been taken or that the tariffs are otherwise in violation of the public interests standards of the Federal Aviation Act of 1958.

CAB Agreement 16614 also requires some comment. The agreement concerns certain rules and practices governing online and interline (two or more different carriers) travel by handicapped or disabled persons. The agreement has been adopted by nearly all U.S. air carriers and provides certain guidelines for the acceptance for air travel of physically handicapped persons. Under the present arrangement there are several criteria through which an originating air carrier makes a determination of whether a physically handicapped passenger should be permitted to fly. The agreement also provides that once a passenger is accepted by the originating carrier, all other carriers will accept the passenger at least to the point of first stopover.

While this agreement has apparently been of value to the carriers and the travelling public, it contains a number of provisions which must now be reconsidered in the light of the new FAA rules. Particularly, the criteria for acceptance or nonacceptance of passengers will need reconsideration and reformation so as to be made consistent with the rules that are accepted by the FAA and thereafter filed as tariffs with this Board. As we read Section 1111 of the Federal Aviation Act of 1958 and the FAA's rulemaking thereunder, no disabled or handicapped person can be denied transportation on the grounds of disability other than when done in accordance with rules that have been filed with and accepted by the FAA. At a minimum, Agreement 16614 will have to be amended to reflect this fact. However, it is not our intention to disapprove this agreement at this time. Certain of its features—especially the fact that it requires continued acceptance of an interline passenger who has commenced his or her journey—are obviously in the public interest and should be preserved. Thus, for the present we will simply recommend that the carrier parties to Agreement 16614 take whatever steps are necessary to conform that agreement to operations under the new FAA rules.[7]

A final matter that requires some comment is the issue of free or reduced-rate transportation for attendants accompanying handicapped or disabled persons. The Board stated its conviction at the outset of this proceeding that free or reduced-rate transportation for attendants could not be required since the Federal Aviation Act has been construed to prohibit rate discrimination aimed at broad social policies not included in the particularized objectives of the Act itself.[8] Most of the comments that have been addressed to this issue recognize that this construction of the Act has been firmly established by the judiciary and is not subject to serious challenge. Instead, several parties have attempted to demonstrate that reduced rates for the attendants of disabled passengers do, in fact, advance some specific public interest standard found in the Act.[9] We have recently had occasion to consider similar arguments in connection with proposals for Senior Citizen Standby Fares for travel in the State of Hawaii. As was the case in that proceeding, the arguments presented in this rulemaking reduce to the proposition that a particular need for less expensive transportation entitles some class to a discriminatory fare. The "Senior Citizens Standby Fares" case concluded that:

> It may well be socially desirable that seniors in Hawaii have an opportunity to travel to visit relatives, to obtain medical care, to celebrate religious customs, and for recreation. Clearly, however, Congress has given the Board no authority to consider such factors. In "Transcontinental", the Board argued that youth fares could be justified because youths are financially dependent, still in schools frequently great distances from home, and correspondingly in need of rapid transportation during long holiday periods. In response, the court stated, "The essential difficulty with this position is that it is predicated solely on the status of the traffic, and is unrelated to transportation."[10]

The same conclusion—that the status of traffic as especially deserving of a reduced rate will not justify the rate—is equally applicable to the carriage of handicapped or disabled persons and their attendants. Considerations of this type involve questions of social policy which need legislative rather than administrative solutions.

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[7] Nothing herein should be interpreted to permit operations under the agreement where the provisions of the agreement conflict with a carrier's rules under FAR 121.

[8] Transcontinental Bus System, Inc. v. C.A.B. 383 F.2d 466 (5th Cir. 1967).

[9] See, especially, the comments of the National Center for Law and the Handicapped, Inc. The statutory standards governing airline rate regulation are contained in sections 102 and 1002 of the Federal Aviation Act, 49 U.S.C. 1302, 1482.

[10] Hawaiian Airlines, Inc., Senior Citizens Standby Fares, Order 76-9-147, September 28, 1976, at 7 (footnote omitted).

Accordingly, the Board hereby amends Part 221 of its Economic Regulations (14 CFR Part 221), effective September 30, 1977, as follows:

Amend paragraph (a) of § 221.38 by adding thereto a new subparagraph (8) to read as follows:

§ 221.38 Rules and Regulations.

(a) *Contents.* Except as otherwise provided in this part, the rules and regulations of each tariff shall contain:

* * * * *

(8) For certificated air carriers, the rules and regulations relating to the transportation of persons who may need assistance to evacuate the aircraft during an emergency. All such provisions shall be in conformity with Part 121 of the Federal Aviation Regulations (14 CFR Part 121), as amended or revised from time to time: *Provided*, That no provision of the Board's regulations issued under this part or elsewhere shall be construed to permit the filing of any tariff rules limiting or conditioning a carrier's obligation to proivde transportation and services in connection therewith upon reasonable request therefor to a person who may require assistance of another person in expeditiously moving to an emergency exit of the aircraft in the event of an evacuation, except as provided for in said Part 121.

(Secs. 204(a), 403, 404, 412, 1111, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758 (as amended) 760, 770, 75 Stat. 467 (49 U.S.C. 1324, 1373, 1374, 1382, 1511).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-25389 Filed 8-30-77;8:45 am]

SUBCHAPTER D—SPECIAL REGULATIONS

[Docket No. 29806; Reg. SPR-131, Amdt. 6]

PART 371—ADVANCE BOOKING CHARTERS

Minimum Seat Size for Split Charters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule is a technical amendment concerning split charters transported on small aircraft when there are no more than two charter contracts for the entire capacity of the aircraft. The amendment changes the definition of such small aircraft from an aircraft having "fewer than 80" seats to an aircraft with "80 or fewer" seats, and removes the prohibition against combining an ABC with another type of charter on the same aircraft. This change is initiated by the Board so that the ABC rule conforms with the other charter rules which are also being amended. Supplementary information concerning this amendment is given in the preamble to ER-1015, which is being issued simultaneously.

DATES: Effective: September 30, 1977. Adopted: August 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Simon J. Eilenberg, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202-673-5442).

Accordingly, 14 CFR Part 371 is amended as follows:

Amend § 371.10 by revising the proviso at the end of paragraph (b), so that the paragraph reads as follows.

§ 371.10 Advance booking charter general requirements.

* * * * *

(b) The charter contract must be for 40 or more seats: *Provided*, That where an aircraft having 80 or fewer seats is utilized for not more than two charter groups, the ABC charter contract may be for not less than 20 seats.

* * * * *

(Secs. 101, 204, 401, 402, 416, Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 757, 771 (49 U.S.C. 1301, 1324, 1371, 1372, 1386).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-25390 Filed 8-30-77;8:45 am]

[Docket No. 29806; Reg. SPR-132, Amdt. 17]

PART 372a—TRAVEL GROUP CHARTERS

Minimum Seat Size for Split Charters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule reduces to 20 seats the minimum size for split charters transported on aircraft with 80 or fewer seats when there are no more than two charter contracts for the entire capacity of the aircraft. The amendment changes all split charter rules to conform with that adopted for the Advance Booking Charter (ABC), and is at the initiative of the Board. Suplementray information concerning this amendment is given in the preamble to ER-1015, which is being issued simultaneously.

DATES: Effective: September 30, 1977. Adopted: August 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Simon J. Eilenberg, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202-673-5442).

Accordingly, 14 CFR Part 372a is amended as follows:

Amend § 372a.10 by adding a proviso at the end of paragraph (b), so that the paragraph reads as follows:

§ 372a.10 Travel group charter general requirements.

* * * * *

(b) The charter contract must be for 40 or more seats: *Provided*, That where an aircraft having 80 or fewer seats is utilized for not more than two charter groups, the travel group charter contract may be for not less than 20 seats.

* * * * *

(Secs. 101, 204, 401, 402, 416, Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 757, 771; (49 U.S.C. 1301, 1324, 1371, 1372, 1386))

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-25391 Filed 8-30-77;8:45 am]

[Docket No. 29806; Reg. SPR-133, Amdt. 15]

PART 373—STUDY GROUP CHARTERS BY DIRECT AIR CARRIERS AND STUDY GROUP CHARTERERS

Minimum Seat Size for Split Charters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule reduces to 20 seats the minimum size for split charters transported on aircraft with 80 or fewer seats when there are no more than two charter contracts for the entire capacity of the aircraft. The amendment changes all split charter rules to conform with that adopted for the Advance Booking Charter (ABC), and is at the initiative of the Board. Supplementary information concerning this amendment is given in the preamble to ER-1015, which is being issued simultaneously.

DATES: Effective: September 30, 1977. Adopted: August 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Simon J. Eilenberg, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202-673-5442).

Accordingly, 14 CFR Part 373 is amended as follows:

Amend § 373.2 by adding a second proviso to subparagraph (4) of the definition of "study group charter," so that the subparagraph reads as follows:

§ 373.2 Definitions.

* * * * *

"Study group charter" means * * *

(4) An aircraft under charter to one study group charterer may carry any number of study groups: *Provided*, That if more than one group is carried, the charter contract for each of the groups shall be for 40 or more seats: *Provided, however*, That where an aircraft having 80 or fewer seats is utilized for not more than two charter groups, the charter contract may be for not less than 20 seats.

* * * * *

(Secs. 101, 204, 401, 402, 416, Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 757, 771 (49 U.S.C. 1301, 1324, 1371, 1372, 1386).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-25392 Filed 8-30-77;8:45 am]

[Docket No. 29806; Reg. SPR-134, Amdt. 18]

PART 378—INCLUSIVE TOUR CHARTERS

Minimum Seat Size for Split Charters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule reduces to 20 seats the minimum size for split charters transported on aircraft with 80 or fewer seats when there are no more than two charter contracts for the entire capacity of the aircraft. The amendment changes all split charter rules to conform with that adopted for the Advance Booking Charter (ABC), and is at the initiative of the Board. Supplementary information concerning this amendment is given in the preamble to ER-1015, which is being issued simultaneously.

DATES: Effective: September 30, 1977. Adopted: August 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Simon J. Eilenberg, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202-673-5442).

Accordingly, 14 CFR Part 378 is amended as follows:

Amend § 378.2 by adding a second proviso to subparagraph (5) of paragraph (b), so that the subparagraph reads as follows:

§ 378.2 Definitions.

* * * * *

(b) "Inclusive tour" means * * *

(5) An aircraft under charter to one tour operator or foreign tour operator may carry any number of tour groups: *Provided*, That if more than one group is carried, the charter contract for each of the groups shall be for 40 or more seats: *Provided, however*, That where an aircraft having 80 or fewer seats is utilized for not more than two charter groups, the charter contract may be for not less than 20 seats.

* * * * *

(Secs. 101, 204, 401, 402, 416, Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743 754 757, 771; (49 U.S.C. 1301, 1324, 1371, 1372, 1386).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 77-25393 Filed 8-30-77;8:45 am]

[Docket No. 29806; Reg. SPR-135, Amdt. 12]

PART 378a—ONE-STOP-INCLUSIVE TOUR CHARTERS

Minimum Seat Size for Split Charters

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: This final rule reduces to 20 seats the minimum size for split charters transported on aircraft with 80 or fewer seats when there are no more than two charter contracts for the entire capacity

of the aircraft. The amendment changes all split charter rules to conform with that adopted for the Advance Booking Charter (ABC), and is at the initiative of the Board. Supplementary information concerning this amendment is given in the preamble to ER-1015, which is being issued simultaneously.

DATES: Effective: September 30, 1977. Adopted: August 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Simon J. Eilenberg, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C.20428 (202-673-5442).

Accordingly, 14 CFR Part 378a is amended as follows:

Amend §378a.10 by adding a proviso to paragraph (b), so that the paragraph reads as follows:

§ 378a.10 One-stop-inclusive tour charter general requirements.

* * * * * *

(b) The charter contract must be for 40 or more seats: *Provided*, That where an aircraft having 80 or fewer seats is utilized for not more than two charter groups, the charter contract may be for not less than 20 seats.

* * * * * *

(Secs. 101, 204, 401, 402, 416, Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 757, 771; (49 U.S.C. 1301, 1324, 1371, 1372, 1386.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-25394 Filed 8-30-77;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2897]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Walgreen Co.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, requires a Deerfield, Ill., retail drug store chain, to cease disseminating advertisements that offer any item for sale, unless such item is available for sale at or below advertised price, in reasonably sufficient quantities to meet anticipated demands. Further, respondent is required to conspicuously post advertisements and disclosure statements at designated locations; maintain specified business records; and institute a surveillance program designed to ensure that its stores comply with the terms of the order.

DATES: Complaint and order issued August 3, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Stephanie W. Kanwit, Regional Director, Federal Trade Commission, Chicago Regional Office, 55 East Monroe St., Suite 1437, Chicago, Ill. 60603 (312-353-4423).

SUPPLEMENTARY INFORMATION: On Wednesday, May 25, 1977, there was published in the FEDERAL REGISTER 42 FR 26661 a proposed consent agreement with analysis In the Matter of Walgreen Co., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 C.F.R., are as follows:

Subpart—Advertising Falsely or Misleadingly: *§ 13.10 Advertising falsely or misleadingly; § 13.10-1 Availability of merchandise and/or facilities.*

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

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.77-25318 Filed 8-30-77;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 3321]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Suspension of Community Eligibility

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to list communities wherein the sale of flood insurance as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) will be suspended because of noncompliance with the program regulations (24 CFR Part 1909 et seq.).

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

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the

[1] Copies of the Complaint and the Decision and Order filed with the original document.

Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The last date that appears in the fourth column of the table is provided in order to designate the effective date of the suspension of the sale of flood insurance in the area under the emergency or the regular phase of the National Flood Insurance Program.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and insurance is purchased. Accordingly, for communities listed under this Part such restriction exists as of the effective date of suspension because insurance, which is required, cannot be purchased.

Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities suspended in this notice no longer meet that statutory requirement. Accordingly, the communities are suspended on the effective date in the list below:

The entry reads as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	*	*	*	*
MN	Hennipin	St. Louis Park, city of	Dec. 22, 1972, emergency; June 15, 1977, regular; Sept. 1, 1977, suspended.	May 25, 1973	270184A
PA	Cameron	Grove, township of	March 4, 1974, emergency; July 18, 1977, regular; Sept. 1, 1977, suspended.	Nov. 8, 1974 July 9, 1976	421128B
Do.	Schuylkill	Pottsville, city of	June 28, 1973, emergency; July 5, 1977, regular; Sept. 1, 1977, suspended.	Aug. 2, 1974	420785B
Do.	Delaware	Radnor, township of	Feb. 25, 1972, emergency; Aug. 1, 1977, regular; Sept. 1, 1977, suspended.	Feb. 1, 1974 June 11, 1976	420428B
Do.	Luzerne	White Haven, borough of	Apr. 4, 1973, emergency; Aug. 1, 1977, regular; Sept. 1, 1977, suspended.	Oct. 26, 1973	420930A

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

Issued: August 16, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-25344 Filed 8-30-77;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

[T.D. ATF–45]

PART 178—COMMERCE IN FIREARMS AND AMMUNITION

Ammunition Recordkeeping Requirements; Correction

AGENCY: Bureau of Alcohol, Tobacco and Firearms.

ACTION: Correction notice to Treasury Decision ATF–45.

SUMMARY: This document corrects a final rule that appeared at page 41116, in the FEDERAL REGISTER of Monday, August 15, 1977 (FR Doc. 77–23507). That document revised ammunition recordkeeping requirements by exempting all Federal licensees from recording retail sales of certain types of ammunition.

EFFECTIVE DATE: August 15, 1977.

FOR FURTHER INFORMATION:

A. N. Stickney, Research and Regulations Branch, Regulations and Procedures Division (Regulatory Enforcement), Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226 (202–566–7626)

The following correction is made:

The title to the bound record format in paragraph (c) of § 178.125 on page 41117 which reads "DISPOSITION RECORD FOR PISTOLS, REVOLVERS, AND INTERCHANGEABLE AMMUNITION" is corrected to read "DISPOSITION RECORD OF INTERCHANGEABLE AMMUNITION AND HANDGUN AMMUNITION". The format, moreover, is set in type as set forth below.

DISPOSITION RECORD OF INTERCHANGEABLE AMMUNITION AND HANDGUN AMMUNITION

Date	Manufacturer	.22 Caliber Rimfire: Enter only a (V) if 10 boxes or less. Enter number of boxes if more than 10.	Other: Caliber, gauge, or type of component	Other: No. of boxes	Purchaser: Name and address	Purchaser: Date of birth	Enter a (V) in the "Known" column if purchaser is personally known to you. Otherwise, establish the purchaser's identification: Known	Driver's License	Other type (specify)

Dated: August 23, 1977.

REX D. DAVIS,
Director.

[FR Doc.77-24972 Filed 8-30-77;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Subpart A—Pensions, Compensation, and Dependency and Indemnity Compensation

CHARACTER OF INCOME; EXCLUSIONS AND ESTATES

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Veterans Administration has determined to exclude proceeds of Veterans' Group Life Insurance from consideration as income in determinations of entitlement to Veterans Administration gratuitous benefits. The need for this change was brought to our attention by a VA regional office inquiry.

EFFECTIVE DATE: August 1, 1974, the date the Veterans' Group Life Insurance program became law (Pub. L. 93-289).

FOR FURTHER INFORMATION CONTACT:

Mr. T. H. Spindle, Jr., Chief, Regulations Staff, Compensation and Pension Service, Department of Veterans Benefits 202-389-3005.

SUPPLEMENTARY INFORMATION: On page 34528 of the FEDERAL REGISTER of July 6, 1977, there was published a notice of proposed regulatory development to amend § 3.261 to exclude proceeds of Veterans' Group Life Insurance from consideration as income in determinations of entitlement to Veterans Administration gratuitous benefits.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation. No written comments have been received and the proposed regulation is hereby adopted without change and is set forth below.

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

Approved: August 23, 1977.

By direction of the Administrator:

RUFUS H. WILSON,
Deputy Administrator.

In § 3.261, paragraph (a)(20) is revised to read as follows:

§ 3.261 Character of income; exclusions and estates.

The following factors will be considered in determining whether a claimant meets the requirements of §§ 3.250, 3.251 and 3.252 with reference to dependency, income limitations and corpus of estate.

	Dependency (parents)	Dependency and indemnity compensation (parents)	Pension; protected (veterans, widows, widowers, and children)	Pension; Public Law 86-211 (veterans, widows, widowers, and children)
(a) Income:				
• • • • • • •				
(20) Veterans Administration payments:				
Pension	Excluded	Excluded	Excluded	Excluded.
Compensation and dependency and indemnity compensation.	do	do	do	Do.
World War I adjusted compensation	do	Included	do	Included.
U.S. Government life insurance or national service life insurance for disability or death, maturity of endowment policies, and dividends, including special and termination dividends.	do	Excluded	do	Excluded.
Servicemen's group life insurance	do	do	do	Do.
Veterans' group life insurance	do	do	do	Do.
Servicemen's indemnity	do	do	do	Do.
Subsistence allowance (38 U.S.C. ch. 31).	Included	Included	Included	Included.
Veterans educational assistance in excess of amounts expended for training (38 U.S.C. ch. 34).	do	do	do	Do.
Educational assistance (38 U.S.C. ch. 35).			Excluded	Excluded.
Special allowance under 38 U.S.C. 412(a).	Excluded	Included	do	Included.
Statutory burial allowance	do	Excluded	do	Excluded.
Accrued	do	Included, except accrued as reimbursement.	do	Included, except accrued as reimbursement.
• • • • • • •				

[FR Doc.77-25304 Filed 8-30-77;8:45 am]

PART 8a—VETERANS MORTGAGE LIFE INSURANCE

Lifetime Maximum Amount of Coverage

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Veterans Administration is amending its Veterans Mortgage Life Insurance regulations relating to the lifetime maximum amount of insurance coverage. The Veterans Administration also makes minor editorial changes in these regulations. The amendments are intended to make the regulations conform to the amendment to the law authorizing Veterans Mortgage Life Insurance. The editorial changes are intended to reflect the agency's policy of using precise terms for gender in its regulations.

EFFECTIVE DATE: August 24, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: On page 30392 of the FEDERAL REGISTER of June 14, 1977, there was published a notice of proposed regulatory development to amend §§ 8a.1, 8a.2, 8a.3 and 8a.4 relating to Veterans Mortgage Life Insurance. Pub. L. 94-433 (90 Stat 1374) increased the lifetime maximum amount of coverage authorized for each eligible veteran from $30,000 to $40,000.

Interested persons were given 30 days in which to submit comments, suggestions or objections regarding the proposed regulations. One written comment has been received which was favorable. A suggestion was also made to allow service-disabled veterans to apply on a one-time only basis for $10,000 of additional life insurance. This suggestion would require enabling legislation by Congress. The proposed regulations are hereby adopted without change and are set forth below.

NOTE.—The Veterans Administration has determined that this document does not contain a major proposal required preparation of an Economic Impact Statement under Executive Order 11821 as amended by Executive Order 11949 and OMB Circular A-107.

Approved: August 24, 1977.

By the direction of the Administration.

RUFUS H. WILSON,
Deputy Administrator.

1. In § 8a.1, paragraphs (a), (c) and (e) are revised and paragraph (h) is revoked. The revised materials reads as follows:

§ 8a.1 Definitions.

(a) The term "eligible veteran" means any veteran who is or has been granted assistance in securing a suitable housing unit under chapter 21 of title 38, United States Code, and who has not attained his or her 70th birthday.

* * * * *

(c) The term "housing unit" means a family dwelling or unit, together with the necessary land therefor, that has been or will be purchased, constructed, or remodeled with a grant to meet the needs of an eligible veteran and of his or her family, and is or will be owned and occupied by the eligible veteran as his or here home, or a family dwelling or unit, including the necessary land therefor, acquired by an eligible veteran to be used as his or her residence after selling or otherwise disposing of title to the housing unit for which his or her grant was made.

* * * * *

(e) The term "initial amount of insurance" means the amount of insurance corresponding in amount to the unpaid principal of a mortgage loan outstanding on a housing unit owned or to be acquired by an eligible veteran on August 11, 1971, or on the date of approval of his or her grant made under chapter 21 of title 38, United States Code, whichever is the later date.

* * * * *

h [Revoked]

2. In § 8.2, paragraphs (a), (b) (1), (4), (5), (6) and (8) are revised and paragraphs (b)(9) and (c) are added so that the revised and added material reads as follows:

§ 8a.2 Maximum amount of insurance.

(a) Effective October 1, 1976, each eligible veteran is authorized a lifetime maximum amount of insurance under section 806 of title 38, United States Code, not to exceed $40,000, to be used as needed for insurance on his or her life during periods he or she is obligated under a mortgage loan. Whenever insurance on the life of an eligible veteran is reduced because of a reduction of the principal of his or her mortgage loan, or in accordance with the amortization schedule of his or her mortgage loan, his or her lifetime maximum of $40,000 is permanently reduced by such an amount, except in the case of a reduction of the principal of the mortgage loan resulting from a sale of the property or a refinancing of the loan.

(b) The maximum amount of insurance in force on any one life at one time shall not exceed the lesser of the following amounts:

(1) $40,000.

* * * * *

(4) Where the grant was approved prior to August 11, 1971, but had not been fully disbursed on that date, the amount of the unpaid principal of the mortgage loan outstanding on that date on a housing unit then owned and occupied by the eligible veteran, or on a housing unit then in the process of construction or remodeling for the eligible veteran, and such initial amount of insurance may be adjusted upward, subject to the maximum insurance available to the eligible veteran, or downward, depending upon the amount of the mortgage loans outstanding on the date of full disbursement of the grant, or on the date of the final settlement of the purchase, construction, or remodeling agreement, which ever date is the later date.

(5) Where the grant is approved on or after August 11, 1971, the amount of the unpaid principal of the mortgage loan outstanding on the date of approval of the grant on a housing unit then owned and occupied by the eligible veteran, or on a housing unit being or to be constructed or remodeled for the eligible veteran, and such initial amount of insurance may be adjusted upward, subject to the maximum insurance available to the eligible veteran, or downward, depending upon the amount of the mortgage loans outstanding on the date of full disbursement of the grant, or on the date of final settlement of the purchase, construction, or remodeling agreement, whichever date is the later date.

(6) Where an eligible veteran ceases to own the housing unit purchased in part with a grant, or a subsequently acquired housing unit which was subject to a mortgage loan that resulted in his or her life being insured under Veterans Mortgage Life Insurance, and becomes obligated under a mortgage loan on another housing unit occupied or to be occupied by the eligible veteran, the amount of the unpaid principal outstanding on the mortgage loan on the newly acquired housing unit on the date insurance hereunder is placed in effect.

* * * * *

(8) Where the title to a housing unit is or will be vested in an eligible veteran and his or her spouse, the amount of insurance shall not exceed the principal amount of the outstanding mortgage loans. If title to an undivided interest in a housing unit is or will be vested in a person other than the spouse of an eligible veteran, the amount of Veterans Mortgage Life Insurance on his or her life shall be computed to be such part of the total of the unpaid principal of the loan outstanding on the housing unit as is proportionate to the undivided interest of the veteran in the entire property.

(9) All claims, arising out of the deaths of insured veterans occurring prior to October 1, 1976, shall be subject to the $30,000 lifetime maximum amount of insurance then in effect.

(c) Any eligible veteran who prior to October 1, 1976, was covered by $30,000 Veterans Mortgage Life Insurance and who on that date became eligible to have his or her coverage increased may elect to retain the lesser amount of coverage he or she had in effect prior to that date.

3. Section 8a.3 is revised to read as follows:

§ 8a.3 Effective date.

(a) Where the grant was approved prior to August 11, 1971, Veterans Mortgage Life Insurance shall be effective August 11, 1971, if on that date, the eligible veteran was obligated under a mortgage loan, and any such eligible veteran is automatically insured, unless he or she elects in writing not to be insured, or fails to respond within 60 days after the date a final request is made or mailed to the eligible veteran for information on which his or her premium can be based.

(b) Where the grant is approved on or after August 11, 1971, Veterans Mortgage Life Insurance shall be effective on the date of approval of the grant, if on that date the eligible veteran is obligated under a mortgage loan, and any such eligible veteran is automatically insured, unless he or she elects in writing not to be insured, or fails to respond within 60 days after the date a final request is made or mailed to the eligible veteran for information on which his or her premium can be based.

(c) In any case in which a veteran would have been eligible for Veterans Mortgage Life Insurance on August 11, 1971, or on the date of approval of his or her grant, whichever date is the later date, but such insurance did not become effective because he or she was not obligated under a mortgage loan on that date, or because he or she elected in writing not to be insured, or failed to timely respond to a request for information on which his or her premium could be based, the insurance will be effective on a date agreed upon by the veteran and the Administrator, but only if the veteran files an application in writing with the Veterans Administration for such insurance, submits evidence that he or she meets the health requirements of the Administrator, together with information on which his or her premium can be based, and is or becomes obligated under a mortgage loan upon the date agreed upon as the effective date of his or her insurance.

(d) In any case in which an eligible veteran disposes of the housing unit purchased, constructed or remodeled in part with a grant, or a subsequently acquired housing unit, and becomes obligated under a mortgage loan on another housing unit occupied or to be occupied by the eligible veteran, the insurance will be effective upon a date requested by the veteran and agreed to by the Administrator, but only if the eligible veteran

files an application for such insurance, submits evidence that he or she meets the health requirements of the Administrator, furnishes information on which his or her premium can be based, and is or becomes obligated under a mortgage loan on the date the insurance is to become effective.

(e) In any case where an eligible veteran insured under Veterans Mortgage Life Insurance, refinances the mortgage loan which is the basis for such insurance on his or her life, any increase in the amount of insurance or any delay in the rate of reduction of insurance will be effective only if the eligible veteran files an application for insurance, submits evidence that he or she meets the health requirements of the Administrator, and furnishes information on which his or her premium can be based.

4. In § 8a.4, paragraphs (b), (c) and (d) are revised to read as follows:

§ 8a.4 Coverage.

* * * * *

(b) The $40,000 lifetime maximum amount of Veterans Mortgage Life Insurance available to an eligible veteran shall be permanently reduced, and the amount of such insurance in force on his or her life at any one time shall be reduced simultaneously (1) with the reduction in the principal of the mortgage loan, whether or not the mortgage loan is amortized, and (2) in addition, if the mortgage loan is amortized, according to the schedule for the reduction of the principal of the mortgage loan whether or not the scheduled payments are timely made.

(c) If the amount of the mortgage loan exceeds $40,000, or the reduced maximum amount of insurance available to an eligible veteran, whichever amount is the lesser, the amount of insurance in force on the life of the veteran shall remain at a constant level until the principal amount of the mortgage loan which is basis for establishing the amount of insurance is reduced to $40,000, or to the amount of the reduced maximum amount of insurance available to the veteran, at which time the amount of insurance in force on his or her life shall be reduced in accordance with the schedule for the reduction of the principal of the mortgage loan, and whether or not the scheduled payments are timely made.

(d) Subject to the $40,000 lifetime maximum amount of insurance, and to the reduced maximum amount of insurance available to the eligible veteran, he or she is entitled to be insured under Veterans Mortgage Life Insurance or to apply for such insurance as often as he or she becomes obligated under a mortgage loan or a refinanced mortgage loan on a housing unit or a successor housing unit owned and occupied by the eligible veteran. Where a veteran who is not automatically insured under Veterans Mortgage Life Insurance applies for such insurance, he or she shall be required to meet the health standards and other conditions established by the Administrator for such insureds.

[FR Doc.77-25305 Filed 8-30-77; 8:45 am]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

PART 233—INSPECTION SERVICE AUTHORITY

Rewards

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The primary purpose of this rulemaking is to amend Postal Service regulations to increase the maximum amount of rewards for information and services leading to the arrest and conviction of any person for the following postal offenses: Robbery; mailing of bombs or explosives; mailing of poison or controlled substances; burglary of post office; obstruction of mail; or offenses involving mail orders. A number of minor, technical and conforming amendments are also made to the regulations.

EFFECTIVE DATE: August 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Donald L. Discroad, 202-245-5465.

SUPPLEMENTARY INFORMATION:

Accordingly, 39 CFR is amended as follows:

§ 233.1 [Amended]

1. In paragraph (b)(1) of § 233.1 by deleting the words "Sign 32" and inserting "Notice 96" in lieu thereof.

2. In note following paragraph (b)(2) of § 233.1 by deleting the words "Sign 32" and inserting "Notice 96" in lieu thereof.

3. By revising the text of Notice 96 in the note following paragraph (b)(2) of § 233.1 to read as follows:

The United States Postal Service will pay a reward for information and services leading to the arrest and conviction of any person for the following offenses:

ROBBERY

1. Not to exceed $5,000 for robbery or attempted robbery of any custodian of any mail, or money or other property of the United States under the control and jurisdiction of the United States Postal Service, if such custodian is wounded or killed, or the custodian's life jeopardized; but not to exceed $2,000 if the custodian is not wounded or killed, or his life jeopardized.

BOMBS OR EXPLOSIVES

2. Not to exceed $5,000 for mailing or causing to be mailed any bombs or explosives which may kill or harm another, or injure the mails or other property, or the placing of any bomb or explosive in a postal facility, vehicle, depository or receptacle established, approved, or designated by the Postmaster General for receipt of mail.

POISONS AND CONTROLLED SUBSTANCES

3. Not to exceed $1000 for mailing or causing to be mailed any poison or other controlled substance.

BURGLARY OF POST OFFICE

4. Not to exceed $500 for breaking into or attempting to break into a post office, station, branch, or a building used wholly or partially as a post office with intent to commit a larceny or other depredation in that part used as a post office.

THEFT OF MAIL

5. Not to exceed $500 for the theft or attempted theft of any mail, or the contents thereof, or the theft of money or any other property of the United States under the custody and control of the United States Postal Service, from any custodian, postal vehicle, railroad depot, airport, or other transfer point, post office or station or receptacle or depository established, approved, or designated by the Postmaster General for the receipt of mail.

OBSTRUCTION OF MAIL

6. Not to exceed $500 for obstructing or retarding the passage of mail, or any carrier or conveyance carrying the mail.

OFFENSES INVOLVING MONEY ORDERS

7. Not to exceed $500 for the altering, counterfeiting, forging, and unlawful uttering or passing of postal money orders.

GENERAL PROVISIONS

8. The United States Postal Service will also pay rewards as stated above for information and services leading to the arrest and conviction of any person:

(a) As an accessory to any of the above crimes;

(b) For receiving or having unlawful possession of any mail, money, or property secured through the above crimes;

(c) For conspiracy to commit any of the above crimes.

9. When a person has been adjudged a juvenile delinquent or processed through a formal pre-trial diversion program for having committed any of the above crimes, the same reward may be paid as though such person had been convicted of such crime.

10. The term "custodian" as used herein includes any person having lawful charge, control, or custody of any mail matter, or any money or other property of the United States under the control and jurisdiction of the United States Postal Service.

11. A reward may be paid for the conviction of a person for an offense listed above, even though arrested for committing another offense.

12. When an offender is killed while committing a crime listed above or in resisting lawful arrest, the same reward may be paid to a person rendering information and services as though the offender had been arrested and brought to conviction.

13. The amount of the reward to be paid will be based on the importance of services rendered, character of the offender, risks and hazards involved, time spent, and expenses incurred. Maximum rewards will be paid only when services were of the maximum value.

14. The Postal Service will reject a claim where there has been collusion, or improper methods have been used to effect an arrest or to secure a conviction. It has the right to allow only one reward where several persons were convicted of the same offense, or one person was convicted of several offenses.

15. A written claim must be submitted to the Postal Inspector in charge of the Division in which the crime was committed within six months from the date of conviction of an offender, or the date of formally deferred prosecution or the date of his death, if killed in committing a crime or resisting arrest. Applications for the filing of claims may be obtained from the Inspector in Charge.

(39 U.S.C. 401(2), 404(8), 410(b)(2))

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.77-25330 Filed 8-30-77;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER D—WATER PROGRAMS

[FRL 765-2]

PART 140—MARINE SANITATION DEVICES

Regulation To Prohibit the Discharge of Vessel Wastes State of Minnesota

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Section 312(f)(4) of the Federal Water Pollution Control Act (Pub. L. 92-500) states that, "If the Administrator determines upon application by a State that the protection and enhancement of the quality of specified waters within such State requires such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into such waters." The following regulation prohibits the discharge from a vessel of any sewage, whether treated or not, into the Boundary Waters Canoe Area (BWCA), a wilderness area within the Superior National Forest, at the northern border of the State of Minnesota.

EFFECTIVE DATE: August 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Kenneth M. Mackenthun, Director, Criteria and Standards Division (WH-585), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202-755-0100).

SUPPLEMENTARY INFORMATION: On March 18, 1977, a notice of proposed rulemaking was published by the Administrator, Environmental Protection Agency, to amend the present regulations in 40 CFR 140.4 (42 FR 15079). The proposed rulemaking was issued as a result of application to the Administrator by the State of Minnesota, pursuant to Section 312(f)(4) of the Federal Water Pollution Control Act Amendments of 1972, that he prohibit, by regulation, the discharge from a vessel of any sewage, whether treated or not, into the Boundary Waters Canoe Area (BWCA) of the State of Minnesota.

The BWCA is used entirely for recreation; the majority of travel on the waters of the BWCA is by canoe. Motorized vessels are allowed only on certain specified lakes, and on such lakes motors must be less than ten horsepower. The State reports that canoeists routinely take drinking water from all lakes within the BWCA and use it with no treatment. One comment was received by the Agency in response to the notice of proposed rulemaking; the commenter was in favor of the prohibition of the discharge of sewage from vessels into the BWCA.

In consideration of the foregoing, 40 CFR, Chapter I, Subchapter D, § 140.4 is hereby amended by the addition of a new paragraph (b)(1) that lists those waters, the quality of which the Administrator has determined require the complete prohibition of the discharge from a vessel of any sewage (whether treated or not) for their protection and enhancement.

Dated: August 22, 1977.

DOUGLAS M. COSTLE,
Administrator.

§ 140.4 Complete prohibition.

* * * * *

(b) * * *

(1) For the following waters the discharge from a vessel of any sewage (whether treated or not) is completely prohibited:

Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou Roadless Areas, in the Superior National Forest, Minnesota, as described in 16 U.S.C. 577-577d1.

[FR Doc.77-25257 Filed 8-30-77;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 782-8]

PART 419—PETROLEUM REFINING POINT SOURCE CATEGORY

Pretreatment Standards for Existing Sources; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Extension of comment period.

SUMMARY: This action further extends the deadline for the receipt of comments on the interim final rulemaking establishing pretreatment standards for existing sources for the petroleum refining point source category (42 FR 15684). Comments submitted not later than October 21, 1977 will be considered.

EFFECTIVE DATE: August 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Harold B. Coughlin, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202-426-2560).

SUPPLEMENTARY INFORMATION: On March 23, 1977, the Agency published a notice of interim final rulemaking establishing pretreatment standards for the petroleum refining point source category (42 FR 15684). This notice stated that the Development Document and Economic Impact Analysis were available to the public and provided for a 60 days public comment period. On July 8, 1977, a notice appeared in the FEDERAL REGISTER (42 FR 35159) that extended the comment period until August 15, 1977, due to lack of availability of the two documents. There has been a further delay in the printing of the Development Document which necessitates a further extension of the comment period. Therefore the comment period is being extended to October 21, 1977.

Dated: August 22, 1977.

JOHN T. RHETT,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.77-25260 Filed 8-30-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

[FSS P 2800.8B CHGES 8-14]

PROCUREMENT REGULATIONS

Miscellaneous Amendments

AGENCY: Federal Supply Service, General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment of the General Services Administration Procurement Regulations (GSPR 5A) revises or deletes contract clauses to comply with Federal acts and requirements, and revises or adds instructions to contracting officers to standardize contract operations. The intent of this regulation is to clarify and update contracting practices of GSA.

EFFECTIVE DATE: August 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Einar Windingland, Director, Policy and Procedures Division, Office of Procurement, Federal Supply Service, General Services Administration, Washington, D.C. 20406 (703-557-8344).

SUPPLEMENTARY INFORMATION:

1. The Cargo Preference Act of 1954 requires that at least 50 percent of the gross tonnage of Government supplies transported by ocean carrier be shipped on privately owned U.S. flag commercial vessels. Regulations issued by the Maritime Administration require the submission to that agency of reports regarding the weight of cargoes transported by privately owned U.S. flag commercial vessels and foreign flag commercial vessels. A recent amendment to the Federal Procurement Regulations prescribed a contract clause which requires contractors to provide data necessary for agency reports through the submission of copies of bills of lading. This GSPR 5A amendment implements the Federal Procurement Regulations and deletes the GSPR 5A clause on this subject.

2. A clause applicable to the procurement of hazardous substances is revised to reflect the current requirements of the Federal Hazardous Substances Act and the Hazardous Materials Transportation Act.

3. A clause which acknowledged the imposition of a California Sales and Use Tax on tangible personal property leased to the Federal Government was deleted

as a result of a court ruling that the tax was unconstitutional.

4. To emphasize the importance of coordination with legal counsel in appropriate cases, a new section is added which lists specific contracting circumstances requiring legal review before final action.

5. Instructions regarding the approval of contract awards are revised to authorize GSA regional counsels to approve mistake-in-bid cases and permit withdrawal of bids when the evidence is clear and convincing as to the existence of a mistake disclosed before award. This change is based on a recent amendment to the Federal Procurement Regulations authorizing a decentralization of controls in cases of this type.

6. Instructions regarding notifications of contract awards are revised to emphasize the importance of notifying the Federal Supply Schedule Management Division of awards under the Federal Supply Schedule Program to enable that activity to provide up-to-date information to schedule users upon request.

PART 5A–1—GENERAL

The table of contents for Part 5A–1 is amended to add new §§ 5A–1.450, 5A–1.7301–2, and 5A–1.7301–3, and to revise the title of § 5A–1.7301–1 as follows:

Subpart 5A–1.4—Procurement Responsibility and Authority

Sec.

5A–1.450 Participation of legal counsel in the procurement process.

Subpart 5A–1.73—Preparation and Distribution of Contract Documents

5A–1.7301–1 General.
5A–1.7301–2 Related orders.
5A–1.7301–3 Purchasee order numbering.

Subpart 5A–1.4—Procurement Responsibility and Authority

Section 5A–1.450 is added as follows:

§ 5A–1.450 Participation of legal counsel in the procurement process.

(a) In addition to other required reviews or approvals, contracting officers shall request legal advice from assigned counsel when one or more of the following procurement situations are present. Such requests shall be made after an examination of all the pertinent facts has been made and recorded by the contracting officer.

(1) Mistakes in bids §§ 1–2.406 and 5A–2.406).

(2) Protests against award §§ 1–2.407–8 and 5A–2.407–8).

(3) Disputes (§§ 1–1.318 and 5A–1.318–1); terminations, including cure letters (§§ 1–8.6, 5A–8.6, and 5A–53.472); and contract claims.

(4) Novation and change of name agreements (§ 1–26.4).

(5) Assignment of claims (§§ 1–30.700 and 5A–30.706).

(6) Substantive modifications of contracts (§ 1–1.219).

(7) Requests for information under the Freedom of Information Act and Privacy Act.

(8) Proposed awards to other than the low evaluated bidder (§§ 1–2.404–2 and 5A–2.404–2).

(9) Proposed no-awards for reasons other than excessive prices (§§ 1–2.404 and 5A–2.404).

(10) Proposed consideration of late bids (§ 1–2.201), late offers (§ 1–3.802–1), and late modifications of bids (§ 1–2.305), when it is anticipated that the circumstances involved may result in protest.

(11) Findings and determinations to support negotiations (§§ 1–3.3 and 5A–3.301).

(12) Determinations of nonresponsibility (§§ 1–1.1204 and 5A–1.1205) and nonresponsiveness (§§ 1–2.301 and 5A–2.301).

(13) Memoranda of position and appeal files in Board of Contract Appeals cases (§ 5A–60.205–1) and other matters pertaining to litigation.

(b) When legal assistance is requested, the contracting officer shall brief counsel regarding the facts and points at issue to facilitate prompt resolution.

(c) Attorneys shall be requested to participate in conferences where it is expected that legal problems or contract provisions will be considered, and in meetings attended by legal representatives of private parties or other Government agencies. Assigned procurement counsel should be requested to participate in the drafting of correspondence involving controversial or sensitive contractual matters.

Suboart 5A–1.11—Qualified Products

Section 5A–1.1101–70 is amended by deleting paragraph (c).

Subpart 5A–1.73—Preparation and Distribution of Contract Documents

1. Sections 5A–1.7301 and 5A–1.7301–1 are revised and §§ 5A–1.7301–2 and 5A–1.7301–3 are added as follows:

§ 5A–1.7301 Purchase order forms.

(a) GSA Form 300, Purchase Order, illustrated in § 5A–16.950–300, is a 15-part form which incorporates the 2nd, 3rd, and 4th copies as the direct delivery invoice. GSA Form 300 may be used as a purchase order, a delivery order, or as an award document. Special instructions for preparation of GSA Form 300 are set forth in § 5A–16.950–300–1.

(b) GSA Form 2875, GSA Stock Item Direct Delivery Order, illustrated in § 5A–16.950–2875, is for ordering stock items that are to be delivered by the vendor direct to the consignee. See the HB, Supply Operations, FSS P 2900.3, ch. 9.

(c) GSA Form 3014, Order for Supplies or Services, illustrated in § 5A–16.950–3014, is a 10-part form designed for computer and manual preparation. It is used primarily for stock replenishment and nonstock direct delivery purchase orders against established sources.

§ 5A–1.7301–1 General.

The purchase order numbering system prescribed below shall apply to all orders issued by FSS except for those issued by the Special Programs Division (FPZ) of the Office of Procurement and the Contract Operations Division (FJM) of the Office of Property Management. FPZ may use the incoming agency requisition number in lieu of the numbering system prescribed below.

§ 5A–1.7301–2 Related orders.

Orders should combine related national stock numbers (NSN's) going to the same location at the same time from the same contract source where feasible. Each separate delivery requires a separate order number. Different suffixes may be used for this purpose; e.g., 6PN–D–54391–1, 6PN–E–54391–2, and 6PN–E–54391–3 denotes three separate deliveries under number 54391.

§ 5A–1.7301–3 Purchase order numbering.

The purchase order number is a four-group, hyphenated number (see below) for orders issued by procuring or inventory management activities. The heart of the numbering system is the five-digit case number and the suffix denoting the number of orders/deliveries issued against the case.

Example	Prefix			Type of order	Basic case number					Suffix	
Box number	1	2	3	4	5	6	7	8	9	10	11
Procurement	6	P	N	E	A	5	4	3	9	2	B
Inventory management		K		W	K	9	9	9	1	1	A

(a) *Prefix (Boxes 1, 2, 3).* The prefix will contain a three-position code for procuring activities and inventory management stock direct deliveries from the codes listed in § 5A–76.320, and a one-position code for inventory management stock replenishment from the codes listed in the HB, FSS P 2900.3.

(b) *Type of order (Box 4).* The type of order shall be shown by an alpha code from the codes listed in § 5A–76.320.

(c) *Basic case number (Boxes 5, 6, 7, 8, 9).* The basic case number shall be a five-position series of alpha numeric designations within the range of A0001 through Z9999 excluding I, O, and Q. Numbers shall be assigned and controlled by each procuring activity. A different basic case number shall be assigned for each destination where feasible. Case numbers assigned to 8(a) contracts, by inventory management, shall be within the range of 0001A through Z999Z.

(d) *Suffix (Boxes 10, 11).* The suffix consists of two positions. The first position is the number of orders written against the case file. The first purchase order shall be number "1" regardless of the total number of orders/deliveries issued with subsequent purchase orders numbered sequentially through 9. If the number of purchase orders exceeds 9, additional orders shall be identified by alphabetical designations. The letters I, O, and Q may not be used as alphabetical designations. The second position is the number of amendments issued to the order number.

2. Section 5A–1.7304 is revised as follows:

§ 5A–1.7304 Bills of lading.

(a) When Government bills of lading are prepared by procuring activities,

preparation and distribution shall be in accordance with applicable freight traffic management provisions (see FPMR 101-41.3). Additionally, procuring activities shall forward a memorandum copy of the Government bill of lading to the appropriate regional Transportation Services Division (FZT). This memorandum copy shall be annotated on the bottom, as follows:

FOR ENTRY INTO TRIPS

(b) When contracts require a USDA Certificate of Quality and Condition with delivery of canned fruits and vegetables and products thereof, including juices, with delivery of dried fruits, and where procurement of at least 10,000 pounds of roasted whole bean coffee is involved, the statement contained in § 5A-72.304 and § 5A-72.305 shall be placed on Government bills of lading covering such shipments.

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A-2.4—Opening of Bids and Award of Contract

1. Section 5A-2.403(c) is revised as follows:

§ 5A-2.403 Recording of bids.

* * * * *

(c) Abstracts shall be annotated with (1) the size of the bidder ("S" for small business, "O" for large), and (2) the status of the bidder (manufacturer or dealer).

* * * * *

2. Section 5A-2.406-3(a)(2) is revised as follows:

§ 5A-2.406-3 Other mistakes disclosed before award.

(a) * * *

(2) Cases arising in regional offices (or in Central Office operations which are serviced by Regional Counsel) shall be processed by the contracting officer through channels to the Regional Counsel, who will review the case for technical accuracy of the findings and determination, and general adequacy of the supporting evidence. A determination may be made permitting the bidder to withdraw his bid where the bidder requests permission to do so and where clear and convincing evidence establishes the existence of a mistake. The Regional Counsel will be the approving authority on these mistakes in bid cases, but will transmit all other cases with applicable recommendations to the appropriate office of General Counsel (e.g., the Assistant General Counsel for Procurement).

* * * * *

PART 5A-3—PROCUREMENT BY NEGOTIATION

The table of contents for Part 5A-3 is amended to add § 5A-3.7004, *Recording of bids.*

Subpart 5A-3.70—Solicitation of Offers

Section 5A-3.7004 is added as follows:

§ 5A-3.7004 Recording of bids.

Bids will be abstracted in accordance with § 5A-2.403.

PART 5A-7—CONTRACT CLAUSES

The table of contents for Part 5A-7 is amended to add § 5A-7.103-97, Special direct delivery requirement.

Subpart 5A-7.1—Fixed-Price Supply Contracts

1. Section 5A-7.103-84 is revised as follows:

§ 5A-7.103-84 Hazardous substances.

The following clause shall be included in all contracts that provide for packaged items subject to the Federal Hazardous Substances Act and the Hazardous Materials Transportation Act.

HAZARDOUS SUBSTANCES

(a) Federal Hazardous Substances Act—If the packaged items to be delivered under this contract are of a hazardous substance and ordinarily are intended or considered to be for use as a household item, the contract shall be subject to the Federal Hazardous Substances Act, as amended (15 U.S.C. 1261-1274), implementing regulations thereof (16 CFR Chapter II(c)), and Federal Standard No. 123, Marking for Shipment (Civil Agencies), issue in effect on the date of Invitation for Bids or Solicitation for Offers.

(b) Hazardous Materials Transportation Act—The packaged items to be delivered under this contract shall be subject to the preparation of shipping documents, the preparation of items for transportation, shipping container construction, package marking, package labeling, when required, shipper's certification of compliance, and transport vehicle placarding in accordance with Parts 170 through 189 of 49 CFR.

(c) Without exception, the minimum packaging acceptable for packaging Department of Transportation regulated hazardous materials shall be those prescribed in Part 173, Title 49, Transportation, CFR. However, packages which exceed the packaging requirements of the CFR are acceptable.

(d) Data Submission Requirement—Contractors are required to complete "Material Safety Data Sheet" (DD Form 1813) as required by Federal Standard 313 (Material Safety Data Sheets, Preparation and Submission of), issue in effect on the date of Invitation for Bids or Solicitation of Offers, and as required by Section 1916.57, Title 29, Labor, CFR. The "Material Safety Data Sheet" shall be submitted to the quality assurance specialist on or before the date the first shipment is made on each contract.

2. Section 5A-7.103-97 is added as follows:

§ 5A-7.103-97 Special direct delivery requirement.

The following clause shall be included in all direct delivery solicitations.

SPECIAL DIRECT DELIVERY REQUIREMENT

Contractors are required to enclose a duplicate (facsimile) of the resultant purchase/delivery order with each shipment.

PART 5A-11—FEDERAL, STATE, AND LOCAL TAXES

Subpart 5A-11.4—Contract Clauses

Section 5A-11.401-71 is revised as follows:

§ 5A-11.401-71 Federal, State, and local taxes—Federal Supply Schedules.

The following clause shall be included in all multiple award Federal Supply Schedule (including New Item Introductory Schedules) solicitations and resultant schedules:

STATE AND LOCAL TAXES

Notwithstanding the provisions of Clause 27 of GSA Form 1424, GSA Supplemental Provisions, the contract price excludes all State and local taxes levied on or measured by the contract or sales price of the services or completed supplies furnished under this contract. Taxes excluded from the contract price pursuant to the preceding sentence shall be separately stated on the Contractor's invoices and the Government agrees either to pay to the Contractor amounts covering such taxes or to provide evidence necessary to sustain an exemption therefrom.

PART 5A-16—PROCUREMENT FORMS

The table of contents for Part 5A-16 is amended to add the following new entries:

Sec.	
5A-16.950-1678	GSA Form 1678, Contract Delivery Status Record.
5A-16.950-2875	GSA Form 2875, GSA Stock Item Direct Delivery Order.
5A-16.950-3024	GSA Form 3024, Contract Information Multiple Award Federal Supply Schedule.

Subpart 5A-16.9—Illustrations of Forms

1. Sections 5A-16.950-300, 5A-16.950-300A, and 5A-16.950-1602 are revised to illustrate new editions of forms.

2. Sections 5A-16.950-1678, 5A-16.950-2875, and 5A-16.950-3024 are added to illustrate GSA Forms 1678, 2875, and 3024, respectively.

PART 5A-19—TRANSPORTATION

The table of contents for Part 5A-19 is amended to add § 5A-19.108-2, Contract clause.

Subpart 5A-19.1—General

1. Section 5A-19.108-1 is revised as follows:

§ 5A-10.108-1 Use of privately owned U.S.-flag commercial vessels.

See § 1-19.108-1.

2. Section 5A-19.108-2 is added as follows:

§ 5A-19.108-2 Contract clause.

Insert the clause prescribed by § 1-19.108-2 under the conditions set forth therein.

3. Section 5A-19.108-50(a)(2) is revised as follows:

§ 5A–19.108–50 Shipments by foreign-flag vessels in Cuban or North Vietnam trade.

(a) * * *

(2) The regional Transportation Services Division, FSS, shall (i) ensure that they are on the FEDERAL REGISTER mailing list and (ii) if necessary, supply ocean freight forwarders under contract with GSA the published listing of ineligible vessels.

* * * * *

PART 5A–72—PROCUREMENT OF STOCK ITEMS

Subpart 5A–72.2—Requirements Contracts for Stock Replenishment

1. Section 5A–72.206 is amended by adding paragraph (c), as follows:

§ 5A–72.206 Inspection.

* * * * *

(c) Where origin inspection is specified, it is essential that copies of documents furnished to quality control activities show the location from which the material will be shipped. When a modification is issued which provides for an inspection point(s) other than that of the original contract, the contracting officer shall identify the new inspection point(s) to assist the appropriate regional Quality Control Division. The following example illustrates how the Standard Form 30, Amendment of Solicitation/Modification of Contract, should be annotated:

Inspection point is changed from: Alotour, Inc., 7918 Hart Road, Oxon Hill, MN., Region 5.

Inspection point is changed to: Andrew & James, Inc., 223 Tennessee Ave., Alexandria, Ga., Region 4.

2. Section 5A–72.218 is amended by adding paragraph (h), as follows:

§ 5A–72.218 Quantity pack requirements.

* * * * *

(h) Solicitations covering stock items which specify palletization for which quantity pack per pallet has not been established shall include a request (but not a requirement) for bidders to state the quantity pack they are offering per pallet. The quantity pack information received in response to a solicitation containing such a request may not be considered a factor in determining award.

Subpart 5A–72.4—Direct Delivery of Stock Items

Section 5A–72.401 is amended by adding paragraph (c), as follows:

§ 5A–72.401 General.

* * * * *

(c) In many instances agency incoming requisitions are combined on a single purchase order. Direct deliveries require contractual provisions to ensure that contractors send a duplicate (facsimile) copy of the purchase delivery order with each shipment to facilitate identification for the consignee. (See § 5A–7.103–97.)

PART 5A–73—FEDERAL SUPPLY SCHEDULE PROGRAM

The table of contents for Part 5A–73 is amended to revise the titles of the following sections:

Sec.
5A–73.302 Notification of contractor of contract awards.
5A–73.303 Other notifications of contract awards.

Subpart 5A–73.3—Evaluation of Offers and Award of Contracts

1. The title of section 5A–73.302 is revised as follows:

§ 5A–73.302 Notification of contractor of contract awards.

* * * * *

2. Section 5A–73.303 is revised as follows:

§ 5A–73.303 Other notifications of contract awards.

(a) Commerce Business Daily (see §§ 1–1.1004 and 5A–1.1004).

(b) Substantial awards. If the award is estimated to exceed $250,000, compliance with the provisions of § 5A–2.407–84 is required.

(c) Notifications by the activity responsible for preparing the Federal Supply Schedule. To enable the Federal Supply Service to provide schedule status information to schedule users upon request, the Federal Supply Schedule Management Division (FPS) is the focal point for assembling this information. The following forms and formats shall be completed by the contracting officers as indicated and furnished to FPS immediately upon award of a national-scope Federal Supply Schedule contract.

(i) GSA Form 1535, Recommendation for Award(s), regardless of whether the schedule is prepared by FPS or by a regional or Central Office procuring activity.

(ii) Additional information on the format set forth in § 5A–76.332. The use of this format for submitting schedule information for schedule preparation is mandatory when FPS prepares the schedule and optional when the schedule is prepared by an activity other than FPS. However, in the latter instance and if the format is not used, the information to be furnished FPS must be as complete as possible to serve the intended purpose, especially with regard to the details on awards pending, no bids received, and no awards.

(iii) GSA Form 3024, Contract Information Multiple Award Federal Supply Schedule. This form is mandatory in all multiple award cases when FPS prepares the schedule and optional when the schedule is prepared by an activity other than FPS. If an activity chooses not to use this form, it is still necessary that the information required by the form be furnished to enable FPS to provide complete answers on all national-scope Federal Supply Schedule contracts, upon request.

PART 5A–76—EXHIBITS

The table of contents for Part 5A–76 is amended to add the following new entries:

Subpart 5A–76.3—Miscellaneous Exhibits

Sec.
5A–76.332 Format for submitting schedule information for schedule preparation.

Subpart 5A–76.4—Procurement Assignments

Sec.
5A–76.405 U.S. Department of State special support items.

Subpart 5A–76.3—Miscellaneous Exhibits

1. Section 5A–76.306 is amended to require that the handlist of bidders be annotated to indicate the firm's size and status.

2. Section 5A–76.307 is amended to reflect current paying offices to be shown on purchase orders for stock and nonstock direct deliveries.

3. Section 5A–76.320 is amended to reflect the applicable codes and format for numbering purchase orders.

4. Section 5A–76.332 is added to illustrate a format for furnishing information for use in schedule preparation.

Subpart 5A–76.4—Procurement Assignments

Subpart 5A–76.4 is revised to reflect current procurement assignments.

NOTE.—Copies of the forms illustrated in Part 5A–16 and copies of the exhibits shown in Part 5A–76 are filed with the original document.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).)

Dated: July 25, 1977

ROBERT P. GRAHAM,
Commissioner, Federal Supply Service.

[FR Doc.77–25337 Filed 8–30–77;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

[Public Land Order 5624]

[NM 22873]

NEW MEXICO

Transfer of Jurisdiction

AGENCY: Bureau of Land Management (Interior).

ACTION: Final rule.

SUMMARY: This document establishes a trust under which the United States will hold 120,681 acres of federally owned land in New Mexico for the Navajo Tribe of Indians for irrigation project.

EFFECTIVE DATE: Upon publication.

FOR FURTHER INFORMATION CONTACT:

Stella Gonzales, New Mexico State Office, Santa Fe, NM, 505–988–6211.

Pursuant to Pub. L. 87–483 (76 Stat. 96) of June 13, 1962, as amended by Pub. L. 91–416 (84 Stat. 867) of September 25, 1970, it is ordered as follows:

Subject to valid existing rights, and in consideration of payment of the full appraised value of the lands in this order, excluding the value of minerals subject to leasing under the Act of February 25, 1920, 30 U.S.C. 181, et seq., the following described lands are hereby held in trust for the Navajo Tribe of Indians for the Navajo Indian Irrigation Project:

NEW MEXICO PRINCIPAL MERIDIAN

T. 26 N., R. 11 W.,
Sec. 3, lots 1 thru 4, S½N½, SE¼;
Sec. 4, SE¼;
Sec. 5, lots 1 thru 4, S½N½, S½;
Sec. 6, lots 1 thru 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 thru 4, E½ and E½W½;
Sec. 8;
Sec. 9, E½;
Sec. 10;
Secs. 15 thru 17;
Sec. 18, E½;
Secs. 20 thru 22.
T. 27 N., R. 11 W.,
Sec. 4, lots 6, 7, 10, 11, 13, W½SW¼;
Sec. 5, lots 1 thru 4, S½N½, S½;
Sec. 6, lots 1 thru 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 8;
Sec. 9, lots 2, 3, 6, 7, W½, W½SE¼;
Sec. 10, lot 1;
Sec. 15, lots 2, 3, 7, 8, NW¼SW¼, S½SW¼;
Sec. 17;
Sec. 18, lots thru 4, E½, E½W½;
Secs. 20 and 21;
Secs. 27 thru 29;
Sec.30, lots 1 thru 4, E½, E½W¼;
Sec. 33, E½, NW¼;
Sec. 34.
T. 28 N., R. 11 W.,
Sec. 30, lots 2, 3, 4, NE¼, SE¼NW¼, E½SW¼, N½SE¼, SW¼SE¼;
Sec. 31, lots 1 thru 4, W½NE¼, E½W½, SE¼;
Sec. 32, S½NE¼, S½;
Sec. 33, lots 3, 6, and 7.
T. 24 N., R. 12 W.,
Sec. 5, lots 7 thru 10, 15 thru 18;
Sec. 6, lots 8 thru 23;
Sec. 7, lots 5 thru 16;
Sec. 8, lots 3 thru 6;
Sec. 18, lots 7 thru 10.
T. 25 N., R. 12 W.,
Sec. 2, lots 1 thru 4, S½N½, S½;
Sec. 7, lots 3, 4, E½SW¼;
Sec. 10, NE¼, S½;
Sec. 11;
Sec. 18, lots 1 thru 4, E½, E½W½;
Sec. 19, lots 1 thru 4, E½W½;
Sec. 30, lots 1 thru 4, E½, E½W½;
Sec. 31, lots 1 thru 4, E½, E½W½.
T. 26 N., R. 12 W.,
Sec. 2, lots 1 thru 4, S½N½, S½;
Sec. 3, lots 1 thru 4, S½N½, SE¼;
Sec. 4, lots 1 thru 4, S½N½, S½;
Sec. 5, lots 1 thru 4, S½N½, S½;
Sec. 6, lots 3 thru 7, SE¼NW¼, E½SW¼;
Sec. 7, lots 1, 2, E½W½, SE¼;
Secs. 8 and 9;
Sec. 10, S½;
Sec. 11, W½;
Sec. 12, NE¼;
Sec. 14, W½;
Sec. 15;
Sec. 16, N½, SE¼;
Sec. 17;
Sec. 18, E½, E½NW¼;
Sec. 19, lots 1 thru 4, E½, E½W½;
Sec. 20;
Sec. 21, N½;
Sec. 22, N½, SE¼;
Sec. 23, NW¼, S½;
Sec. 27, NE¼, S½;
Sec. 29;
Sec. 30, lots 1 thru 4, E½, E½W½;
Sec. 31, lots 1 thru 4, E½, E½W½;
Sec. 32 less 1 acre described as follows:
Beginning at a point 1,560 feet east and 89 feet north of the southwest corner of sec. 32, T. 26 N., R. 12 W., N. Mexico Principal Meridian; thence N. 55°00' W. a distance of 208.7 feet; thence N. 35°00' E. a distance of 208.7 feet; thence S. 55°00' E. a distance of 208.7 feet; thence S. 35°00' W. a distance of 208.7 feet to the point of beginning and containing 1 acre more or less, within the SE¼SW¼ of said Sec. 32.
Sec. 33, NW¼, SE¼;
Sec. 34, NE¼, S½.
T. T. 27 N., R. 12 W.,
Sec. 1 lots 1 thru 4, S½N½, S½;
Sec. 2, lots 1 thru 4, S½N½, S½;
Sec. 3, lots 1 thru 4, S½N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 5, lots 1 and 2, S½NE¼, S½;
Sec. 8;
Secs. 11 and 12;
Secs. 16 and 17;
Sec. 19, lots 1 thru 4, E½, E½W½;
Sec. 21, E½;
Sec. 22;
Sec. 25, S½;
Sec. 26, S½;
Secs. 27 and 28;
Sec. 29, E½, NW¼;
Sec. 30, lots 1 thru 4, E½, E½W½;
Sec. 31, lots 1 thru 4, E½, E½W½;
Sec. 32, E½, SW¼;
Secs. 33 and 34;
Sec. 35, W½;
Sec. 36.
T. 28 N., R. 12 W.,
Sec. 13, SW¼SW¼;
Sec. 14, E½SW¼, SW¼SW¼, SE¼;
Sec. 21, NW¼, SE¼;
Sec. 22 and 23;
Sec. 24, W½NW¼, SW¼, SW¼SE¼;
Secs. 25 thru 28;
Sec. 29, E½;
Secs. 32 thru 36.
T. 24 N., R. 13 W.,
Sec. 1, lots 1 thru 4, S½N½, SW¼, N½SE¼;
Sec. 12, W½;
Sec. 13, N½.
T. 25 N., R. 13 W.,
Sec. 1, lots 1 thru 4, S½N½, S½;
Sec. 2, lots 1 thru 4, S½N½, S½;
Sec. 3, lots 1 thru 4, S½N½, S½;
Sec. 4, lots 1 thru 4, S½N½, S½;
Sec. 5 lots 1, 2, 3, 5, 6, 8, 9, S½N½, S½;
Secs. 8 thru 17;
Secs. 20 thru 25;
Secs. 35 and 36.
T. 26 N., R. 13 W.,
Sec. 1, lots 1 thru 4, S½N½, S½;
Sec. 2, lots 1 thru 4, S½N½, S½;
Sec. 3, lots 1 thru 4, S½N½, S½;
Sec. 4, lots 1 thru 4, S½N½, S½;
Sec. 5, lots 1 thru 4, S½N½, S½;
Sec. 6, lots 1 thru 14, S½NE¼, SE¼;
Sec. 7, E½;
secs. 8 thru 11;
Sec. 12, E½, NW¼;
Secs. 14 thru 17;
Sec. 18, E½;
Secs. 20 thru 23;
Sec. 24, NE¼, S½;
Secs. 25 thru 29;
Secs. 32 thru 36.
T. 27 N., R. 13 W.,
Sec. 2, lots 1 thru 4, S½N½, S½;
Sec. 3, lots 1 thru 4, S½N½, S½;
Sec. 4, lots 1 thru 4, S½N½, S½;
Sec. 6, lots 1 thru 14, S½NE¼, SE¼;
Sec. 7, lots 3, 4, 9, 10;
Secs. 9 and 10;
Secs. 15 and 17;
Sec. 18, lots 1 thru 12, E½;
Sec. 19, lots 1 thru 12, E½;
Sec. 21, N½;
Sec. 22, N½;
Sec. 23, E½, NW¼;
Secs. 24 thru 29;
Sec. 30, lots 1 thru 12, E½;
Sec. 31, lots 1 thru 12, E½;
Secs. 32 thru 36.
T. 28 N., R. 13 W.,
Sec. 16, W½NE¼, W½, SE¼;
Sec. 17;
Sec. 18, lots 1 thru 4, E½, E½W½;
Sec. 19, lots 1 thru 4, E½, E½W½;
Secs. 20 and 21;
Sec. 22, SE¼NE¼, W½NE¼, W½, SE¼;
Secs. 27 and 28;
Sec. 29, N½;
Sec. 30, lots 1 thru 4, NE¼, E½W½;
Sec. 31, lots 1 thru 4, E½W½, SE¼;
Secs. 33 and 34.

Containing 120,681.25 acres.

GUY R. MARTIN,
Assistant Secretary of the Interior.

AUGUST 23, 1977.

[FR Doc.77-25328 Filed 8-30-77;8:45 am]

[Public Land Order 5625]

[NM-25103]

NEW MEXICO

Partial Revocation of Air Navigation Site Withdrawal No. 51; Revocation of Public Land Order No. 2508

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This order will restore 130 acres of public lands to the operation of the public land laws.

EFFECTIVE DATE: Publication date.

FOR FURTHER INFORMATION CONTACT:

Michael T. Solan, Chief, Division of Technical Services, Bureau of Land Management, Santa Fe, N. Mex. 87501 (505-988-6204).

By virtue of the authority contained in section 204 of the Act of October 21, 1976, 90 Stat. 2743, 43 U.S.C. 1701, et seq., it is ordered as follows:

1. The Secretary's Order of February 3, 1931, and Public Land Order No. 2608 of February 12, 1962, withdrawing lands for Air Navigation Site No. 51, and for maintenance of air navigation facilities, respectively, are hereby revoked so far as they relate to the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 27 S., R. 16 W.,
Sec. 34, E½NW¼.
T. 27 S., R. 18 W.,
Sec. 30, SW¼NE¼SE¼, S½NW¼SE¼, W½SE¼SE¼.

The areas described aggregate 130 acres in Grant and Hidalgo Counties.

The lands lie in the extreme southwestern part of the State near the village of Hachita, N. Mex. The lands are moderately to steeply sloping with rough, broken land and rock-land soil associations. Vegetation of this desert mountain area is a sparse cover of grama grasses, snakeweed, various annuals, mesquite, and various species of cacti.

2. At 10 a.m. on September 28, 1977, the lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid

applications received at or prior to 10 a.m. on September 28, 1977, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the United States mining laws at 10 a.m. on September 28, 1977. They have been open to applications and offers under the mineral leasing laws.

GUY R. MARTIN,
Assistant Secretary of the Interior.

AUGUST 23, 1977.

[FR Doc.77-25256 Filed 8-30-77;8:45 am]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5623]

[Montana 37274]

SOUTH DAKOTA

Modification of Public Land Order No. 1168

AGENCY: Bureau of Land Management (Interior).

ACTION: Final rule.

SUMMARY: Modification of PLO No. 1168 to withdraw certain forest lands from operation of the mining laws only.

EFFECTIVE DATE: When published.

FOR FURTHER INFORMATION CONTACT:

Eldon G. Hayes, 202-343-8731.

By virtue of the authority contained in section 204 of the Act of October 21, 1976, 90 Stat. 2743, 43 U.S.C. 1701, et seq., it is ordered as follows:

Public Land Order No. 1186 of June 15, 1955, which withdrew certain public lands within the Black Hills National Forest from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws, is hereby modified to delete the following words: "all forms of appropriation under the public land laws, including" so far as it relates to the following described lands:

BLACK HILLS NATIONAL FOREST

BLACK HILLS MERIDIAN

T. 2 S., R. 5 E.,
Sec. 1, NW¼SE¼, W½NE¼SE¼.
Containing 60 acres.

The above described lands remain withdrawn from the operation of the general mining laws.

GUY R. MARTIN,
Assistant Secretary of the Interior.

AUGUST 23, 1977.

[FR Doc.77-25331 Filed 8-30-77;8:45 am]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

[CSA Instruction 6800-9]

PART 1050—UNIFORM FEDERAL STANDARDS

Monitoring and Reporting Program Performance

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration is filing its final rule on grantee program progress reporting. This rule is required in order to implement the provisions of the Uniform Federal Standards. It will assure conformity with program reporting requirements of other Federal grant-in-aid projects also operated by CSA grantees.

DATE: This rule becomes effective August 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Ms. Jacqueline G. Lemire, Community Services Administration, Office of Operations, Policy Development and Review Division, 1200 19th Street NW., Washington, D.C. 20506, tel. (202) 254-5670.

SUPPLEMENTARY INFORMATION: On April 28, 1977 the Community Services Administration published a proposed rule (42 FR 21623) revising its policy on program progress reporting with a 30 day comment period. Twenty-four grantees, including two State Economic Opportunity Offices, responded to the proposed rule. In addition, staff from three CSA Regional Offices and one Headquarters Program Office also commented.

The majority of the comments dealt with grantee concerns in two areas; (1) the 15 (working) day deadline for submitting progress reports, and (2) the requirement for reporting "unit cost" on the revised CSA Form 440. Most commentors noted that, in the words of one grantee, "(It is) impossible to get meaningful input from a large number of people, obtain governing board approval, and finally to submit the report within 15 working days." Or, as another grantee succinctly put it, "(It is) patently absurd." Of the eleven who made specific suggestions for changing the deadline, seven recommended 30 working days and two recommended 45 working days. Two others recommended 60 working days for the annual report. In reviewing these specific suggestions CSA concluded that the deadline could be extended to 30 working days and still impact both the development, and subsequent review by CSA Administering Offices, of the grantee's work program for the next Program Year. § 1050.80-3(c) has been revised to reflect this change.

There was agreement among most respondents that in general the Form 440 is an improvement over the form in current use. However, there was one major exception, i.e. twelve respondents expressed concern regarding item 6. (Unit Cost) on the Form 440. Although several grantees noted that they felt that it is important that CSA begin to be able to generate service unit cost data they and the other respondents generally forcused on the need for clarification of what CSA means by unit cost to assure that we are not counting "apples and oranges;" one grantee questioned whether current methods for determining unit costs are sophisticated enough to reflect actual costs versus actual service delivered; and one SEOO noted that "Most CAAs do not have program and cost information sufficiently quantified to provide unit cost data that is comparable to data from other programs and other agencies. This is a particular concern where there are no uniform service definitions * * *."

As a result of these comments CSA has concluded that too much ambiguity exists to implement this requirement and is accepting the suggestion made by one grantee that "* * * a separate process should be initiated, after careful study, incorporating specific instructions on how to arrive at unit costs and how to operationally define service units." CSA Form 440 has been revised to eliminate the unit cost item.

Other substantive changes:

Section 1050.80-3(c)(1)(i) has been amended to provide flexibility in adjusting reporting dates when both the Administering Office and grantee officials so agree. However, only in cases where it is clearly to accommodate the grantee may the period covered by the PPR not coincide with the period(s) covered by financial reports.

Section 1050.80-3(c)—a new section covering the reporting format has been added which includes an optional reporting format for research and demonstration grants in order to deal with the innate uniqueness of many of the Section 232 grants.

The following recommendations were received but not implemented for the reason(s) stated:

Three grantees (two urban) noted that reporting on goals rather than programs/projects would be an enormous undertaking since their work programs contain hundreds of individual goals. Conversely, one grantee recommended that the goal statement should be more general and that accomplishments should reflect the indicated activities on the work program. The latter recommendation was rejected since we fund projects and goals not activities. Although we also are not revising the regulations to implement the first concern noted above, a section has been added which gives Administering Offices and grantees flexibility to adjust reporting dates or reduce frequency of reporting. Under this section an Administering Office which monitors a grantee with an extensive work program could accept, for example, an annual full scale evaluation undertaken by the grantee as a fulfillment of its reporting requirement and in this way reduce drain on staff, board, etc. (However, the Administering Office must keep in mind that it is responsible for determining the extent to which the standards of effectiveness have been met prior to renewing or supplementing funding and, therefore, must have some mechanism in place in this situation to provide the data necessary for such a determination.)

Several recommendations for change were made which are already CSA policy. However, we feel that they are important enough to highlight in case there are other grantees who have similar misconceptions.

One grantee requested that a provision be included prohibiting CSA from imposing other reporting requirements. This prohibition already exists and is specifically stated in CSA Instruction 6800-1. We recommend that grantees familiarize themselves with the provisions of that Instruction including the section under question and the schema of the

Instructions which implement the Uniform Federal Standards.

There also appears to be some misunderstanding of the reporting areas on the new Form 440. We would like to reiterate that the form was revised to eliminate duplicative and unnecssary information and that the information/data to be reported on the form is that previously required by OEO Instruction 7031-1 in narrative form. Also the self-evaluation process has not changed. There is, all in all, very little new under the sun.

We would like to advise the grantee who believes that Instruction 6710-1, Change 11, requires submission of the work program 180 days prior to the end of the Program Year, that this is not accurate. Eligible documents are to be in order and available at 180 days, but the required time for work program submission remains 90 days prior to PYE.

Grantees should also note that only in exceptional circumstances are reports required quarterly. Routine situations require the submission of two reports—one to cover 6 months and the other to cover 12 months.

As noted in the proposed rule, Section 231 grants will now be covered by the project progress reporting requirements. However, this subpart will not apply to grantees funded under Title VII since a separate subpart will be issued at a future date which will apply to them. In the meantime, existing project progress reporting procedures will remain in effect for grantees operating with Title VII funds.

GRACIELA (GRACE) OLIVAREZ,
Director.

AUTHORITY: Sec. 602, 78 Stat. 530 (42 U.S.C. 2942).

45 CFR Part 1050 is amended by adding a new subpart as follows:

Sec.

1050.80-1 Applicability.
1050.80-2 Standard.
1050.80-2 Standard.
1050.80-3 CSA Implementing policies and procedures.

§ 1050.80-1 Applicability.

This subpart applies to all grants made to public and private organizations/agencies under Titles II and III-B of the Economic Opportunity Act of 1964, as amended when such assistance is administered by the Community Services Administration.

§ 1050.80-2 Standard.

(a) *Monitoring responsibilities (grantee).* (1) Grantees shall monitor their performance under grants and other agreements and, where appropriate, ensure that time schedules are being met, projected work units by time periods are being accomplished, and other performance goals are being achieved. This review shall be made for each project, function, or activity of each agreement as set forth in the approved application or awarded document.

(2) Grantees shall submit a performance report for each agreement that briefly presents the following information for each project, function, or activity involved as prescribed by CSA.

(i) A comparison of actual accomplishments with the goals established for the period, the findings of the investigator or both. If the output of programs or projects can be readily quantified, such quantitative data should be related to cost data for computation of unit costs.

(ii) Reasons why established goals were not met.

(iii) Other pertinent information including, where appropriate, analysis and explanation of cost overruns of high unit costs.

(3) (NOTE.—See CSA's implementing regulations (§ 1050.80-3) for further details.)

(b) *Submission of Performance Reports.* (1) The Uniform Federal Standards require, except as provided in paragraph (b)(1) (i), (ii), and (iii), of this section, that grantees shall submit performance reports to CSA covering the same reporting period as the Financial Status Report. CSA will require that performance reports be submitted to cover the same period as the financial reports but with less frequency. (See § 1050.80-3 for frequency of reports and reporting dates.) CSA will also require a final performance report for grants with a fixed termination date. However, neither CSA nor any other Federal sponsoring agency may require reports more frequently than quarterly or less frequently than annually.

(2) CSA may waive the requirement that performance reports be submitted with the financial reports under the following circumstances:

(i) When the grantee is required to submit a performance report with a continuation or renewal application.

(ii) When CSA determines that on-site technical assistance and certified completion data will be sufficient to evaluate construction projects.

(iii) When CSA finds it necessary to get an annual progress report on a calendar basis although its usual submission requirements are based on the grantee's program year or other funding period.

(c) *Special reporting requirements (Grantee).* (1) Between the required performance reporting dates, events may occur that have significant impact upon the project or program. In such instances, the grantee shall inform the appropriate CSA administering office by letter as soon as the following types of conditions become known:

(i) Problems, delays or adverse conditions that will materially affect the ability to attain program objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any Federal assistance needed to resolve the situation.

(ii) Favorable development or events that enable time schedules to be met sooner than anticipated or more work units to be produced than originally projected.

(2) If any performance review conducted by the grantee discloses the need for change in the budget estimates in accordance with the criteria established in 1050.100 (CSA Inst. 6800-11) the grantee shall submit a request for budget revision.

(d) *On-Site Review (CSA).* CSA will make site visits as frequently as practicable to:

(1) Review program accomplishments and management control systems; and

(2) Provide such technical assistance as may be needed.

§ 1050.80-3 CSA implementing policies and procedures.

(a) *Policy.* (1) CSA would like to see its grantees established as independent, self-reliant and viable institutions within their communities. At the same time it recognizes a need for strengthening the accountability of grantees both to their communities and to CSA as the funding agency.

(2) CSA believes that regular internal self-assessments of project progress conducted by or under the direction of the grantee board or governing officials are essential to the effective operation of community-based anti-poverty programming and requires that grantees report the results of such self-assessments to the appropriate CSA Administering Office. (See paragraph (c) of this section.)

(b) *What is a Project Progress Review?* (1) A Project Progress Review (PPR) is the last link in closing the circle which includes planning, grant application, and implementation. A Project Progress Review requires that a grantee look both to the past and to the future—to the past to the conditions which existed before applying for CSA funds, what the board said it was going to do in the application for funds in order to deal with those conditions, and what has been done; and to the future to determine how the information gathered in the Review and the conclusions reached can be used to revise the goals for the remainder of the Program Year if necessary and/or affect the work program for the coming Program Year(s).

(2) *Definition.* A Project Progress Review (PPR) is a process carried out by a grantee in order to determine:

(i) What has been accomplished in meeting the locally set goals as shown in the grantee's work program;

(ii) The extent to which the grantee is achieving the broad purposes of community action as set forth in the Economic Opportunity Act and, for CAAs, the "Mission of the Community Action Agency";

(iii) The extent to which the grantee is meeting the general and specific standards of effectiveness described in CSA Instruction 7850–1a; and

(iv) How efficiently grantee planning, project management and overall administration is carried out in addressing the problems of poverty.

(3) What a PPR System Should Contain. (i) The grantee Board of Directors or Governing Officials should assure that the grantee has developed a project review system that contains, at a minimum, the following:

(A) A clear statement of the roles of all participants in the Review process, i.e. the Board itself (or governing officials, where appropriate), the executive director, other grantee staff, policy advisory committee(s), target area residents, and the community-at-large;

(B) The assignment of responsibilities and allocation of resources for designing the Review, gathering the information and analyzing it, developing the final report(s), and deciding how the findings will be used in making decisions;

(C) An adequate system for routinely collecting data which can be useful in the Reviews;

(D) A description of how the findings and recommendations from the reviews will be used in making or planning changes to on-going or future projects and to improve the management of these projects and the agency as a whole; and

(E) A schedule for holding regular Project Progress Reviews and special reviews of issues and projects that are or have become a priority in the Community.

(ii) Board members should actively participate in each Project Progress Review. In addition, the poor must also be involved in all phases including the preparation and review of the PPR reports. (See OEO Instruction 6005–1.)

(c) *How and when to submit reports*—(1) *Reporting Format.* (i) Grantees will prepare reports using CSA Form 440. (See Attachment A.) Each PPR report will provide an analysis of accomplishments in relation to each goal on the grantee's currently approved work program and will detail problems, planned changes and training and technical assistance needs. In addition, effectiveness of each goal will be assessed by relating the progress made toward achieving the goal to the appropriate Standard(s) of Effectiveness.

(ii) Grantees funded under Section 232 may be requested by the Administering Office to prepare a report in narrative form instead of using CSA Form 440. In such cases the requirement will be stated in the Special Conditions attached to the grant. These Conditions will also detail the information required which will include, at a minimum, a comparison of actual accomplishments with goals of the work program and an assessment of effectiveness.

(2) *Frequency*—(i) *Submission dates.* (A) Except as indicated in paragraph (c) (2) (ii) and (iii) of this section each grantee is responsible for submitting to the appropriate CSA Administering Office a semi-annual and an annual Project Progress Report. Reports will be submitted 30 working days following the end of the second and fourth quarters of the grantee's Program Year of Program Account 01. (If not funded for PA 01, grantee should use its highest funded Program Account as a reference point for submission of PPR reports.)

(B) Administering Offices and grantee officials may jointly agree in writing, to adjustments in the above reporting dates where this will make local progress reviews more meaningful and supportive of the mutual program direction and review objectives of the grantee and administering office. Also the administering office may reduce the frequency of reporting. However, except at the request of the grantee, the period covered by the PPR must always conform to that covered by the financial reports.

(ii) *Grants with termination dates.* If a grant has a termination date, the grantee also is responsible for filing a final Project Progress Report within 90 calendar days following the termination date.

(iii) *Special requirements.* There may be instances where more frequent reporting will be required, e.g. in the cases of developmental grants; when the grantee has a history of poor performance; etc. In these instances the funding office may require, as a condition of the grant, that Project Progress Reports be filed on a quarterly basis. However, in keeping with the Standards, reporting can not be required more frequently than quarterly unless an exception is obtained by CSA (Headquarters) from OMB. It should be noted that more frequent reporting is not intended to be imposed routinely but rather on an exception basis such as when the aforementioned circumstances exist.

(3) *Number of Copies.* One copy of the report is to be sent to the appropriate CSA Administering Office. (Grantees receiving grants which are administered by both a Regional Office and a Headquarters Program Office will send a copy of the PPR to each.) Additionally, grantees receiving funds under Sections 221 and 222(a) of the Act shall send one copy to the appropriate SEOO for information.

(4) *Availability of CSA Form 440.* Supplies of CSA Form 440 may be ordered from:

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

ATTACHMENT A
Page 1 Page ____ of ____

COMMUNITY SERVICES ADMINISTRATION
PROJECT PROGRESS REVIEW REPORT

(Check applicable box)
☐ 1st Qtr. ☐ ANNUAL
☒ 2nd Qtr.
☐ 3rd Qtr. ☐ FINAL

Reserved for OMB Approval
DATE SUBMITTED

NAME OF GRANTEE

GRANTEE NO.

PROGRAM ACCOUNT

PROJECT TITLE
Information, Referral and Follow-up

PROJECT GOAL --To provide outreach, referral and follow-up services to 650 low-income target area residents using neighborhood center staff, Policy Advisory Committees and minimum of 25 volunteers.

STANDARD(S) OF EFFECTIVENESS (Sts.)
A-II, III, IV, V

1. ACCOMPLISHMENTS

A. MEASURABLE --During this period, 30 volunteers assisted CAA in performing outreach and home visitations. Overall, information on community programs was given directly to 500 residents; 350 were referred to other organizations for assistance; follow-up was conducted on 200 of these.

B. NON-QUANTIFIABLE --The County Department of Human Services has formally requested the CAA to perform outreach for Title XX, Community Development and Food Stamp programs. CAA is doing preliminary eligibility screening for these programs to speed up processing. County-wide computerized I&R system is being considered by County Commission.

SAMPLE

2. PROBLEMS

Low attendance at Policy Advisory Committee meetings. No quorum for three of last four meetings. Three PAC positions are vacant. Follow-ups hampered by (a) inadequate record-keeping in two centers and (b) lack of travel funds.

3. PLANNED CHANGES*

Elections will be held early next month to fill vacant PAC positions. After this SEOO will conduct training for PAC members on their roles and responsibilities. Recordkeeping system is being computerized to facilitate client "tracking." Budget is being revised to allocate more funds to travel.

4. TRAINING & TECHNICAL ASSISTANCE NEEDS*

Outreach supervisors need training in planning center activities. PAC members need motivation; contact with Federal officials would help.

5. ASSESSMENT OF EFFECTIVENESS

Service delivery remains generally efficient (Standard A- II,) but lack of participation by low-income (Std A-III) causes concern. Greater involvement of volunteers (Stds A-IV and A-V) has improved CAA's "image" in community.

* Do not complete when filing final report or in annual reports for individual projects which will not be refunded.

CERTIFICATION

The undersigned certifies that this report has been completed in accordance with applicable instructions; that it is true to the best of his/her knowledge, information and belief; and that it has been approved, or reviewed and approved, as indicated in item 6, below.

6. THIS REPORT HAS BEEN (Check appropriate box.)
☐ APPROVED BY GRANTEE'S GOVERNING BOARD ☐ REVIEWED BY GRANTEE'S ADMINISTERING BOARD AND APPROVED BY ITS GOVERNING OFFICIALS

7. DATE OF APPROVAL

8. TYPED NAME & TITLE OF PRINCIPAL GOVERNING OFFICIAL OR PRINCIPAL OFFICER OF GOVERNING BOARD

9. SIGNATURE

10. DATE

CSA FORM 440 (REV. JUL 77) (REPLACES OEO FORM 440, DATED AUG 72, WHICH IS OBSOLETE.)

INSTRUCTIONS FOR COMPLETING CSA FORM 440

There should be a brief report for each project goal listed on the approved CSA Form(s) 419. Therefore, there should be a separate CSA Form 440 for each goal. (Note: The annual report also should give a separate summary for the entire program year for the project as a whole in addition to progress toward each goal. In this case, mark SUMMARY in the Project Goal box.)

In addressing topics 1 through 5 on the Form 440, the following information should be included for each goal;

ITEM

1. *Accomplishments:*

a. Measurable.—Describe achievements in relation to approved goals in measurable terms; include unanticipated benefits to community or target groups.

b. Nonquantifiable.—Give brief description on nonquantifiable accomplishments.

2. *Problems.*—Reasons for failure to reach project goals.

3. *Planned Changes.*[1]—Indication of planning or project management changes scheduled as a result of PPR analysis.

4. *Training and Technical Assistance Needs.*[1]—Description of assistance needed from CSA or other sources.

5. *Assessment of Effectiveness.*—Assessment of grantee status with respect to general and/or specific standards of effectiveness applicable to this goal. Appraise effectiveness in light of costs and other uses of resources.

6–10. (Certification section).—Complete this section on page 1 only of your report.

[FR Doc.77-25342 Filed 8-30-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 77-578]

PART 0—COMMISSION ORGANIZATION

Reorganization of the Office of General Counsel

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Part O of the Commission's Rules and Regulations pertaining to the Office of the General Counsel amended to transfer from the Litigation and Enforcement Division to the Legal Research and Treaty Division the responsibility for representation of the Commission before the District Courts of the United States. At the same time the Legal Research and Treaty Division is renamed the Research and Trial Division, and the Litigation and Enforcement Division is renamed Litigation Division.

EFFECTIVE DATE: September 9, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Mr. Bernard I. Kahn, Management Systems Division, 632-7513.

SUPPLEMENTARY INFORMATION:

Adopted: August 22, 1977.

Released: August 30, 1977.

Order. In the matter of amendment of Part O rules and regulations.

1. The Commission has before it for consideration proposed amendments and an addition to § 0.42, involving the units of the Office of General Counsel, and §§ 0.43, 0.44, 0.46 and 0.47 respecting the functions and responsibilities of the Immediate Office of the General Counsel, the Litigation and Enforcement Division, the Legal Research and Treaty Division, the Administrative Rules and Procedure Division, and the addition of Section 0.48, establishing the Public Access Division.

2. In order to promote efficiency and a more cohesive alignment of the functions within the Office of General Counsel, the Commission is hereby transferring certain duties among three of the divisions of said Office involving principally the enforcement and defense of Commission actions, responsibility for the representation of the Commission before the district courts of the United States and matters arising under the Freedom of Information Act, the Privacy Act and the Government in the Sunshine Act all as more particularly described in the Appendix attached hereto. The internal handling of these matters will in part be handled by the Public Access Division.

3. *Accordingly, it is ordered,* That §§ 0.43, 0.44, 0.46 and 0.47 of the rules and regulations involving the functions of the Litigation and Enforcement Division, the Legal Research and Treaty Division and the Administrative Rules and Procedure Division are hereby amended as set forth in the Appendix attached hereto and made a part hereof. As a consequence of our action herein, the Litigation and Enforcement Division is hereby renamed the Litigation Division and the Legal Research and Treaty Division is likewise renamed the Research and Trial Division. Section 0.42 is also revised to reflect the amendments adopted herein.

4. *It is further ordered,* That § 0.48 be added to the rules and regulations to state the functions assigned to the new Public Access Division, as listed below and made a part hereof.

5. *It is further ordered,* That the amendments herein adopted are issued pursuant to sections (4)(i), 5(b), and 303(r) of the Communications Act of 1934, as amended, effective September 9, 1977.

6. Since the amendments adopted herein concern Commission organization, they are not subject to the notice and effective date requirements of 5 U.S.C. 553.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part O of Chapter I of Title 47 of the Code of Federal Regulations is hereby amended to read as follows:

1. Section 0.42 is revised as follows:

§ 0.42 Units in the Office.

The Office of General Counsel is structured into the following units:

(a) Immediate Office of the General Counsel.
(b) Litigation Division.
(c) Legislation Division.
(d) Research and Trial Division.
(e) Administrative Rules and Procedure Division.
(f) Public Access Division.
(g) Equal Employment Opportunity Unit.

2. Section 0.43 is revised as follows:

§ 0.43 Immediate Office of the General Counsel.

The Immediate Office of the General Counsel directs and coordinates the functions of said Office including the assignment and ultimate supervision of all appellate and trial litigation in which the Commission is a party or otherwise possesses a public interest in the question involved.

3. Section 0.44, headnote and text are revised to read as follows:

§ 0.44 Litigation Division.

The Litigation Division has the following duties and responsibilities:

(a) To advise and represent the Commission in all appellate proceedings, including actions before the Supreme Court of the United States, in which the Commission is a party or otherwise possesses a public interest in the question involved, including such other trial litigation as the General Counsel may, from time to time, assign.

(b) To advise the Commission as to any legal questions involved in proposed actions and policies in the light of past and pending appellate or trial litigation, and to coordinate research in legal matters as may be directed by the General Counsel.

4. Section 0.46, headnote and text are revised to read as follows:

§ 0.46 Research and Trial Division.

The Research and Trial Division has the following duties and responsibilities:

(a) To conduct research in legal matters and prepare legal memoranda as may be directed by the General Counsel.

(b) To advise and represent the Commission in all actions and proceedings commenced in the district courts of the United States in which the Commission is a party or otherwise possesses an interest in the question involved, except as the General Counsel may, from time to time, otherwise direct.

(c) To participate in international conferences and in the implementation of international agreements, and to interpret international agreements and international regulations affecting the Commission.

[1] Do not complete when filing final or annual reports for individual projects which will not be continued or renewed in the next Program Year.

(d) To cooperate and consult with the Common Carrier Bureau and the Office of Chief Engineer on matters regarding satellite and international communications.

(e) To perform any additional functions assigned to it by the General Counsel.

5. In § 0.47, paragraphs (a), (c) and (g) are amended and (f) is added to read as follows:

§ 0.47 Administrative Rules and Procedure Division.

The Administrative Rules and Procedure Division has the following duties and responsibilities:

(a) To prepare and coordinate recommendations concerning rules of general procedural applicability, and to maintain liaison with Government agencies and private organizations concerned with improving the Commission's procedures.

(b) To interpret statutes and executive orders affecting the Commission's national defense responsibilities, and to perform the functions of the Office of General Counsel involving implementation of such statutes and executive orders.

(c) To perform all legal functions involved in administering and enforcing the rules and regulations of the Commission pertaining to the Experimental Radio Service (Part 5 of this chapter), Radio Frequency Devices (Part 15 of this chapter), the Industrial, Scientific, and Medical Service (Part 18 of this chapter), and type approval and type acceptance of radio equipment, including educational functions directed toward obtaining voluntary compliance with the provisions of Parts 15 and 18 of this chapter.

(d) To perform all legal functions with respect to leases, contracts, tort claims and such other internal legal problems as may arise.

(e) To prepare the bound volumes of the FCC Reports.

(f) To coordinate all rule making matters and proceedings which affect more than one Bureau.

(g) In cooperating with the Office of Chief Engineer, to participate in general frequency allocation proceedings affecting more than one Bureau.

(h) To perform any additional functions assigned to it by the General Counsel.

6. Section 0.48 is added as follows:

§ 0.48 Public Access Division.

The Public Access Division has the following duties and responsibilities for all matters arising under the administration of the Freedom of Information, Privacy and Sunshine Acts:

(a) To serve as principal adviser to the General Counsel and the Commission in the implementation and administration of the Freedom of Information, Privacy and Sunshine Acts.

(b) To provide legal guidance and assistance to the Executive Director, in formulating agency policy on the administration of the Freedom of Information and Privacy Acts. Prepare interpretations of the Acts, Commission rules implementing the Acts and decisions affecting them by other Government agencies and the Federal Courts.

(c) To advise Bureaus/Offices in their preparation of responses to initial requests under the Freedom of Information and Privacy Acts. Provide legal advice to the General Counsel concerning the approval of all initial OIA denials and assure that actions are consistent with the statute and Commission's rules.

(d) To provide legal advice to Bureaus/Offices relative to whether a Commission meeting should be open or closed. Advise the General Counsel on the legal basis of all requests for closing meetings.

(e) To provide legal advice to the Consumer Assistance Office concerning various aspects of Commission's programs.

[FR Doc.77-25383 Filed 8-30-77;8:45 am]

[Docket No. 21118, RM-2794; RM-2795; RM-2804; RM-2805; RM-2807]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Yakutat, Alaska; Changes made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order.

SUMMARY: Action herein grants petition for reconsideration, in which Lakeside Broadcasting Inc., requests consideration of the Commission's Report and Order denying the assignment of a first Class A FM assignment to Yakutat, Alaska. Commission states that since Lakeside Broadcasting, Inc., has now furnished the documents regarding establishment of the corporation to operate an educational station there is no reason for refusing to grant the assignment to Yakutat.

EFFECTIVE DATE: October 11, 1977.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

MEMORANDUM OPINION AND ORDER—PROCEEDING TERMINATED

Adopted: August 24, 1977.

Released: August 26, 1977.

In the matter of amendment of § 73.-202(b), Table of Assignments, FM Broadcast Stations. (McConnelsville, Ohio: St. Marys, West Virginia; Boulder City, Nevada; Canadian, Texas; *Yakutat, Alaska*, Docket No. 21118, RM-2794, RM-2795, RM-2804, RM-2805, *RM-2807*.

1. The Commission here considers a Petition for Reconsideration submitted by Lakeside Broadcasting, Inc., ("petitioner") requesting reconsideration of the Report and Order[1] in Docket No. 21118 which denied the requested assignment of FM Channel 280A to Yakutat, Alaska.

2. The Yakutat portion of this proceeding was initiated on a petition for rule making filed by Lakeside Broadcasting, Inc., in which it sought the assignment of Channel 280A to Yakutat, Alaska, as a first FM assignment. Petitioner stated it intended to apply for an FM 10-watt educational[2] station. In the Notice,[3] the petitioner was requested to provide information regarding its eligibility as an educational entity or to state its willingness to operate with minimum power for a Class A commercial FM station. However, the petitioner failed to furnish the requested information, and it was on this basis that the petition was denied. Although the petition for reconsideration provides no basis indicating that the Commission was in error in denying the proposed assignment, the needed information has now been submitted, and we see no reason to refuse making the assignment. Petitioner has now furnished the Commission with copies of its Articles of Incorporation and by-laws which indicated that the corporation was established to operate an educational station. However, any judgment about whether Lakeside is in fact eligible for an educational authorization can only be made after review of its application for such a station.

3. We believe that the public interest would be served by the assignment of Channel 280A to Yakutat, Alaska, since it would provide for a first local aural broadcast service to the community, and there is a demand for its use. In view of the petitioner's continued interest in an FM station, we will, therefore, assign Channel 280A to Yakutat, Alaska.

4. The Canadian Government has given its concurrence to the proposed assignment to Yakutat, Alaska.

5. *Accordingly, it is ordered*, That effective October 11, 1977, the FM Table of Assignments (§ 73.202(b)) of the Commission's rules is amended as to the named community to read as follows:

City:	*Channel No.*
Yakutat, Alaska	280A

6. *It is further ordered*, That the Petition for Reconsideration filed by Lakeside Broadcasting, Inc., is granted.

7. Authority for the action taken herein is 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 of the Commission's rules.

8. *It is further ordered*, That this proceeding is terminated.

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[1] FM Channel Assignments, *Yakutat, Alaska*, 42 FR 29011.

[2] In Alaska there are no reserved educational FM channels.

[3] 42 FR 10857, February 11, 1977.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303).)

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

[FR Doc.77-25382 Filed 8-30-77;8:45 am]

[Docket No. 20550; FCC 77-582]

PART 73—RADIO BROADCAST SERVICES

Nondiscrimination in Employment Policies and Practices of Broadcast Licensees

AGENCY: Federal Communications Commission.

ACTION: Final Order.

SUMMARY: The exemption of broadcast stations with ten or less employees from the Commission's equal employment opportunity reporting requirements is rescinded, and the Commission's rules are amended to require the filing of that information by all stations with five or more employees. In adopting EEO rules in 1970, the Commission exempted stations with less than five employees from the reporting requirements imposed. In 1976 the Commission adopted more detailed reporting requirements, but determined that all stations with ten or less employees would be exempt. On appeal, the Court decided that the ten or less exemption was unreasonable. The Commission is therefore returning to the less than five exemption. All broadcasters with five or more full-time employees will therefore be required to file EEO reports.

EFFECTIVE DATE: August 31, 1977.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Martin Blumenthal, Broadcast Bureau (202-632-7542).

SUPPLEMENTARY INFORMATION:

SECOND REPORT AND ORDER

Adopted: August 19, 1977.

Released: August 31, 1977.

In the matter of: nondiscrimination in the employment policies and practices of broadcast licensees, Docket No. 20550.

1. The Commission has before it for consideration its "Report and Order" in Docket No. 20550, "Nondiscrimination in the Employment Policies and Practices of Broadcast Licensees," 60 FCC 2d 618 (1976), together with a decision of the United States Court of Appeals for the Second Circuit in "Office of Communications of the United Church of Christ, et al v. FCC," Case Number 76-4187, decided August 5, 1977.

2. The "Report and Order" established new guidelines for the preparation of written equal employment opportunity programs to be filed by broadcast renewal and other applicants. In adopting the "Model Equal Employment Opportunity Program," the Commission also revisited the exemption, based upon the number of full-time employees, from filing written equal employment opportunity programs. In 1970, we exempted those licensees employing fewer than five full-time employees from filing a written program. "Nondiscrimination in Employment Practices of Broadcast Licensees," 23 FCC 2d 430 (1970). In Docket No. 20550 we determined that the exemption to the new, more detailed renewal reporting requirements should be extended to all stations with ten or less employees because: (1) Commission resources had proven inadequate to administer the previous standards, and, with the submission of more detailed information, the new exemption would make enforcement efforts more efficient; (2) stations with ten or less employees generally did not have formal personnel procedures calling into question the utility of formal EEO reporting and statistics for such stations are not reliable because of the small numbers involved; (3) where EEO programs would serve such a little purpose, they are not justified by the burden on the licensee; and (4) the great majority of employees in the broadcast industry remain covered by the Commission's new reporting requirement.

3. The Court, in "Office of Communications of the United Church of Christ, et al, v. FCC," supra, found that the enlarged exemption was not adequately justified by the Commission, and set aside the "Report and Order," only insofar as the exemption is concerned. In so doing, with particular regard to the burden on smaller licensees and the effectiveness of programs at stations with between five and ten employees, the Court noted that the Commission's policies permit variations in the comprehensiveness of EEO programs according to the size and location of the station, but the submission of written programs by such stations would enable them to focus upon the best method of assuring effective EEO procedures in terms of their individual situations. The decision concluded that: "* * * No matter how informal a station's procedures, the requirement that it periodically think about its EEO efforts seems wholly reasonable * * *" Therefore, the Court set aside our Order in Docket No. 20550 only "* * * insofar as it alters the threshold for stations large enough to be required to submit EEO programs."[1]

4. In accord with the decision of the Court in "Office of Communications of the United Church of Christ, et al. v. FCC," supra, the ten (10) or fewer full-time employee exemption set forth in our "Report and Order" in Docket No. 20550 will be set aside. In lieu thereof, all broadcast applicants—including license renewal applicants—having five (5) or more full-time employees hereafter filing applications with this Commission will be required to submit a written Equal Employment Opportunity Program pursuant to the guidelines set forth in our "Report and Order" in Docket No. 20550.[2] To this end, §§ 73.125, 73.301, 73.599, 73.680 and 73.793 of the Commission's rules will be amended to reflect this change, effective the release date of this Order.[3] In addition, the EEO sections of our various broadcast application forms—FCC Forms 301, 303, 303-R, 309, 311, 314, 315, 340 and 342—will subsequently be modified in accordance with the revised threshold for submission of written EEO programs.

5. *Accordingly, it is ordered*, That §§ 73.125, 73.301, 73.599, 73.680, and 73.793 of the rules of the Federal Communications Commission are amended as set forth below, in accordance with the Order of the Court in "Office of Communications of the United Church of Christ, et al v. FCC," Case Number 76-4187, decided August 5, 1977, by the United States Court of Appeals for the Second Circuit, effective August 31, 1977.

(Secs. 4, 303, 307, 403, 48 Stat., as amended, 1066, 1082, 1083, 1094 (47 U.S.C. 154, 303, 307, 403).)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

§§ 73.125, 73.301, 73.595, 73.680 and 73.793 [Amended]

In §§ 73.125, 73.301, 73.599, 73.680 and 73.793, paragraph (c) is revised to read as follows:

§ ------ Equal employment opportunities.

* * * * *

(c) Applicants for a construction permit for a new facility, for assignment of license or construction permit or for transfer of control (other than pro forma or involuntary assignments and transfers), and applicants for renewal of license who have not previously done so, shall file with the Commission programs designed to provide equal employment opportunities for Negroes, Orientals, American Indians, Spanish-surnamed Americans, and women, or amendments to such programs. Guidelines for the preparation of such programs are set forth in the Commission's "Report and Order, Nondiscrimination in the Employment Policies and Practices of Broadcast Licensees," 60 FCC 2d 618 (1976). A program need not be filed by any station having less than five full-time employees or with respect to any minority group which is represented in

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[1] In this regard, the Court noted that the Commission's decision concerning the information requirements of the new model program was reasonable.

[2] The next group of licensees to file for renewal after the date of the Court's Order are those located in Washington, Oregon, Alaska, Hawaii, and Guam. Those renewal applications are due October 1, 1977.

[3] The rule change thus reflected does not require a formal notice and rulemaking procedure pursuant to Section 553 of the Administrative Procedure Act (5 U.S.C. 553). The Court vacated the "ten or less" exemption adopted in 1976, thereby returning to the "under five" exemption adopted in 1970. The action taken herein is therefore purely ministerial, conforming the written rules to the mandate of the Court. See 47 U.S.C. 402 (h). Accordingly, a formal rulemaking is unnecessary.

such insignificant numbers in the area that a program would not be meaningful. In the latter situation, a statement of explanation should be filed.

[FR Doc.77-25384 Filed 8-30-77;8:45 am]

[Docket No. 21260; RM-2860]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Hoisington, Kans.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action herein assigns first Class A FM channel to Hoisington, Kansas. Petitioners, Paul F. Kelly, David C. Hollis, and Elmer H. Davis, state that the assignment will provide Hoisington with its first local broadcast service.

EFFECTIVE DATE: October 11, 1977.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: August 24, 1977.

Released: August 26, 1977.

In the matter of amendment of § 73.-202(b), Table of Assignments, FM Broadcast Stations. (Hoisington, Kansas), Docket No. 21260, RM-2860.

1. The Commission has under consideration the Notice of Proposed Rulemaking, adopted May 25, 1977, 42 FR 29027, proposing the assignment of Channel 265A to Hoisington, Kansas, as a first FM assignment to that community. The Notice was issued in response to a petition filed by Paul F. Kelly, David C. Hollis and Elmer H. Davis ("petitioners"). Petitioners reiterated their intention to apply for a station if the channel is assigned and to promptly construct a station if authority is granted. No oppositions to the petition were filed.

2. Hoisington (pop. 3,710), situated in Barton County (pop. 30,663),[1] is located approximately 161 kilometers (100 miles) northwest of Wichita, Kansas. There is no local broadcast service in Hoisington.

3. In support of their proposal, petitioners submitted information with respect to Hoisington which is persuasive as to its need for a first FM channel assignment.

4. Upon careful consideration of the proposal herein, the Commission believes it would be in the public interest to assign Channel 265A to Hoisington, Kansas. A demand has been shown for its use and it would provide the community with a first local aural broadcast service. It can be made without affecting any existing assignment and would be consistent with the applicable minimum spacing requirements.

5. Authority for the adoption of the amendment contained herein appears 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 of the Commission's rules.

6. In view of the foregoing: *It is ordered*, That effective October 11, 1977, § 73.202(b) of the Commission's rules, the FM Table of Assignments, as regards Hoisington, Kansas, is amended to read as follows:

City:	*Channel No.*
Hoisington, Kans.	265A

7. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303)).

FEDERAL COMMUNICATIONS COMMISSION,

WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-25377 Filed 8-30-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 26—PUBLIC ENTRY AND USE

Closing the Charles M. Russell National Wildlife Range and the UL Bend National Wildlife Refuge, Montana, to the Unauthorized Operation of Aircraft at Low Altitudes

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the unauthorized operation of aircraft at low altitudes over the Charles M. Russell National Wildlife Range and the UL Bend National Wildlife Refuge is incompatible with the objectives for which the area was established.

DATES: Year around (September 1, 1977 through August 31, 1978).

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Charles M. Russell, National Wildlife Range, P.O. Box 110, Lewistown, Montana 59457; telephone: 406-538-8707.

SUPPLEMENTARY INFORMATION:

§ 26.32 Operations of aircraft; over individual wildlife refuge areas.

The unauthorized operation of all aircraft below 1,000 feet above the ground or the landing of aircraft on the Charles M. Russell National Wildlife Range and the UL Bend National Wildlife Refuge is prohibited. The boundaries of these areas are delineated on maps available at the refuge headquarters, Lewistown, Montana, and from the office of the Area Manager, U.S. Fish and Wildlife Service, Federal Building, 316 North 26th Street, Billings, Mont. 59101.

The provisions of this special regulation supplement the regulations which govern restricted or prohibited acts on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 26. The public is invited to offer suggestions and comments at any time.

NOTE: The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

LARRY L. CALVERT,
Refuge Manager, Charles M. Russell, National Wildlife Range, Lewistown, Montana.

AUGUST 18, 1977.

[FR Doc.77-25319 Filed 8-30-77;8:45 am]

PART 32—HUNTING

Opening of Sand Lake National Wildlife Refuge, South Dakota, to Upland Game Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to upland game hunting of Sand Lake National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: December 12, 1977 through December 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Sand Lake NWR, Columbia, S. Dak. 57433 (605-885-6320).

SUPPLEMENTARY INFORMATION:

§ 32.22 Special regulations; Upland Game Hunting; for individual wildlife refuge areas.

Upland game hunting is permitted on the Sand Lake National Wildlife Refuge, South Dakota, only on the areas designated by signs as being open to hunting. These areas comprising 20,000 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, PO Box 25486, Denver Federal Center, Denver, Colo. 80225. Upland Game Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. The open season for hunting pheasants on the refuge is from December 12, 1977 through December 31, 1977.

2. Hunters will not be allowed to drive on the refuge, but may park their vehicles outside the refuge and hunt on foot.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

[1] Population figures are taken from the 1970 U.S. Census.

NOTE: The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

SAM WALDSTEIN,
Refuge Manager,
Sand Lake National Wildlife Refuge.

AUGUST 23, 1977.

[FR Doc.77-25324 Filed 8-30-77;8:45 am]

PART 32—HUNTING

Opening of Charles M. Russell National Wildlife Range and the UL Bend National Wildlife Refuge, Montana, to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION Special regulation.

SUMMARY: The Director has determined that the opening to hunting of the Charles M. Russell National Wildlife Range and the UL Bend National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunities to the public.

DATES: September 10 through December 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Charles M. Russell National Wildlife Range, P.O. Box 110, Lewistown, Mont. 59457; telephone (406-538-8707).

SUPPLEMENTARY INFORMATION:

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

The hunting of migratory game birds is permitted on the Charles M. Russell National Wildlife Range and the UL Bend National Wildlife Refuge, Montana, only on the areas designated by signs as open to hunting. These areas comprising approximately 700,000 acres are delineated on maps available at the refuge headquarters in Lewistown, Montana, and from the office of the Area Manager, U.S. Fish and Wildlife Service, Federal Building, 316 North 26th Street, Billings, Montana 59101. All hunting shall be in accordance with all applicable state regulations and the following condition:

1. Vehicle travel is permitted only on designated roads and trails.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

§ 32.22 Special regulations; upland game birds; for individual wildlife refuge areas.

Sage grouse, sharp-tailed grouse, gray partridge, and ring-necked pheasant may be hunted on the Charles M. Russell National Wildlife Range and the UL Bend National Wildlife Refuge in Montana only in those areas designated by signs as open to hunting. These areas comprise approximately 700,000 acres and are delineated on maps available at the refuge headquarters in Lewistown, Montana, and from the office of the Area Manager, U.S. Fish and Wildlife Service, Federal Building, 316 North 26th Street, Billings, MT 59101. Hunting shall be in accordance with all applicable state regulations and subject to the following condition:

1. Vehicle travel is permitted only on designated roads and trails.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Antlered elk and antlered mule deer may be hunted with firearms on the Charles M. Russell National Wildlife Range and the UL Bend National Wildlife Refuge in accordance with all applicable state regulations. Either sex whitetailed deer may also be hunted in Phillips, Valley, and Garfield Counties. In addition, either sex elk, mule deer, and white-tailed deer archery hunting is permitted from September 10, 1977 to October 16, 1977. These areas comprise approximately 750,000 acres and are delineated on maps available at refuge headquarters in Lewistown, Montana, and from the office of the Area Manager, U.S. Fish and Wildlife Service, Federal Building, 316 North 26th Street, Billings, MT 59101. All hunting shall be in accordance with applicable state regulations and will be subject to the following condition:

1. Vehicle travel is permitted only on designated roads and trails and all offroad vehicle traffic is prohibited; including the retrieval of downed game.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

NOTE: The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

LARRY L. CALVERT,
Refuge Manager, Charles M. Russell National Wildlife Range, Lewistown, Montana.

AUGUST 10, 1977.

[FR Doc.77-25322 Filed 8-30-77;8:45 am]

PART 32—HUNTING

Opening of Sand Lake National Wildlife Refuge, South Dakota, to Migratory Game Bird Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The director has determined that the opening to migratory game bird hunting of Sand Lake National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: October 1, 1977 through December 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Sand Lake NWR, Columbia, SD, 605-885-6320.

SUPPLEMENTARY INFORMATION:

§ 32.12 Special regulations; migratory birds; for individual wildlife refuge areas.

Migratory game bird hunting is permitted on the Sand Lake National Wildlife Refuge, South Dakota, only on the areas designated by signs as being open to hunting. These areas comprising 275 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colo. 80225. Migratory game bird hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. The open season for hunting geese on the refuge is from October 1, 1977 through December 11, 1977.

2. The open season for hunting ducks and coots on the refuge is from October 8, 1977 through November 13, 1977 and from November 19, 1977 through December 6, 1977.

3. Hunting will be from established blinds only, without cost, with each site restricted to no more than two hunters, on a first come, first served basis. Blind sites and their use are more specifically described on a map and a list of regulations available at Refuge Headquarters and at each of the hunting sites.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

SAM WALDSTEIN,
Refuge Manager,
Sand Lake National Wildlife Refuge.

AUGUST 23, 1977.

[FR Doc.77-25323 Filed 8-30-77;8:45 am]

PART 32—HUNTING

Opening of Pocasse National Wildlife Refuge, S. Dak., to Big Game Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to big game

hunting of Pocasse National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: November 26, 1977 through December 4, 1977.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Sand Lake NWR, Columbia, SD 57433 (605–885–6320).

SUPPLEMENTARY INFORMATION:

§ 32.32 Special regulations; big game hunting; for individual wildlife refuge areas.

Big game hunting is permitted on the Pocasse National Wildlife Refuge, S. Dak., only on the areas designated by signs as being open to hunting. These areas comprising 2400 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colo. 80225. Big game hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. The open season for hunting deer on the refuge is from November 26, 1977 through December 4, 1977.

2. Hunters will not be allowed to drive on the refuge, but may park their vehicles outside the refuge and hunt on foot.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

SAM WALDSTEIN,
Refuge Manager, Sand Lake National Wildlife Refuge.

AUGUST 23, 1977.

[FR Doc.77–25325 Filed 8–30–77;8:45 am]

PART 32—HUNTING

Opening of Pocasse National Wildlife Refuge, S. Dak., to Upland Game Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to upland game hunting of Pocasse National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: November 19, 1977 through November 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Sand Lake NWR, Columbia, S. Dak. 57433 (605–885–6320).

SUPPLEMENTARY INFORMATION:

§ 32.22 Special regulations; Upland Game Hunting; for individual wildlife refuge areas.

Upland game hunting is permitted on the Pocasse National Wildlife Refuge, S. Dak., only on the areas designated by signs as being open to hunting. These areas comprising 2540 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, PO Box 25486, Denver Federal Center, Denver, Colo. 80225. Upland Game Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. The open season for hunting pheasants on the refuge is from November 19, 1977 through November 27, 1977.

2. Hunters will not be allowed to drive on the refuge, but may park their vehicles outside the refuge and hunt on foot.

The provisions of this special regulation supplement the regulations which govern upland game hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

SAM WALDSTEIN,
Refuge Manager, Sand Lake National Wildlife Refuge.

AUGUST 23, 1977.

[FR Doc.77–25326 Filed 8–30–77;8:45 am]

PART 32—HUNTING

Opening of Sand Lake National Wildlife Refuge, S. Dak., to Big Game Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to big game hunting of Sand Lake National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: November 1, 1977 through December 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Sand Lake NWR, Columbia, SD 57433 (605–885–6320).

SUPPLEMENTARY INFORMATION:

§ 32.32 Special regulations; big game hunting; for individual wildlife refuge areas.

Big game hunting is permitted on the Sand Lake National Wildlife Refuge, S. Dak., only on the areas designated by signs as being open to hunting. These areas comprising 20,000 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, PO Box 25486, Denver Federal Center, Denver, Colo. 80225. Big game hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. The open seasons for hunting deer on the refuge are:

a. Archery season—November 1, 1977 through November 18, 1977 and December 12, 1977 through December 31, 1977.

b. Firearms season:

(1) Muzzle loading rifles—November 19, 1977 through November 25, 1977.

(2) Rifle and other legal firearms—November 26, 1977 through November 29, 1977, November 30, 1977 through December 4, 1977 and December 5, 1977 through December 11, 1977.

2. All hunters must exhibit their hunting license, deer tag and vehicle contents to Federal and State Officers upon request.

3. Hunters are allowed to drive in the refuge only at times designated by the refuge manager. A list of the regulations is available at Refuge Headquarters.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

SAM WALDSTEIN,
Refuge Manager, Sand Lake National Wildlife Refuge.

AUGUST 23, 1977.

[FR Doc.77–25327 Filed 8–30–77;8:45 am]

PART 32—HUNTING

Opening of Necedah National Wildlife Refuge, Wis., to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to hunting of Necedah National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: September 17, 1977 to December 31, 1977.

FOR FURTHER INFORMATION CONTACT:

James M. Carroll, Jr., Refuge Manager, Necedah, Wis., Telephone No. AC 608–565–2551.

SUPPLEMENTARY INFORMATION:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of deer and unprotected mammal species as listed in the 1977 Wisconsin Big Game hunting regulations on the Necedah National Wildlife Refuge, Wisconsin is permitted with bow and arrow from September 17 through November 13, 1977 and December 3 through December 31, 1977 and with firearms from November 19 through November 27, 1977, but only on those areas designated by signs as open to hunting. These open areas comprising approximately 39,000 acres are delineated on a map available at the refuge headquarters, Necedah, Wis. and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations subject to the following condition:

1. The use of permanent blinds, platforms or scaffolds is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

JAMES M. CARROLL, JR.,
Refuge Manager.

AUGUST 19, 1977.

[FR Doc.77–25332 Filed 8–30–77;8:45 am]

PART 32—HUNTING

Opening of Tamarac National Wildlife Refuge, Minn., to Resident Game Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening of Tamarac National Wildlife Refuge to resident game hunting is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide recreational opportunity to the public.

DATES: Ruffed grouse—September 17 through December 31, 1977. Rabbits and hares—September 17, 1977, through February 28, 1978. Gray and fox squirrels—September 17 through December 31, 1977. White-tailed deer—November 5 through November 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Omer N. Swenson, Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minn. 56578; telephone No. 218–847–4355.

SUPPLEMENTARY INFORMATION:

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Public hunting of ruffed grouse, gray and fox squirrels, cottontail, jack rabbit and snowshoe hare on the Tamarac National Wildlife Refuge, Rochert, Minn., is permitted in the area designated by signs as public hunting area. This area comprising 12,500 acres is delineated on maps available at the Refuge Headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

An additional area of 18,000 acres will be open for public hunting of ruffed grouse only. This ruffed grouse only area is delineated on a map available at the Refuge Headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State regulations during the seasons specified above. The hunting of other upland species as may be authorized by Minnesota State regulations is prohibited.

The following special conditions apply:

1. No person shall trap on Tamarac National Wildlife Refuge without first obtaining such permits as may be required and issued by the Refuge Manager.

2. No person shall, for the purpose of hunting or trapping, enter or leave the refuge except by designated access roads.

3. All hunters and trappers shall comply with further regulations which the Refuge Manager may prescribe.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of white-tailed deer with legal firearms on the Tamarac National Wildlife Refuge is permitted over the entire Refuge with exception of those areas posted as "Area Beyond This Sign Closed." The open area includes 40,200 acres. Areas open for deer hunting are delineated on maps available at the Refuge Headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. No taking of black bear or bow hunting is permitted on any portion of the Refuge.

2. No person shall, for the purpose of hunting, enter or leave the refuge except by designated access roads.

3. All hunters shall comply with further regulations which the Refuge Manager may prescribe.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

Dated: August 23, 1977.

OMER N. SWENSON,
Refuge Manager.

[FR Doc.77–25333 Filed 8–30–77;8:45 am]

PART 32—HUNTING

Opening of Seedskadee National Wildlife Refuge, Wyoming, to Public Hunting of Mule Deer

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to public hunting of Mule Deer on Seedskadee National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: October 15, 1977, through October 31, 1977.

FOR FURTHER INFORMATION CONTACT:

H. J. Johnson, Refuge Manager, Seedskadee National Wildlife Refuge, Fontenelle Route, Via Kemmerer, Wyo. 83101, 307–877–6334.

SUPPLEMENTARY INFORMATION:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of Mule Deer is permitted on Seedskadee National Wildlife Refuge, Wyoming. All of the refuge area, comprising 14,284 acres, and so designated by signs, is open to hunting. Maps of the area are available at the refuge office, Fontenelle Route, Via Kemmerer, Wyo. 83101 and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, CO 80225. Hunting shall be in accordance with all applicable State regulations governing the hunting of Mule Deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

H. J. JOHNSON,
Refuge Manager.

AUGUST 22, 1977.

[FR Doc.77–25334 Filed 8–30–77;8:45 am]

PART 32—HUNTING

Opening of Seedskadee National Wildlife Refuge, Wyoming, to Public Hunting of Migratory Game Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to public hunting of Migratory Game Birds on Seedskadee National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: October 1, 1977, through December 31, 1977.

FOR FURTHER INFORMATION CONTACT:

H. J. Johnson, Refuge Manager, Seedskadee National Wildlife Refuge, Fontenelle Route, Via Kemmerer, Wyo. 83101 307-877-6334.

SUPPLEMENTARY INFORMATION:

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Public hunting of Migratory Game Birds is permitted on Seedskadee National Wildlife Refuge, Wyoming. All of the refuge area, comprising 14,284 acres, and so designated by signs, is open to hunting. Maps of the area are available at the refuge office, Fontenelle Route, Via Kemmerer, Wyo. 83101 and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, CO 80225. Hunting shall be in accordance with all applicable State regulations governing the hunting of Migratory Game Birds.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

H. J. JOHNSON,
Refuge Manager.

AUGUST 22, 1977.

[FR Doc.77-25335 Filed 8-30-77;8:45 am]

PART 33—SPORT FISHING

Opening of the Charles M. Russell National Wildlife Range and the UL Bend National Wildlife Refuge, Montana, to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport fishing of the Charles M. Russell National Wildlife Range and the UL Bend National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: September 1, 1977 through August 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Charles M. Russell National Wildlife Range, P.O. Box 110, Lewistown, Montana 59457; telephone 406-538-8707.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted year-round on all waters of the Missouri River, Musselshell River, and Fort Peck Reservoir within the Charles M. Russell National Wildlife Range and the UL Bend National Wildlife Refuge, Montana. These fishing areas comprise approximately 250,000 acres and are delineated on maps available at the refuge headquarters in Lewistown, Montana, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building, 316 North 26th Street, Billings, Montana 59101. All sport fishing shall be in accordance with all applicable state regulations and subject to the following regulations:

1. Portable icehouses and other structures expressly used for ice fishing are permitted within the Charles M. Russell National Wildlife Range only from December 1 through March 31 of the following year. These structures must be removed from the Wildlife Range entirely by March 31 each year. In addition, each structure must be labeled with the owner's name and permanent address in a prominent location on an outside sidewall.

Violations of this regulation will be treated under the provisions of Parts 26.18 and 26.22 of Title 50 of the Code of Federal Regulations dealing with unauthorized private structures and abandoned property. Penalties described in Part 27 will be applicable.

The provisions of these special regulations supplement the regulations which govern sport fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

LARRY L. CALVERT,
Refuge Manager, Charles M. Russell National Wildlife Range.

AUGUST 15, 1977.

[FR Doc.77-25338 Filed 8-30-77;8:45 am]

Title 49—Transportation

CHAPTER I—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RSOR-3, Notice 11]

PART 218—RAILROAD OPERATING RULES

Blue Signal Protection of Workmen

AGENCY: Federal Railroad Administration, DOT.

ACTION: Grant of Petition for Reconsideration: Amendment of rule.

SUMMARY: On January 11, 1977, the Federal Railroad Administration (FRA) issued a final rule amending existing regulations concerning blue signal protection of railroad workmen (42 FR 2318). These amendments were chiefly in response to the Federal Railroad Safety Authorization Act of 1976 (Pub. L. 94-348) which required the Secretary of Transportation to issue regulations within 180 days of the Act's effective date to assure that manually operated switches providing access to tracks on which workmen are working are lined against movement to that track and locked with an effective locking device. The rule provided that a locked derail positioned at least 150 feet from the equipment to be protected could be used as an alternative to the lining and locking of the manually operated switch. Three railroads, the Southern Railway System, the Norfolk and Western Railroad, and the Missouri Pacific Railroad, petitioned requesting that the 150 foot distance at which the derail was to be placed be reduced to 50 feet in locomotive servicing facilities. The FRA has decided to grant this petition, provided that speeds within such facilities are restricted to not more than 5 miles per hour. Additionally, the FRA has decided to make a clarifying amendment to assure that uniform notification procedures are utilized when workmen are performing tasks on both hump-yard tracks and other than hump-yard tracks.

EFFECTIVE DATE: This amendment becomes effective on September 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Principal authors:

Principal Program Person: John A. McNally, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590, (202-426-9178).

Principal Attorney: Lawrence I. Wagner, Office of the Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590, (202-426-8836).

SUPPLEMENTARY INFORMATION: The final rule issued by FRA incorporated a provision allowing the use of a locked derail placed at least 150 feet from the equipment on which the workmen are working (42 FR 2321). The 150 foot distance was not included in the notice of proposed rulemaking, but was added to the final rule in response to comments submitted by one of the parties to the

rule making. The FRA agreed with that party that such a "buffer zone" was necessary in order to assure that the derail accomplished its intended purpose of preventing moving equipment from coming into contact with other equipment being inspected, tested or serviced by railroad workmen.

The petitioners noted that the 150 foot requirement was added in the final rule making subsequent to the close of the comment period so that other parties did not have the opportunity to comment upon that distance or to submit evidence in support of an alternative distance. They further pointed out that the prescribed distance would create a problem in locomotive servicing facilities. These servicing areas are generally located in congested terminals and, therefore, have been designed to minimize the amount of space required. The locking of the entrance switch would result in the loss of the use of a substantial amount of the available capacity of the servicing area thus significantly reducing the efficiency and productivity of locomotive servicing operations. The alternative use of a locked derail does not eliminate this problem if it must be located at least 150 feet from the equipment. The petitioners alleged that in many instances the derail would have to be placed on the other side of the entrance switch in order to comply with the 150 foot requirement because of the shortness of the servicing tracks. The redesign and reconstruction of these tracks, where possible, would be extremely expensive, and in many instances would be impossible because of the lack of available land in these already congested yard and terminal areas. For these reasons, the petitioners requested that the 150 foot distance for location of the derail be reduced to 50 feet within locomotive servicing facilities. They contend that such a distance, given a maximum speed of 5 miles per hour for operations within the facility, will not diminish the safety of such operations.

The FRA has reviewed the petitions and has concluded that the operations within a locomotive servicing area can be addressed separately, provided there is a strict restriction of operating speeds within the area. Where speed is restricted to a maximum of 5 miles per hour, the FRA believes that a "buffer zone" of 50 feet will provide the intended protection for workmen and thus allow for both safe and efficient use of locomotive servicing area tracks.

The FRA has also reviewed several issues that have been raised concerning specific provisions of the existing regulation. These issues prompted the FRA to grant a postponement of the effective date of the amendments to this regulation. This postponement was provided for on June 29, 1977, when the FRA issued a public notice in the FEDERAL REGISTER (42 FR 33037) granting the initial petition for reconsideration filed by the Association of American Railroads.

In reviewing the requests for clarification concerning several provisions, in order to assure a uniform understanding throughout the industry, FRA has determined that a technical amendment is appropriate.

The existing regulation provides for a notification procedure that must be utilized before workmen may perform tasks on, under or between rolling equipment on a track where the switches providing access to that track are remotely controlled. That provision is contained in § 218.27(a)(4). Section 218.27 by its terms is limited to hump-yard tracks. FRA inadvertently failed to include this same notification procedure in the provisions that relate to tracks located in places other than a hump-yard. The provisions relating to other than hump-yard tracks are contained in § 218.25.

Consequently, the FRA has concluded that a clarifying amendment in § 218.25, to provide an identical notification procedure, is the appropriate way to resolve the potential for ambiguity created by the failure to clearly specify notification procedures for both hump-yard and other than hump-yard tracks. A conforming amendment to § 218.29 is, in turn, necessitated by this change to the provisions of § 218.25. This conforming amendment merely reflects the insertion of the notification procedure in the provisions of § 218.25.

One aspect of this amendment relieves railroads from the requirement to provide a 150 foot "buffer zone" because this distance will not be needed since the speed restriction of 5 miles per hour and a "buffer zone" of 50 feet will provide the intended degree of protection. Consequently, the railroads will not experience a significant reduction in the efficiency and productivity in the operation of their locomotive servicing facilities. The other aspect of this amendment serves to clarify the existing regulation by removing a potential ambiguity arising from the structure of the regulatory language. The amendment, therefore, reduces the economic impact of the regulation and is not a major proposal requiring economic impact analysis as prescribed in Executive Orders 11821 and 11949. In addition, the impact of the amendment is considered to be so minimal that this rule making action does not warrant a cost-benefit analysis under the Secretary's Policies to Improve Analysis and Review of Regulations (41 FR 16200) and is not considered to be a major Federal action significantly affecting the quality of the human environment.

In light of the foregoing, Part 218 of Title 49 of the Code of Federal Regulations is amended as follows:

1. By revising paragraph (a) of § 218.25 to read as follows; and by adding a new paragraph (e)(4) to read as follows:

§ 218.25 Workmen on track other than a hump-yard track.

(a) When workmen are on, under, or between rolling equipment on a track other than a hump yard track:

(1) A blue signal must be displayed at each entrance to the track, and each manually operated switch, including any crossover switch, providing access to the track on which equipment is located must be lined against movement to that track and secured by an effective locking device which may not be removed except by the class or craft of workmen performing the work; or

(2) The person in charge of the workmen must have notified the operator of the remotely-controlled switches, of the work to be performed, and have been informed by the operator that each remotely-controlled switch providing access to the track on which equipment is located has been lined against movement to that track and locked as prescribed by § 218.29(a).

* * * * *

(e) * * *

(4) If speed is restricted to not more than 5 miles per hour within the designated locomotive servicing area, a derail capable of restricting access to that portion of a track within the servicing area on which the locomotive is located will fulfill the requirements of a manually operated switch in compliance with paragraphs (1) and (2) of this subsection when positioned at least 50 feet from the end of the locomotive to be protected by the blue signal, when locked in a derailing position with an effective locking device, and when a blue signal is displayed at the derail.

2. By revising paragraph (a) of § 218.29 to read as follows:

§ 218.29 Remotely-controlled switches.

(a) After the operator of the remotely-controlled switches has received the notification required by § 218.25(a)(2) or § 218.27(a)(4), he must line each remotely-controlled switch against movement to that track and apply an effective locking device to the lever, button or other device controlling the switch before he may inform the employee in charge of the work to be performed that protection has been provided.

* * * * *

(Sec. 202, 84 Stat. 971, 45 U.S.C. 431 and § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).)

This amendment is effective September 30, 1977. Earlier compliance with these regulations is authorized.

Issued in Washington, D.C. on August 29, 1977.

JOHN M. SULLIVAN,
Administrator.

[FR Doc.77-25448 Filed 8-29-77; 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 Parts 1006, 1012, 1013]

[Docket Nos. AO-356-A16, AO-347-A19, and AO-286-A27]

MILK IN UPPER FLORIDA, TAMPA BAY, AND SOUTHEASTERN FLORIDA MARKETING AREAS

Decision on Proposed Amendments to Marketing Agreements and to Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This final decision proposes certain changes in the three Florida Federal milk orders, based on a handler proposal considered at a public hearing in June 1977. The proposed amendments would provide for the use of a single butterfat differential for adjusting the value of producer milk in all uses according to the butterfat content of the milk. This change would improve competitive relationships between milk processors regulated under the Florida orders and those regulated under other nearby orders.

Dairy farmer cooperatives will be polled to determine whether producers favor issuance of the proposed amended orders.

FOR FURTHER INFORMATION CONTACT:

Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 (202-447-7311).

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing—issued June 13, 1977; published June 16, 1977 (42 CFR 30627).

Recommended Decision—Issued July 26, 1977; published August 1, 1977 (42, FR 38913).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreements and to the orders regulating the handling of milk in the Upper Florida, Tampa Bay, and Southeastern Florida marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Orlando, Fla., on June 29, 1977, pursuant to notice thereof.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Administrator, on July 26, 1977, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein.

The material issue on the record of the hearing relates to whether the orders should provide a single butterfat differential.

Findings and Conclusions

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Adoption of a single butterfat differential. A single butterfat differential, 11.5 percent of the Chicago Grade A butter price for the month, should be used to adjust the class prices and the uniform prices of the Upper Florida, Tampa Bay, and Southeastern Florida milk orders.

Presently, the Upper Florida and Tampa Bay orders provide for three different butterfat differentials. That for Class I is fixed at 7.5 cents (for each one-tenth percent of butterfat above or below 3.5 percent); for Class II it is 11.5 percent of the Chicago Grade A butter price for the month. The butterfat differential used in adjusting the uniform price is the average of the butterfat differentials for the two classes, weighted by the proportion of butterfat in producer milk assigned to each class. The provisions are the same in the Southeastern Florida order, except that a Class III butterfat differential, identical to that for Class II, is provided.

A handler proposed that the Class I butterfat differential be 11.5 percent of the Chicago Grade A butter price for the month, thereby resulting in a single butterfat differential for adjusting the class prices and the uniform prices of the three Florida orders. This is the same butterfat differential that is applicable to fluid milk products priced under all other Federal orders throughout the eastern part of the United States. No testimony in opposition to the proposal was presented at the hearing.

The proponent operates a plant under each of the Florida orders and distributes a full line of fluid milk products from each. This includes homogenized (whole) milk, at least two kinds of lowfat fluid milk products, skim milk, buttermilk, chocolate milk and chocolate flavored milk drink. The handler operates no retail routes, but disposes of fluid milk products through wholesale customers and institutions, such as chain stores, hospitals, and schools.

The proposal to make the Class I butterfat differential for the Florida orders the same as for most other orders stems from competition experienced with handlers located outside the three Florida markets. Proponent contended that if the three Florida markets operated in a vacuum there would be no particular adverse competitive effect in maintaining the present Class I butterfat differeintial. As it is, however, proponent supplies its own stores northward along the Georgia coast to Savannah, and inland to Wycross, Ga., from its plant at Jacksonville, Fla., regulated by the Upper Florida order. In doing this, proponent is not competitive with handlers regulated by the Gorgia order whose cost for the skim milk component of Class I fluid milk products under such order is significantly less than it is for proponent under the Upper Florida order. In May 1977, for example, the Georgia butterfat differential was 11.6 cents as compared with the 7.5 cent Class I butterfat differential under the Florida orders.

The record establishes, also, that other handlers regulated by the Upper Florida order and located in Tallahassee complete with Georgia handlers both in Georgia and in Florida. In this connection, in April 1977, about 2.3 million pounds of packaged Class I fluid milk products were disposed of by handlers regulated by the Upper Florida order to locations inside the Georgia marketing area. This was about 4 percent of the total Class I sales for the Upper Florida market. Moreover, fluid milk products are distributed in the Upper Florida marketing area from Georgia regulated plants at Columbus, Ga., and Spartanburg, S.C.

In the disposition of Class I fluid milk products in competition with Georgia handlers, Florida handlers do not enjoy any particular offsetting advantage from the fact that the Florida Class I butterfat differential is lower than the Georgia Class I butterfat differential. This stems from the fact that there are no relatively high-fat Class I products any more.

Indicative of the declining proportion of butterfat in Class I sales is the continuous decline in the average test of fluid milk products sold in Federal order marketing areas. In 1967, for example, the average butterfat test in 67 Federal order markets for such sales was 3.46

percent.[1] This percentage declined yearly, and in 1975, the latest full year for which data are available, the comparable average butterfat test for 55 markets was 3.01 percent. On a percentage basis, the average butterfat content of these fluid milk products declined 13 percent from 1967 to 1975.

The declining average butterfat content of packaged fluid milk product sales in the three Florida markets has been similar to the national trend. In 1967, the average butterfat content of fluid milk products in the three markets was 3.58 percent.[2] The comparable average test for 1975 was 3.07 percent, a decline of 14 percent. The increasing demand for fluid milk products with lower butterfat content can be expected to result in a continuing decline in the average butterfat content of such products under the three Florida orders. Adopting the butterfat differential proposed, as provided in this decision, gives recognition to actual or potential competition in the sale of lowfat fluid milk products between Florida handlers and those regulated by other Federal orders, particularly the Georgia order.

The price difference per gallon of milk between Georgia and Upper Florida handlers increases substantially as the butterfat test of the milk decreases. At a test of 3.5 percent butterfat, the difference is 4.73 cents per gallon, which reflects the difference in the Class I price differentials for the two orders, with Upper Florida having the higher price. For a gallon of skim milk, this difference increases to 17.13 cents, reflecting the differing values for skim milk stemming from the fixed butterfat differential of 7.5 cents provided in the Upper Florida order and the 11.6-cent differential provided in the Georgia order for May 1977.

On the basis of data for April 1977, the butterfat test of packaged Class I disposition for the Upper Florida market averaged 2.76 percent. On this basis, Order 6 handlers were disadvantaged by about 2.6 cents per gallon in competing with Georgia regulated handlers. Proponent emphasized that milk sales are won or lost on the basis of a fraction of one cent. With a disadvantage of the size indicated, the long-term result could be a loss of fluid milk outlets, not for Upper Florida handlers but for producers in the market as well.

The fixed 7.5-cent butterfat differential was adopted in the Florida orders at a time when the price of butter was substantially lower. The fixed differential was provided in the Upper Florida order about a decade ago. For the other Florida orders, it was provided earlier than that. At the time, the fixed Class I differential was higher than the Class II butterfat differential, and approximated the Class I butterfat differentials then provided in other Federal milk orders. This is no longer the case. For May 1977, for example, the Class I butterfat differential for the Georgia order as well as the Class II differential for the Florida orders, was 11.6 cents compared with 7.5 cents for the Florida orders. The Georgia differential was based on a Chicago Grade A butter price of $1.01 per pound, an increase of 49 percent from even 5 years ago when such price was 67.7 cents per pound.

The Class I butterfat differential adopted herein would provide the same value for Class I butterfat in the Florida orders as is provided in the Georgia order. This will result in placing both Georgia and Florida regulated handlers on a comparable basis in the disposition of fluid milk products.

The record establishes that adverse competitive conditions exist only between handlers regulated by the Upper Florida order and those regulated by the Georgia order. Nevertheless, the single butterfat differential should be adopted for all three Florida orders. If the Tampa Bay and Southeastern Florida orders were not included, the same competitive conditions would be created between handlers regulated by the Upper Florida order and handlers under the other two Florida orders that now exist between handlers regulated by the Upper Florida order and those regulated by the Georgia order.

Since the Class I butterfat differential for each of the Florida orders is fixed at 7.5 cents, it is of course known at the time of the advance announcement of Class I prices. This no longer would be the case. The differential adopted in this decision would be based on the butter price for the current month and thus would not be known until the 5th day of the following month, which is the case now for the Class II butterfat differentials for the three orders and the Class III butterfat differential for the Southeastern Florida order.

Since the same butterfat differential would apply to all classes of milk, it is necessary that each order provide only for a producer butterfat differential. No handler butterfat differentials for adjusting class prices need be set forth as such in the orders, nor is there any need for pooling the value of butterfat in each class. All producer "differential" butterfat received by handlers will be priced the same to all handlers regardless of the class in which the butterfat is used. Accordingly, the orders should be modified to provide only for the announcement and use of a producer butterfat differential.

Rulings on Proposed Findings and Conclusions

A brief and proposed findings and conclusions were filed on behalf of an interested party. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by the interested party are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

No exceptions were received.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a MARKETING AGREEMENT regulating the handling of milk, and an ORDER amending the orders regulating the handling of milk in the aforesaid specified marketing areas, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the orders as hereby proposed to be amended by the attached order, which is published with this decision.

[1] Official notice is taken of the January 1973 and January 1977 Summary of Federal Milk Order Statistics issued by the Dairy Division, AMS, USDA.

[2] Official notice is taken of the Annual Summary for 1968 and 1976, Federal Milk Order Market Statistics, Statistical Bulletins No. 437, 5575 issued by the Dairy Division, C&MS and AMS, USDA.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

June 1977 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the aforesaid specified marketing areas, is approved or favored by producers, as defined under the terms of each of the orders (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the respective marketing areas.

Signed at Washington, D.C., on August 25, 1977.

JERRY C. HILL,
Deputy Assistant Secretary.

Order[1] amending the orders, regulating the handling of milk in certain specified marketing areas

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid orders:

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid specified marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937 as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in each of the specified marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the orders, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending each of the specified orders contained in the recommended decision issued by the Acting Administrator on July 26, 1977, and published in the FEDERAL REGISTER on August 1, 1977 (42 FR 38913), shall be and are the terms and provisions of this order, amending the orders, and are set forth in full herein:

PART 1006—MILK IN THE UPPER FLORIDA MARKETING AREA

1. In § 1006.50, the preamble and paragraph (a) are revised to read as follows:

§ 1006.50 Class prices.

Subject to the provisions of § 1006.52, the class prices for the month per hundredweight of milk shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.85.

* * * * *

2. Section 1006.53 is revised to read as follows:

§ 1006.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II price for the preceding month.

3. Section 1006.55 is revoked.

§ 1006.55 [Revoked]

4. In § 1006.60, paragraph (b) is revised to read as follows:

§ 1006.60 Handler's value of milk for computing uniform price.

* * * * *

(b) Add the amount obtained from multiplying the overage deducted from each Class pursuant to § 1006.44(a)(11) and the corresponding step of § 1006.44 (b) by the applicable class prices, as adjusted by the butterfat differential specified in § 1006.74;

* * * * *

5. In § 1006.61, paragraph (b) is revoked and the preamble is revised to read as follows:

§ 1006.61 Computation of uniform price.

For each month, the market administrator shall compute a uniform price for milk of 3.5 percent butterfat content as follows:

* * * * *

6. Section 1006.62 is revised to read as follows:

§ 1006.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 11th day after the end of each month the uniform price for such month.

7. In § 1006.71, paragraph (a)(2)(i) is revised to read as follows:

§ 1006.71 Payments to the producer-settlement fund.

(a) * * *

(2) * * *

(i) The value of such handler's producer milk at the uniform price, as adjusted pursuant to § 1006.75; and

* * * * *

8. Section 1006.74 is revised to read as follows:

§ 1006.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A bulk butter per pound at Chicago, as reported by the Department for the month.

9. In § 1006.76, paragraphs (a)(2)(i) and (b)(4) are revised to read as follows:

3§ 1006.76 Payments by handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(2) * * *

(i) The gross payments made by such handler, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1006.74, for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

* * * * *

(b) * * *

(4) Combine the amounts of skim milk and butterfat remaining into one total; and

* * * * *

PART 1012—MILK IN THE TAMPA BAY MARKETING AREA

1. § 1012.50, the preamble and paragraph (a) are revised to read as follows:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 1012.50 Class prices.

Subject to the provisions of § 1012.52, the class prices for the month per hundredweight of milk shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.95.

* * * * *

2. Section 1012.53 is revised to read as follows:

§ 1012.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II price for the preceding month.

3. Section 1012.55 is revoked.

§ 1012.55 [Revoked]

4. In § 1012.60, paragraph (b) is revised to read as follows:

§ 1012.60 Handler's value of milk for computing uniform price.

* * * * *

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1012.44(a)(11) and the corresponding step of § 1012.44 (b) by the applicable class prices, as adjusted by the butterfat differential specified in § 1012.74;

* * * * *

5. In § 1012.61, paragraph (b) is revoked and the preamble is revised to read as follows:

§ 1012.61 Computation of uniform price.

For each month the market administrator shall compute a uniform price for milk of 3.5 percent butterfat content as follows:

* * * * *

6. Section 1012.62 is revised to read as follows:

§ 1012.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 11th day after the end of each month the uniform price for such month.

7. In § 1012.71, paragraph (a)(2)(i) is revised to read as follows:

§ 1012.71 Payments to the producer-settlement fund.

(a) * * *

(2) * * *

(i) The value of such handler's producer milk at the uniform price, as adjusted pursuant to § 1012.75; and

* * * * *

8. Section 1012.74 is revised to read as follows:

§ 1012.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A bulk butter per pound at Chicago, as reported by the Department for the month.

9. In § 1012.76, paragraphs (a)(2)(i) and (b)(4) are revised to read as follows:

§ 1012.76 Payments by handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(2) * * *

(i) The gross payments made by such handler, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1012.74, for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

* * * * *

(b) * * *

(4) Combine the amounts of skim milk and butterfat remaining into one total;

* * * * *

PART 1013—MILK IN THE SOUTHEASTERN FLORIDA MARKETING AREA

1. In § 1013.50, the preamble and paragraph (a) are revised to read as follows:

§ 1013.50 Class prices.

Subject to the provisions of § 1013.52, the class prices for the month per hundredweight of milk shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $3.15.

* * * * *

2. Section 1013.53 is revised to read as follows.

§ 1013.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

3. Section 1013.55 is revoked.

§ 1013.55 [Revoked]

4. In § 1013.60, paragraph (b) is revised to read as follows:

§ 1013.60 Handler's value of milk for computing uniform price.

* * * * *

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1013.44(a)(12) and the corresponding step of § 1013.44 (b) by the applicable class prices, as adjusted by the butterfat differential specified in § 1013.74;

* * * * *

5. In § 1013.61, paragraph (b) is revoked and the preamble is revised to read as follows:

§ 1013.61 Computation of uniform price.

For each month the market administrator shall compute a uniform price for milk of 3.5 percent butterfat as follows:

* * * * *

6. Section 1013.62 is revised to read as follows:

§ 1013.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 11th day after the end of each month the uniform price for such month.

7. In § 1013.71, paragraph (a)(2)(i) is revised to read as follows:

§ 1013.71 Payments to the producer-settlement fund.

(a) * * *

(2) * * *

(i) The value of each handler's producer milk at the uniform price, as adjusted pursuant to § 1013.75; and

* * * * *

8. In § 1013.73, paragraph (a)(3) is revised to read as follows:

§ 1013.73 Payments to producers and to cooperative associations.

(a) * * *

(3) On or before the 15th day of the following month, to each producer an amount equal to not less than the uniform price computed pursuant to § 1013.61 adjusted pursuant to §§ 1013.74 and 1013.75, multiplied by the total pounds of milk received from such producer, subject to the following adjustments:

* * * * *

9. Section 1013.74 is revised to read as follows:

§ 1013.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A bulk butter per pound at Chicago, as reported by the Department for the month.

10. In § 1013.76, paragraph (a)(2) and (b)(4) are revised to read as follows:

§ 1013.76 Payments by handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(2) From this obligation there will be deducted the sum of:

(i) The gross payments made by such handler, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1013.74, for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) * * *

(4) Combine the amounts of skim milk and butterfat remaining into one total; and

* * * * *

[7 CFR Parts 1108, 1102, 1097]

[Docket Nos. AO-243-A32, AO-237-A28, AO-219-A34, AO-243-A32-R01, AO-237-A28-R01, AO-219-A34-R01]

MILK IN CENTRAL ARKANSAS, FORT SMITH, ARKANSAS AND MEMPHIS, TENNESSEE MARKETING AREAS

Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

AGENCY: Agricultural Marketing Service.

ACTION: Extension of time for filing exceptions.

SUMMARY: This notice extends the time for filing exceptions to the July 21, 1977, decision recommending a merger of the Central Arkansas, Fort Smith, and Memphis orders (7 CFR Parts 1108, 1102, and 1097) and expansion of the marketing area to include additional areas in Arkansas, Tennessee, and Mississippi.

DATE: Comments now are due on or before September 15, 1977.

ADDRESS: Exceptions (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (220-447-4824).

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notices of Hearing: Issued November 19, 1976, published November 24, 1976 (41 FR 51819); issued February 11, 1977, published February 17, 1977 (42 FR 9674); issued March 3, 1977, published March 8, 1977 (42 FR 13024); and issued March 25, 1977, published March 31, 1977 (42 FR 17130).

Extension of time for filing briefs: Issued May 18, 1977, published May 23, 1977 (42 FR 26217).

Recommended Decision: Issued July 21, 1977, published July 26, 1977 (42 FR 38070).

Extension of time for filing exceptions: Issued August 12, 1977, published August 19, 1977 (42 FR 41873).

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Central Arkansas, Fort Smith, Ark., and Memphis, Tenn., marketing areas which was issued July 21, 1977 (42 FR 38070) is hereby extended to September 15, 1977.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing in the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on August 25, 1977.

WILLIAM T. MANLEY,
Deputy Administrator
Program Operations.

[FR Doc.77-25291 Filed 8-30-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 303, 305, 307, 309]

COAL UTILIZATION PROGRAM REGULATIONS

Proposed Amendments and Public Hearing

AGENCY: Federal Energy Administration.

ACTION: Notice of Proposed Rulemaking and Public Hearing.

SUMMARY: The Federal Energy Administration hereby gives notice of proposed amendments to the regulations implementing the coal utilization program as authorized by the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. 791 et seq. (Supp. V, 1975), as amended by Pub. L. 95-70 (July 21, 1977).

The proposed amendments are discussed under six headings: the scope of prohibition and construction orders and a revised definition of "primary energy source"; the criteria used to determine whether the cost of burning coal in lieu of petroleum products or natural gas is reasonable; the criteria used to determine whether a powerplant or major fuel burning installation (MFBI) has the capability and necesary plant equipment to burn coal; the criteria used in selecting candidates for prohibition orders; the amendment to the design firing rate requirements for potential construction order recipients; and miscellaneous changse, including the amendment to FEA's procedures involving MFBI's in the early planning process and amendments to reflect the extension of FEA's order issuing authority.

DATES: Comments by September 29, 1977, 4:30 p.m.; public hearing on September 21, 1977, 9:30 a.m.; requests to speak by September 13, 1977, 4:30 p.m.

ADDRESSES: Comments and requests to speak should be sent to: Executive Communications, Room 3317, Box PC, Federal Energy Administration, 12th and Pennsylvania Avenue, Washington, D.C. 20461; Hearing location: Room 2105, 2000 "M" Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Joseph Vanzant, Office of General Counsel, Federal Energy Administration, Room 6144, 12th & Pennsylvania Avenue NW., Washington, D.C. 20461 (202-566-9296).

SUPPLEMENTARY INFORMATION:

I. Background

The Energy Supply and Environmental Coordination Act (ESECA), 15 U.S.C. 791 et seq. (Supp. V, 1975), as amended by Pub. L. 95-70 (July 21, 1977), authorizes the Federal Energy Administration (FEA) to prohibit certain existing powerplants and major fuel burning installations (MFBI's) from burning natural gas or petroleum products as their primary energy source. ESECA also authorizes FEA to require that certain powerplants and major fuel burning installations in the early planning process be designed and constructed so as to be capable of using coal as their primary energy source. FEA published in the FEDERAL REGISTER regulations implementing its authority under ESECA on May 9, 1975 (40 FR 20462), and amended these regulations on May 6, 1977 (42 FR 23132), to reflect the amendments to ESECA effectuated by the Energy Policy and Conservation Act, Pub. L. 94-163. FEA now proposes further amendments to its regulations. The proposed amendments can best be explained in the groupings discussed below.

II. Discussion

SCOPE OF PROHIBITION AND CONSTRUCTION ORDERS AND THE DEFINITION OF PRIMARY ENERGY SOURCE

The most significant change to the regulations would be the addition of a new § 305.6. Under proposed § 305.6 FEA will be able to issue prohibition orders permitting the burning of limited amounts of oil and gas as primary energy sources when FEA finds it is not feasible for a combustor to replace 100 percent of the oil and gas it uses with coal. This proposed change is based on FEA's determination that issuing prohibition orders only to combustors which can convert totally to coal has resulted in limiting the amount of oil and gas which can be conserved under ESECA. Combustors which have the capability of burning coal but which, for one reason or another, cannot feasibly burn 100 percent coal should not be permitted to continue using that amount of oil and gas which can feasibly be replaced by coal. FEA believes that a significant number of combustors fall into this latter category and proposes to issue such combustors prohibition orders under the proposed § 305.6.

Under proposed §305.6, if 100 percent of the gas and oil used by a combustor as primary energy sources can be replaced with coal and the replacement coal can be burned in compliance with all applicable air pollution requirements and FEA can make the findings contained in § 305.3(b) or § 305.4(b), then a prohibition order will be issued to prohibit the use of all petroleum products or natural gas as primary energy sources, except for those minimum amounts specified in § 305.6(d).

If, however, FEA cannot make the findings in § 305.3(b) or § 305.4(b) for a 100 percent prohibition, FEA will determine the maximum prohibition of natural gas and petroleum products for which such findings can be made. Therefore, REA may prohibit the use of only certain amounts of natural gas and petroleum products as primary energy sources: *Provided*, That the coal replacing those amounts of petroleum products and natural gas can be burned in compliance with all applicable air pollution requirements.

The Environmental Protection Agency of course will continue to have the duty under section 2(b) of ESECA to determine when an order recipient can burn coal in compliance with all applicable air pollution requirements. FEA recognizes as part of this statutory authority EPA's continued responsibility for approving the control strategy which will be utilized by a combustor to comply with applicable air pollution requirements. FEA does not interpret the proposed addition of § 305.6 as requiring EPA to sanction any particular control strategy, such as intermittent control systems.

This proposed new section clearly states that FEA does not consider that fuel used for startup, flame stabilization and control, and testing, and for process fuel use is fuel utilized as a primary energy source within the meaning of ESECA. Therefore, fuel used for such limited purposes is not affected by FEA's orders.

FEA proposes to revise paragraph (a) of § 307.3 to explain further the scope of construction orders in the body of the regulations. As explained in the preamble to the regulations issued May 9, 1975, combustors issued construction orders are required to have in place at the completion of construction and before entering into service all equipment and facilities, including air pollution control systems, necessary to use exclusively coal except for purposes of start-up, flame stabilization and control, and testing, and for process fuel use. The process fuel use exemption eliminates from the scope of construction orders those fuel uses for which it is not technically feasible to burn coal. The requirement that a combustor be designed and constructed so as to be capable of using coal as its primary energy source will still be satisfied if the combustor can use coal as its only primary energy source or as one of several alternative primary energy sources.

Since the proposed §§ 305.6 and 307.3 will control the scope of any future prohibition and construction orders, respectively, it is no longer necessary to maintain the current, complicated definition of "primary energy source." By eliminating from the definition the exceptions which FEA proposes to place in § 305.6 and § 307.3, FEA expects the proposed revised definition to make clear that FEA's actions will affect only that fuel which is utilized as a heat source in a combustor.

REASONABLENESS

The proposed addition of §§ 305.3(b)(2)(iii) and 305.4(b)(2)(iii) is for the purpose of incorporating in the regulations criteria FEA employs in determining the reasonableness of burning coal in lieu of natural gas or petroleum products in a powerplant or major fuel burning installation.

The proposed paragraphs describe an analytical calculation that is employed by FEA and applied to candidate powerplants and MFBI's. FEA performs this calculation by adding the annual costs which would be incurred in converting to coal, such as annualized additional capital costs (including the annual cost of capital) and increased annual operating and maintenance costs. In the case of powerplants, FEA includes in its calculation a consideration of an allowed rate of return on capital investment. In order to annualize these additional costs, FEA determines the remaining useful service life of the combustor based on a presumed useful service life of 35 years for powerplants and 40 years for MFBI's, or on such other useful service life that FEA determines is reasonable.

FEA then subtracts from or adds to the annual conversion costs the decrease or increase in annual fuel costs. In order to calculate estimated fuel usage, FEA will project a capacity factor based on the combustor's average annual capacity factor based on the combustor's average annual capacity factor for the most recent three year period for which data are available, or on such other evidence as FEA considers probative.

If the resulting net figure shows a decrease in annual costs, then FEA finds that the costs of burning coal in lieu of natural gas and petroleum products are reasonable. If the resulting figure shows a net increase in annual costs then FEA further analyzes the costs to be incurred by the owner of the powerplant or MFBI. It does so by dividing the net increase in annual costs by the amount of petroleum products or natural gas which FEA has determined it is feasible to replace annually with coal. The resulting figure represents the "cost per barrel of petroleum product or MCF of natural gas saved."

The reasonableness of the cost per barrel of petroleum product or MCF of natural gas is determined on a case by case basis. With respect to a powerplant, FEA analyzes the potential cost impact upon the powerplant's customers. With respect to powerplants and MFBI's, FEA analyzes the financial capability of the owner of the powerplant or MFBI to effectuate coal conversion, as determined in accordance with §§ 305.3(b)(2)(i) and 305.4(b)(2)(i), and considers the amounts of oil and gas that would be saved if an order were issued. FEA also considers any other factors which it determines are appropriate in a particular case.

COAL CAPABILITY AND NECESSARY PLANT EQUIPMENT

ESECA requires that before FEA issues a prohibition order to a powerplant or major fuel burning installation, FEA must find that the combustor on June 22, 1974, had in place, or thereafter acquires or is designed with, the "capability and necessary plant equipment" to burn coal or that the combustor has been issued a construction order. For those candidates which have not received construction orders, FEA evaluates several factors before making the "capability and necessary plant equipment" finding.

FEA proposes to amend §§ 305.3 and 305.4 to incorporate the standards FEA employs to determine whether a combustor has the capability and necessary plant equipment to burn coal. If on or after June 22, 1974, a combustor has, as a minimum, the requisite furnace configuration for using coal, including the necessary configuration for ash removal from the furnace, and, in the case of a boiler, the proper tube spacing to permit coal burning, then for the purposes of ESECA the combustor has the requisite coal firing capability and necessary plant equipment.

FEA also evaluates coal and ash handling facilities and other equipment, as well as the availability of land for coal storage. The absence of any one or combination of these facilities or equipment, however, does not prevent the FEA from making a finding as to coal firing capability and necessary plant equipment. Rather, the cost of any such facilities or equipment which must be refurbished or acquired is included when FEA considers the practicability of the combustor's burning coal in lieu of natural gas or petroleum products.

PROHIBITION ORDER CANDIDATE SELECTION CRITERIA

The proposed revision of § 305.4(c) will replace the factors listed in the current § 305.4(c) as those which FEA will consider in selecting an MFBI for a prohibition order with the broad consideration of unique and extraordinary environmental and physical constraints to coal burning. The installation's location will still be considered as a possible environmental constraint. The installation's output and the purpose for which coal will be used already are adequately considered under the definitions of "primary energy source" and "process fuel use" since FEA's actions will affect only fuels used as heat sources in a combustor and exclude those process uses for which coal is not a technically feasible fuel alternative. As discussed above, FEA will include the quantity of gas or oil saved when the reasonableness of costs of conversion is determined. Finally, in its first

round of prohibition orders issued to MFBI's on June 30, 1977, FEA was not presented with any evidence as to the effects of short-term variation of demand for an installation's output on the practicability of burning coal. Therefore, FEA proposes to eliminate this factor as a separately stated consideration. The proposed new paragraph 305.3(c) sets out the criteria which FEA would consider in selecting potential powerplant candidates for prohibition orders.

The combined effect of these new paragraphs and the existing provisions of Part 305 would be as follows: (1) FEA may commence, on its own initiative, a proceeding to prohibit a powerplant or MFBI from burning oil or gas as its primary energy source only if the combustor, individually or in aggregation with other combustors at the same location, has a design firing rate of at least 100 million Btu's per hour; and, (2) before selecting the recipient of a prohibition order FEA will consider any unique or extraordinary environmental or physical constraints to burning coal which have been brought to FEA's attention and any other factors which may disqualify the combustor from receiving a prohibition order.

FEA notes that the selection methodology which appeared in the MFBI prohibition order Notices of Intention issued in May 1977, stated that FEA would eliminate or defer an MFBI from consideration if the MFBI's remaining useful life as of January 1, 1978, would be less than one year, if the MFBI's utilization factor was less than 20 percent, or if the MFBI (referring to all combustor's at the MFBI location) used significantly less than 2×10^{12} Btu's of petroleum products or natural gas in the latest year for which data are available. Those thresholds were employed exclusively for purposes of administrative convenience in choosing the first group of MFBI's to receive prohibition orders and do not constitute criteria used in selecting prohibition order candidates.

DESIGN FIRING RATE REQUIREMENTS FOR CONSTRUCTION ORDERS

In the amendments to its regulations published on May 6, 1977, FEA included in § 307.6(b) a minimum design firing rate requirement of 100 million Btu's per hour which must be met before FEA will issue a construction order to an MFBI. FEA also included in its May 6, 1977, amendments an aggregation provision under which the 100 million Btu per hour threshold can be met by aggregating the design firing rates of all those combustors at the same location which were in the early planning process on or after December 27, 1976, and which individually have design firing rates of at least 50 million Btu's per hour.

FEA now believes that a 50 million Btu per hour minimum for purposes of aggregation should not be employed. Such an artificial minimum may encourage unreasonable, energy inefficient changes in construction plans motivated primarily by a desire to evade FEA's construction order jurisdiction.

Therefore, FEA proposes to eliminate any reference to a minimum design firing rate which will be considered in the aggregation of such rates under § 307.6 (b).

MISCELLANEOUS CHANGES

FEA also proposes to amend several provisions in Part 303 to reflect the extension of FEA's order issuing authority to December 31, 1978, effected by Pub. L. 95-70. The proposed amendments all relate to the deadline by which powerplants and MFBI's must filed their applications for prohibition and construction orders. These applications must be received by FEA at least 30 days before the expiration of FEA's order issuing authority in order to assure processing of the applications prior to the statutory deadline.

The final proposed change concerns the time limitations imposed by FEA on its processing of data received from major fuel burning installations in the early planning process. FEA proposes to make clear that FEA requests only such information as is needed to make the findings and adequately consider the factors contained in § 307.3. Under the proposed amendment to § 307.6, if FEA requires a combustor to file a Schedule A-3, FEA will so notify the combustor within 60 days after receipt of properly completed Schedules A-1 and A-2. FEA will determine whether a form has been properly completed.

If no Schedule A-3 is requested from a combustor by FEA, a Notice of Intention (NOI) to issue a construction order must be issued to that combustor within 90 days of receipt of properly completed Schedules A-1 and A-2. If FEA requests the filing of a Schedule A-3, FEA has 90 days after its receipt of the properly completed form to issue an NOI. Should no NOI be issued within the relevant 90 day period, the combustor may consider itself beyond FEA's construction order jurisdiction.

FEA also proposes to add a paragraph of § 307.6 noting that delay in filing information requested by FEA will not prevent FEA from proceeding with its order issuance process using the information that is available. FEA of course will still be able to utilize its enforcement authority against the uncooperative MFBI as FEA deems appropriate.

III. COMMENT PROCEDURES

WRITTEN COMMENTS

Interested persons are invited to participate in this proceeding by submitting written data, views, or arguments with respect to the proposed amendments to the coal utilization regulations set forth in this notice to Executive Communications, Federal Energy Administration, Room 3317, Box PC, Washington, D.C. 20461. These comments may be handdelivered to Room 3317, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Comments should be identified in the outside envelope and on the face of the documents submitted to FEA, Executive Communications, with the designation "Amendments to ESECA Regulations"; 15 copies should be submitted. All comments should be received by September 29, 1977, before 4:30 p.m., to assure full consideration by FEA before final action is taken on the proposed amendments.

PUBLIC HEARING

A public hearing on this proposed rulemaking will be held beginning at 9:30 a.m. on September 21, 1977, in Room 2105, 2000 "M" Street NW., Washington, D.C., to receive oral presentations of data, views, and arguments from interested persons. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make oral presentation.

That request should be directed to Executive Communications, FEA, Room 3317, Box PC, Washington, D.C. 20461 and must be received before 4:30 p.m., September 13, 1977. The request may be hand-delivered to Room 3317, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

The person making the request for oral presentation should describe the interest concerned; if appropriate, state why he or she is a proper representative of a group or class of persons which has such an interest; and give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through September 20, 1977. Speakers will be contacted by an FEA representative before 4:30 p.m., September 15, 1977, to confirm receipt of the written request. Fifty copies of their proposed presentation should be sent by the speakers to Executive Communications, FEA, Room 3317, Box PC, Washington, D.C. 20461, before 4:30 p.m., September 20, 1977.

The FEA reserves the right to limit the number of representatives of a particular group or class of persons to be heard at the hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the meeting. The length of time allocated to each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary type hearing.

Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made. The entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the Freedom of Information Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

NOTE.—The Federal Energy Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949 and OMB Circular A-107.

Pursuant to section 7(c) of the Federal Energy Administration Act of 1974, as amended, 15 U.S.C. 761 et seq., FEA has sent a set of these proposed amendments to the Environmental Protection Agency (EPA) for comment. EPA's comments are as follows:

EPA believes that the change in the definition of "primary energy source" to allow prohibition of less than 100 percent of oil and gas use may necessitate revision of a few State implementation plans that do not presently have applicable regulations for burning of fuel mixtures, as contemplated by the proposed amendments. In addition, the proposed amendments will increase the number of sources eligible for prohibition orders. This will result in increased coal burning causing additional air pollution. This situation may result in existing State implementation plans being inadequate to attain and maintain the national ambient air quality standards, thereby necessitating revisions to the applicable State implementation plan.

In addition, EPA believes that the definition of "primary energy source" should exclude such minimum amounts of fuel required to enable such sources to comply with applicable primary standard conditions prescribed by EPA in accordance with 40 CFR 55.04.

Although FEA has clarified its selection criteria, FEA should make extraordinary environmental constraints minimum criteria for exclusion as a candidate for an order rather than merely "considering" such factors.

(Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93-319) (15 U.S.C. 791 et seq.), as amended by Pub. L. 94-163 and Pub. L. 95-70; Federal Energy Administration Act of 1974 (Pub. L. 93-275) (15 U.S..C 761 et seq.), as amended by Pub. L. 94-385 and Pub. L. 95-70; E.O. 11790 (39 FR 23185).)

In consideration of the foregoing, it is proposed to amend Parts 303, 305, 307, and 309 of Chapter II, Subchapter B of Title 10 of the Code of Federal Regulations as set forth below.

Issued in Washington, D.C., August 25, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

PART 303—ADMINISTRATIVE PROCEDURES AND SANCTIONS

10 CFR Part 303 is amended as follows:

1. The citation of authority following the Table of Contents to Part 303 is amended by inserting the words "and Pub. L. 95-70" between "as amended by Pub. L. 94-163" and ";" and between "as amended by Pub. L. 94-385" and ";".

2. Section 303.2 is amended by deleting the definition of "primary energy source" and inserting the following in lieu thereof:

§ 303.2 Definitions.

* * * * *

"Primary energy source" means any energy source which is utilized as a heat source in a combustor.

* * * * *

§ 303.33 [Amended]

3. Section 303.33 is amended by deleting "June 1, 1977" and inserting "December 1, 1978" in lieu thereof.

§ 303.36 [Amended]

4. In § 303.36 paragraph (a)(3) is amended by deleting "June 1, 1977" and inserting "December 1, 1978" in lieu thereof.

§ 303.38 [Amended]

5. In § 303.38 paragraph (d) is amended by deleting "June 1, 1977" and inserting "December 1, 1978" in lieu thereof.

§ 303.43 [Amended]

6. Section 303.43 is amended by deleting "June 1, 1977" and inserting "December 1, 1978" in lieu thereof.

§ 303.46 [Amended]

7. In § 303.46 paragraph (a)(3) is amended by deleting "June 1, 1977" and inserting "December 1, 1978" in lieu thereof.

§ 303.47 [Amended]

8. In § 303.47 paragraph (c) is amended by deleting "June 1, 1977" and inserting "December 1, 1978" in lieu thereof.

§ 303.48 [Amended]

9. In § 303.48 paragraph (c) is amended by deleting "June 1, 1977" and inserting "December 1, 1978" in lieu thereof.

PART 305—COAL UTILIZATION

10 CFR Part 305 is amended as follows:

10. The citation of authority following the Table of Contents to Part 305 is amended by inserting the words "and Pub. L. 95-70" between "as amended by Pub. Law 94-163" and ";" and between "as amended by Pub. L. 94-385" and ";".

11. Section 305.2 is amended by deleting the definition of "primary energy source" and inserting in lieu thereof the following:

§ 305.2 Definitions.

* * * * *

"Primary energy source" means any energy source which is utilized as a heat source in a combustor.

* * * * *

12. In § 305.3, paragraph (b)(1) is revised; paragraph (b)(2) has a new subdivision (iii) added; paragraph (c) is redesignated (d); and a new paragraph (c) inserted so that this section reads as follows:

§ 305.3 Powerplants.

* * * * *

(b) * * *

(1) The powerplant: (i) on June 22, 1974, had, or thereafter acquires or is designed with, the "capability and necessary plant equipment" to burn coal, or (ii) has been issued a construction order pursuant to Parts 303 and 307 of this chapter. FEA will conclude that a powerplant has the capability and necessary plant equipment to burn coal if the powerplant had in place as of June 22, 1974, or thereafter acquires or is designed with, a boiler which has, as a minimum, the requisite furnace configuration to burn coal, including the necessary configuration for ash removal from the furnace, and the requisite tube spacing to burn coal.

(2) * * *

(iii) In order to determine whether the costs of converting to coal will be reasonable, FEA will analyze the total increase or decrease in costs due to burning coal in lieu of natural gas or petroleum products. To determine such costs FEA will calculate the annualized increased capital costs, an allowed rate of return on the additonal investment, and the increased annual operating and maintenance costs. In order to annualize these additional costs, FEA will determine the remaining useful service life of the combustor based on a presumed useful service life of 35 years, or on such other useful service life that FEA determines is reasonable. The decrease or increase in annual fuel costs will be either subtracted from or added to such annualized costs. In order to calculate estimated fuel usage, FEA will project a capacity factor based on the combustor's average annual capacity factor for the most recent three year period for which data are available, or on such other evidence as FEA considers probative. In cases where there will be a resultant net decrease in annual costs, the reasonableness of issuing the prohibition order will be presumed. In cases where there will be a resultant net increase in annual costs, such costs will be divided by the amounts of petroleum products and natural gas which FEA has determined it is feasible to replace annually with coal, thereby providing a "cost per barrel of petroleum product or Mcf of natural gas saved." In determining whether this increased cost is reasonable FEA will consider the following factors:

Net impact upon the customers of the utility; the financial capability of the powerplant owner as analyzed in accordance with § 305.3(b)(2)(i); amounts of petroleum product and natural gas saved; and other factors that FEA deems appropriate to consider under the circumstances of the case.

* * * * *

(c) FEA may commence, on its own initiative, a proceeding to issue an order prohibiting a powerplant from burning

natural gas or petroleum products as its primary energy source only if the powerplant has a design firing rate of at least 100 million Btu's per hour. In selecting a powerplant for an order prohibiting that plant from burning natural gas or petroleum products as its primary energy source, the FEA shall consider any unique or extraordinary environmental or physical constraints to coal burning by the powerplant and any other factors which might disqualify the powerplant from receiving a prohibition order.

* * * * *

13. In § 305.4, paragraph (b)(1) is revised; a new subdivision (iii) is added to paragraph (b)(2); and paragraph (c) is revised so that this section reads as follows:

§ 305.4 Major fuel burning installations.

* * * * *

(b) * * *

(1) The major fuel burning installation has a design firing rate of 100 million Btu's per hour or greater and (i) on June 22, 1974, had, or thereafter acquires or is designed with, the "capability and necessary plant equipment" to burn coal, or (ii) has been issued a construction order pursuant to Parts 303 and 307 of this chapter. FEA will conclude that a major fuel burning installation has the capability and necessary plant equipment to burn coal if the major fuel burning installation had in place as of June 22, 1974, or thereafter acquires or is designed with, a boiler or combustor which has, as a minimum, the requisite furnace configuration to burn coal, including the necessary configuration for ash removal from the furnace, and, in the case of a boiler, the requisite tube spacing to burn coal.

(2) * * *

(iii) In order to determine whether the costs of converting to coal will be reasonable, FEA will compute a net operating cost differential (NOCD). The NOCD will be calculated by first adding the annualized increased capital costs and increased annual operating and maintenance costs. In order to annualize these additional costs, FEA will determine the remaining useful service life of the combustor based on a presumed useful service life of 40 years, or on such other useful service life that FEA determines is reasonable. The decrease or increase in annual fuel costs then will be either subtracted from or added to such annualized costs. In order to calculate estimated fuel usage, FEA will project a capacity factor based on the combustor's average annual capacity factor for the most recent three year period for which data are available, or on such other evidence as FEA considers probative. In cases where there will be a resultant net decrease in annual costs, the reasonableness of issuing the prohibition order will be presumed. In cases where there will be a resultant net increase in annual costs, the NOCD will be divided by the amounts of petroleum products and natural gas which FEA determined it is feasible to replace annually with coal, thereby providing a "cost per barrel of petroleum product or Mcf of natural gas saved." In determining whether this increased cost is reasonable FEA will consider the following factors:

The financial capability of the owner of the major fuel burning installation as analyzed in accordance with § 305.4(b)(2)(i); amount of petroleum product or natural gas saved; and other factors that FEA deems appropriate to consider under the circumstances of the case.

* * * * *

(c) In selecting a major fuel burning installation for an order prohibiting that installation from burning natural gas or petroleum products as its primary energy source, the FEA shall consider any unique or extraordinary environmental or physical constraints to coal burning by the major fuel burning installation and any other factors which might disqualify the major fuel burning installation from receiving a prohibition order.

* * * * *

14. Section 305.6 is deleted and the following is inserted in lieu thereof:

§ 305.6 Scope of prohibition orders.

(a) FEA shall prohibit the use by a powerplant or major fuel burning installation of the maximum amount of natural gas or petroleum products burned as a primary energy source which it is feasible under the requirements of paragraph (b) of this section to replace with coal.

(b) It shall be considered feasible to replace natural gas and petroleum products being used as primary energy sources with coal if the replacement coal can be burned by the powerplant or major fuel burning installation in compliance with all applicable air pollution requirements and if FEA can make the findings contained in § 305.3(b) or § 305.4(b), as applicable.

(c) If FEA cannot make the findings contained in § 305.3(b) or § 305.4(b) for the replacement with coal of 100 percent of the natural gas and petroleum products used by a powerplant or major fuel burning installation as primary energy sources (except as provided in paragraph (d) of this section), then FEA shall prohibit use of the maximum amount of natural gas and petroleum products which it is feasible under the requirements of paragraph (b) of this section for the powerplant or major fuel burning installation to replace with coal.

(d) For the purposes of ESECA, natural gas and petroleum products will not be considered to be used as primary energy sources when employed in the minimum amounts required for startup, flame stabilization and control, and testing, and when employed for process fuel use.

PART 307—NEW POWERPLANTS AND NEW MAJOR FUEL BURNING INSTALLATIONS

10 CFR Part 307 is amended as follows:

15. The citation of authority following the Table of Contents to Part 307 is amended by inserting the words "and Pub. L. 95-70" between "as amended by Pub. L. 94-163" and ";" and between "as amended by Pub. L. 94-385" and ";".

16. Section 307.2 is amended by deleting the definition of "primary energy source" and inserting in lieu thereof the following:

§ 307.2 Definitions.

* * * * *

"Primary energy source" means any energy source which is utilized as a heat source in a combustor.

* * * * *

17. Section 307.3(a) is amended so that the following sentence is inserted between the current second and third sentences:

§ 307.3 Use of coal as the primary energy source.

(a) * * * Combustors issued construction orders will be required to have in place at the completion of construction and before entering into service all equipment and facilities, including air pollution control systems, necessary to use exclusively coal except for purposes of start-up, flame stabilization and control, and testing, and for process fuel use. * * *

* * * * *

18. In § 307.6, paragraph (b)(1)(ii) is revised; new paragraphs (b)(1)(iii) and (iv) are added; paragraph (b)(3) is deleted and new paragraph (b)(3) is inserted in lieu thereof; and paragraph (b)(6) is deleted so that the section reads as follows.

§ 307.6 Reporting requirement for powerplants and major fuel burning installations.

* * * * *

(b)(1)(i) * * *

(ii) FEA Form C-607-S-0 is divided into Schedules A-1, A-2 and A-3. One Schedule A-1 must accompany each submission of one or more Schedule A-2's. One Schedule A-2 must be filed at the address provided in § 303.12 of this chapter for each major fuel burning installation which meets the requirements in paragraph (b)(1)(i) of this section. If necessary, FEA shall request in writing that a major fuel burning installation file a Schedule A-3. If FEA requests that a Schedule A-3 be filed, such request shall be sent to the major fuel burning installation within 60 days after receipt by FEA of properly completed (as determined by FEA) Schedules A-1 and A-2.

(iii) If FEA does not request that a Schedule A-3 be filed, FEA shall issue a notice of intention to issue that major fuel burning installation a construction order no later than 90 days after receipt of properly completed Schedules A-1 and A-2. If a Schedule A-3 has been requested, FEA shall issue a notice of intention to issue that installation a construction order no later than 90 days after receipt by FEA of the properly

completed Schedule A–3. Failure by FEA to issue a notice of intention within the specified 90 day period shall be deemed to be notice that the major fuel burning installation is no longer a candidate for a costruction order.

(iv) In the event that a major fuel burning installation fails to comply with requests for additional information, FEA may decide, notwithstanding the other provisions of this section, to issue a notice of intention to issue a construction order based on available information, in addition to or in place of taking action under Subpart Q of Part 303 of this chapter.

* * * * *

(3) The "design firing rate requirements" referred to in § 307.3(b) and in this paragraph are met for each major fuel burning installation that: (i) has a design firing rate of 100 million Btu's per hour or greater, or (ii) has a design firing rate of 100 million Btu's per hour or greater when taken in the aggregate with other major fuel burning installation at the same location which were in the reporting interval as of December 27, 1976, or thereafter entered the reporting interval.

* * * * *

PART 309—ALLOCATION OF COAL

10 CFR Part 309 is amended as follows:

19. The citation of authority following the Table of Contents to Part 309 is amended by inserting the words "and Pub. L. 95–70" between "as amended by Pub. L. 94–163" and ";" and between "as amended by Pub. L. 94–385" and ";".

20. Section 309.2 is amended by deleting the definition of "primary energy source" and inserting in lieu thereof the following:

§ 309.2 Definitions.

* * * * *

"Primary energy source" means any energy source which is utilized as a heat source in a combustor.

* * * * *

[FR Doc.77-25270 Filed 8-30-77;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 762 3087]

PROVIDERS BENEFIT CO., ET AL.

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 Philadelphia, Pa. consumer credit corporation and its subsidiaries to cease failing to provide consumers, in connection with the extension of credit, such materials and disclosures as are required by Federal Reserve System regulations; and to cease misrepresenting or failing to inform customers of the optional nature of credit insurance. Further, the order requires the firms to offer customers the opportunity to cancel such insurance and to make appropriate refunds as specified.

DATE: Comment must be received on or before October 28, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Richard A. Givens, Director, New York Regional Office, Federal Trade Commission, 2243–EB Federal Building, 26 Federal Plaza, New York, N.Y. 10007, (212–264–1207).

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 § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

[File No. 762 3087]

In the matter of Providers Benefit Co., Provident Consumer Discount Co., Inc., and Provident Credit Corp., corporations, and Frederick I. Robinson, George Billings, individually and as an officer of Provident Consumer Discount Co., Inc. and Provident Credit Corp.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Providers Benefit Company, Provident Consumer Discount Company, Inc., and Provident Credit Corp., corporations, and Frederick I. Robinson, individually and as an officer of the latter two corporations, hereinafter sometimes referred to as proposed respondents, and it now appearing that proposed respondents are 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 Providers Benefit Co., Provident Consumer Discount Co., Inc., and Provident Credit Corp., corporations, and Frederick I. Robinson, and George Billings individually and as officers of Provident Consumer Discount Co., Inc. and Provident Credit Corp., corporations, and Frederick counsel for the Federal Trade Commission, that:

1. Proposed respondent Providers Benefit Co. is the parent corporation of Provident Credit Corp., a wholly-owned subsidiary. Provident Consumer Discount Co., Inc. is a wholly-owned subsidiary of Provident Credit Corp. All three corporations are organized, existing and doing business under and by virtue of the laws of the State of Pennsylvania. The office and principal place of business of Providers Benefit Co. is located at 8045 West Chester Pike, Upper Darby, Pa. 19082. The office and principal place of business of Provident Consumer Discount Co., Inc., and Provident Credit Corp., is located at 42 South 15th Street, Philadelphia, Pa. 19102.

2. Proposed respondents Frederick I. Robinson and George Billings are officers of corporate respondents Provident Consumer Discount Co., Inc. and Provident Credit Corp. They formulate, direct and control the policies, acts and practices of said corporations.

3. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

4. Proposed respondents waive:

(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.

5. 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.

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

7. 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 § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (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 the complaint and decision con-

taining the agreed-to order to respondent's address as stated in Paragraph 1 of this agreement shall constitute service, and respondent hereby 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.

8. Proposed respondents have read the proposed complaint and order contemplated hereby, and they understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order, and that they may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

ORDER

For purposes of this order, the following definitions of terms shall apply:

(a) "Consumer credit transactions in open status" refers to those consumer credit transactions in which payments at least totaling the amount of one regular monthly payment have been made by the obligor in the last six months.

(b) "Delinquent account" refers to those accounts which are more than 30 days past due for an amount which equals the amount of one regular monthly payment.

(c) "Penetration rate" refers to the percentage of all loans eligible for credit insurance on which charges for such insurance are made.

(d) "Refund method" refers to an accounting method to compute refunds of insurance premiums in connection with cancellation of insurance coverage which method makes use of both the Rule of 78 and a pro rata computation. As an example, the Rule of 78 would operate on a 12-month loan as follows: The numbers 1 through 12 added together provide the figure 78. This is the denominator. The sum of the months expired at the date of cancellation supplies the numerator. The first month of a 12-month loan is considered as 12 because the outstanding balance is 12 times as large during the first month as it is for the last month. The second month is 11, and so on, to 1. The portion of insurance premiums which must be refunded, is for cancellation during the first month, 78/78–12/78 or second month 66/78–11/78 or 55/78; and so on down to the 12th month. The numerator for a 24-month contract is obtained by beginning with 24, instead of 12, as for a 12-month contract, or 36 in the case of a 36-month contract or any other number denoting the total number of months or periods in a particular contract. To the amount of any refund due in connection with any credit transaction as determined by use of the Rule of 78 will be added an amount which is equal to 40% of the difference between said Rule of 78 amount and that amount which would be due if said refund were to be computed on a pro rata basis. Said pro rata amount refers to an amount which shall be at least as great a proportion of the total insurance premiums collected by respondents in connection with any credit transaction as the number of remaining monthly payments, scheduled to follow the installment date nearest the date of cancellation as explained below, bears to the total number of monthly payments scheduled by the obligor's contract. Any cancellation made on or before the fifteenth day following an installment date shall be deemed to have been made on the installment date immediately preceding the date of cancellation. Any cancellation made after the fifteenth day following an installment date shall be deemed to have been made on the installment date immediately following the date of cancellation. Any obligor making cancellation on or before the fifteenth day following consummation of the transaction shall receive a refund or credit for the full amount of insurance premiums in connection with said transaction. Cancellation for purposes of computing the amount of any refund or credit due shall be as of the date of receipt by respondents of the notice set forth in Attachment C of this order or as of the date of receipt by respondents of any other communication from the borrower under the terms of this order indicating his desire to cancel his insurance coverage.

(e) "Time of closing" refers to that period of time during which loan documents are presented to the borrower for consummation of a loan transaction whereby the borrower becomes obligated to make payments to respondents to satisfy said loan.

I. It is ordered that respondents Providers Benefit Co., Provident Consumer Discount Co., Inc. and Provident Credit Corp., corporations, their successors and assigns, and their officers, and Frederick I. Roinson, and George Billings, individually and as officers of Provident Consumer Discount Co., Inc., and Provident Credit Corp., and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit subject to the provisions of Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90–321, 15 U.S.C. §§ 1601–65 (1970), as amended 15 U.S.C. §§ 1601–65a, (Supp. IV, 1974)), do forthwith cease and desist from:

1. In connection with a credit sale, as applicable:

(a) Failing to make required disclosures in a clear and conspicuous manner using the terminology as required by Section 226.6(a) of Regulation Z.

(b) Failing to print the term "finance charge" more conspicuously than other terminology as required by Section 226.6(a) of Regulation Z.

(c) Failing to make all of the disclosures together on either the contract or other instrument evidencing the obligation on the same side of the page, or on one side of a separate statement which identifies the transaction, as required by Section 226.8 (a) (1) or Section 226.8(a) (2) of Regulation Z.

(d) Failing to accurately disclose the finance charge expressed as an annual percentage rate, using the term "annual percentage rate" as required by Section 226.8 (b) (2) of Regulation Z.

(e) Failing to disclose the sum of the payments scheduled to repay the indebtedness using the term "total of payments" as required by Section 226.8(b) (3) of Regulation Z.

(f) Failing to use the term "cash price" to describe the price at which the creditor offers, in the ordinary course of business, to sell for cash the property or services which are the subject of the consumer credit transaction as required by Section 226.8(c) (1) of Regulation Z.

(g) Failing to use the term "cash downpayment" to describe the amount of the downpayment of money, using the term "cash downpayment", as required by Section 226.8(c) (2) of Regulation Z.

(h) Failing to use the term "total downpayment" to describe the sum of cash downpayment in money and the downpayment in property, usingthe term "total downpayment" as required by Section 226.8(c) (2) of Regulation Z.

(i) Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and total downpayment, as required by Section 226.8(c) (3) of Regulation Z.

(j) Failing to use the term "unpaid balance" to describe the sum of the unpaid balance of cash price and all other charges which are included in the amount financed but which are not part of the finance charge, as required by Section 226.8(8) (5) of Regulation Z.

(k) Failing to use the term "amount financed" to describe the amount of credit of which the customer will have actual use determined in accordance with Section 226.8 (c) (7) of Regulation Z.

(l) Failing to disclose the method of computing any unearned portion of the finance charge in the event of prepayment in full of an obligation which includes precomputed finance charges, a statement of the amount or method of computation of any charge that may be deducted from the amount of any rebate of such unearned finance charge that will be credited to an obligated or refunded to the customer, and if no rebate of unearned finance charges upon prepayment in full is made, the disclosure of such fact.

2. Failing, when the charges for credit life insurance, credit disability insurance, automobile medical insurance and/or automobile club plan are not included in the finance charge for a consumer credit transaction:

(a) To present to the obligor as the first document at the time of closing, which document shall be the first document to be completed by respondents and the first document to be signed by the obligor(s) at the time of said closing in respondents' offices, or to mail to the obligor, who is consummating his credit transaction through the mail, at the same time as consummation papers are to be mailed, a separate, written, personal insurance authorization form which sets forth clearly and conspicuously:

(i) the obligor has received credit approval up to a specified amount;

(ii) the obligor's decision with regard to the various forms of insurance coverage available through respondents is not considered in granting the credit;

(iii) the purchase of any form of credit insurance is optional and is not required by the creditor, in connection with the credit transaction;

(iv) the amount of the total premium for credit life insurance, the amount of the total premium for credit disability insurance, the amount for automobile medical insurance and the amount for the automobile club plan (which if elected will be added to the "amount financed");

(v) the amount financed options applicable to the transaction which would result from the obligor's election to consummate the credit transaction, set forth in the following order from left to right across the document: (1) without either credit life insurance or credit disability insurance, (2) with credit life insurance only, (3) with credit disability insurance only, (4) with both credit life insurance and credit disability insurance, (5) with other available forms of credit insurance offered by respondent, except that, in addition to providing the required information for the above stated four options, respondent need only provide the required information for one other option if the obligor has indicated an interest in such an option;

(vi) a signature and date line for each option set forth in (v) above for the obligor(s) to indicate his election;

(vii) The obligor authorizes respondents on behalf of the obligor to pay the insurance premiums to the insurance company for such insurance coverage which has been chosen.

(b) To send to mail order obligors, at the same time and along with the papers to consummate said credit transaction, a separate written statement containing the notice, in no less than 12 point bold type and easily legible, which this order requires to be displayed at respondents' office.

(c) To make the disclosures required by subparagraph (a) above on a separate document which contains no other printed or written material.

(d) To make disclosures required by subparagraphs (i), (ii) and (iii) above in not less than 12 point type. A form substantially in conformance with Attachment A herein will be considered as in compliance with the provisions of subparagraphs (a), (b) and (c) above. Respondents shall maintain the original statement for two years following its execution and provide the customer with an executed copy thereof.

3. Making any marks or otherwise instructing obligor where to sign or date the separate insurance authorization form required by subsection 2(a) above in advance of the obligor's free and independent choice for such insurance.

4. Misrepresenting, orally or otherwise, directly or by implication, that credit life insurance, credit disability insurance, automobile medical insurance and/or automobile club plan membership are required as a condition of obtaining credit from respondents.

5. Discouraging, by misrepresentation, oral or otherwise, directly or by implication, the declination of credit life insurance, credit disability and/or automobile club plan membership.

6. Representing, orally or otherwise, directly or indirectly, that the obligor's failure to elect credit insurance coverage will result in a delay in processing his credit transaction or in his receiving the proceeds thereof.

7. Failing, in any consumer credit transaction or advertisement, to make all disclosures in accordance with Section 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by Section 226.6, 226.8, 226.9 and 226.10 of Regulation Z.

II. It is further ordered that respondents display at their place of business, at each booth, or at or near each desk or other location where transactions are consummated, in such a manner and in such dimensions so as to be easily viewed and read by the obligor from his seated or other normal position in such booth or at such desk or other location, and which shall not be in close proximity to any other written or display material, the following notice:

"NOTICE TO CREDIT CUSTOMERS. THE PURCHASE OF CREDIT INSURANCE IS OPTIONAL. IT IS NOT REQUIRED BY THIS COMPANY. YOUR DECISION IS NOT CONSIDERED IN THE GRANTING OR DENYING OF CREDIT TO YOU."

III. It is further ordered that respondents maintain records on a state by state basis (covering each state in which they do business) of the penetration rate of (a) credit life insurance for transactions; and (b) credit disability insurance for transactions. Such records shall be maintained on a yearly basis and submitted to the Commission each year for a period of five years, and thereafter from time to time as the Commission may request.

IV. It is further ordered that within forty-five (45) days after the date this order becomes final respondents mail to all existing obligors to whom credit life insurance, credit disability insurance, auto club membership and/or auto medical payment insurance, were sold prior to the date this order becomes final and the premium(s) or fee(s) for same were not included in the finance charge, and who did not receive death benefits or health benefits under said insurance policies, in connection with respondents' consumer credit transactions in open status on the date this order becomes final, notwithstanding the sale or assignment of any or all of said transactions to a third party, the two notices set forth in Attachments B and C of this order, together with a self-addressed, postpaid, return envelope.

Provided however, that: (1) respondents shall not be required to forward the two notices set forth in Attachments B and C of this order to any obligor who has already received the above mentioned notices prior to the date this order becomes final, and where any and all follow-up provisions required by this order with respect to said notices, including the making of refunds or the crediting of accounts, where applicable, have been or will be accomplished by respondents within the time periods specified in this order; and (2) respondents shall not be required to forward the two notices set forth in Attachments B and C of this order to any obligor who, for any transaction consummated prior to the date this order becomes final, received from respondents during the time of closing of said transaction, the personal insurance authorization form required by Section 2(a) of this order and where any and all requirements connected with said form as required by this order have been accomplished by respondents.

V. It is further ordered that a record of mailing by respondents of the notices set forth in Attachment B and C of this order be kept by respondents and that said record be available for examination by Commission personnel in connection with any compliance obligations arising out of this order. Respondents' obligations under Paragraph IV of this order shall not be fulfilled until each obligor affected by said Paragraph has received the notices, or been contacted, as specified therein; provided however, that respondents shall be deemed to have complied with said Paragraph IV if respondents can demonstrate that they expended reasonable efforts, in writing or orally, to deliver such notices or make such contact according to the terms of this order.

VI. It is further ordered that all requests for refunds of credit life insurance and/or credit disability insurance premiums under the terms of this order be calculated by respondents based on the "Refund Method" as defined in subpart (d) of the definitions in this order; and all requests for refunds of premiums for auto club and auto medical insurance coverage be calculated by respondents on a pro rata basis; and that said refunds be accomplished by respondents within thirty (30) days of receipt by respondents, within the time period specified in this order, of the notice set forth in Attachment C of this order or receipt by respondents of any other form of communication from obligors indicating their desire to cancel their coverage.

VII. It is further ordered that respondents shall make refunds in cash to all obligors requesting refunds, except those obligors whose accounts are "delinquent accounts". Respondents shall have the option to either make refunds to delinquent accounts in accordance with the terms of this order or to credit said accounts for the full amount of any refund due.

VIII. It is further ordered that respondents, when making cash refunds or when crediting any account with the full amount of any refund due following receipt of the notice set forth in Attachment C of this order, mail or deliver the refund or credit said account within thirty (30) days of the receipt by respondents of said notice. The above mentioned credit shall be reflected on the next account status statement to be sent to the obligor following the above mentioned crediting of his account.

Provided however, that respondents shall not be required to make refunds or to credit accounts with respect to any cancellation notice, as so set forth in Attachment C of this order, or any cancellation request, received by respondents later than sixty (60) days following the date of said notice's receipt by the obligor or later than sixty (60) days from the date that respondents otherwise notified the obligor of his cancellation prerogatives.

IX. It is further ordered that respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents involved in consummating consumer credit obligations, and that respondents secure a signed statement acknowledging receipt of said copy of this order from each such person.

X. It is further ordered that no provision of this order shall apply to an entity which is neither related to nor has any continuity of interest with any respondent named herein other than being assignee or holder of respondent's consumer credit transactions.

Provided however, that the provisions of this paragraph shall not be interpreted to excuse any assignee of any liability imposed by Section 115 of the Truth-in-Lending Act, or to excuse any respondent from complying with any obligation imposed by this order with regard to the consumer credit transactions so assigned.

XI. It is further ordered that respondents notify the Commission at least 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.

XII. It is further ordered that each individual respondent named herein promptly notify the Commission of each change in the respondent's business or employment status, which includes discontinuance of the respondent's present business or employment, and each affiliation with a new business or employment, for five (5) years following the effective date of this order. Such notice shall include the address of and a description of the business or employment with which each respondent is newly affiliated as well as a description of each respondent's duties and responsibilities in connection with that business or employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this order.

XIII. It is further ordered that the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Signed this _____ day of _____, 1977

PROVIDERS BENEFIT COMPANY, a corporation

By _____, _____
(Title)

_____
(Street)

_____
(City and State)

PROVIDENT CONSUMER DISCOUNT COMPANY, INC., a corporation

By _____, _____
(Title)

_____
(Street)

_____
(City and State)

ATTACHMENT A

PERSONAL CREDIT INSURANCE AUTHORIZATION

Your application for credit has been approved in the amount of_____.

Credit life or credit accident and health (disability) insurance is not required in connection with this extension of credit to you and your decision with regard to the personal insurance will not affect the total amount of credit which has already been approved for you.

If you elect credit insurance these premiums will be added to the amount of credit approved for you.

Credit Life $_____ (for term of transaction).

Credit A & H (disability) $_____ (for term of transaction).

I have received a fully completed and executed copy of this form. I have reviewed the amount financed options set forth below and understand that if I choose an amount financed option that includes any of the insurance coverages I am authorizing the creditor to pay the insurance premiums on my behalf. I have voluntarily chosen the following amount financed option:

OPTION 1

Amount Financed Without Personal Credit Insurance $_____
No. of Months_____

_____
(Borrower)
_____
(Borrower)

_____
(Date)

OPTION 2

Amount Financed With Credit Life Only $_____
No. of Months_____

_____
(Borrower)
_____
(Borrower)
_____

_____
(Date)

OPTION 3

Amount Financed With Credit A & H (Disability) Only $_____
No. of Months_____

_____
(Borrower)
_____
(Borrower)

_____
(Date)

OPTION 4

Amount Financed With Credit Life and A & H (Disability) $_____
No. of Months_____

_____
(Borrower)
_____
(Borrower)

_____
(Date)

ATTACHMENT B

_____
Name of Creditor

_____
Address of Creditor

DEAR CUSTOMER: As part of your current credit transaction with us charges were made for credit life insurance, credit disability insurance, auto medical payment insurance and auto club membership [mention as applicable], in the following amounts:

Type of coverages	*Amount charged*
Credit Life Insurance	$_____
Credit Disability Insurance	_____
Auto Medical Payments Insurance	_____
Auto Club Membership	_____

Because many of our customers may not have been fully aware of the voluntary nature of this insurance coverage (and membership) at the time they purchased it, we are offering you the opportunity to cancel your insurance coverage (and membership). If you decide to cancel your insurance (and/or membership), the company will credit your account with the balance of the premiums or fees due if your account is delinquent. If your account is current we will make a cash refund of the balance due. This amount will be based on a schedule which takes into account the remaining time period on your transaction and the protection which you have already received. If you cancel this insurance, your protection will end as of the date we receive your written notice of cancellation.

If you desire to cancel your insurance coverage (and/or membership), please complete the enclosed form and return it within two weeks in the enclosed envelope which requires no stamp. If you want your insurance (and membership) to remain in force, you need not return the enclosed form or take any other action in connection with this matter.

Sincerely,

ATTACHMENT C

From (Name of Borrower):
To (Name of Creditor):

At the time I entered into my transaction, I did not understand that credit insurance (and other benefits listed below) were voluntary. Please cancel the benefits checked below and refund to me the applicable portion of the premium(s) and/or fee(s) shown on this form. I understand that the company reserves the right to credit my account with such refund if my account is in delinquent status.

CHECK COVERAGE TO BE CANCELLED

( ) Cancel my credit life insurance (list applicable coverages).
( ) Cancel my credit disability insurance.
( ) Cancel my auto medical payments insurance.
( ) Cancel my auto club membership.

(NOTE.—Do not sign or return this form if you want your benefits to remain in force.)

Date_____

_____
(Obligor)

PROVIDERS BENEFIT COMPANY, ET AL.

[File No. 762 3087]

Analysis of proposed consent order to aid public comment

The Federal Trade Commission has accepted an agreement containing a consent order from Provident Credit Corp., 45 South 15th St., Philadelphia, Pa., its wholly-owned subsidiary, Provident Consumer Discount Co., Inc., located at the same address, and the parent corporation, Providers Benefit Co., 8045 West Chester Pike, Upper Darby, Pa.

The respondents maintain operating offices in the States of Pennsylvania and New Jersey.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested parties and the public. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and 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 respondents violated the Truth in Lending Act by failing to make certain required credit cost disclosures and failing to use required terminology on their credit contracts.

The complaint also alleges that respondents induce its obligors to incur charges for credit life insurance, credit disability insurance, automobile medical insurance and for automobile club plan membership without adequately advising them that the insurance is optional.

The consent order protects consumers by requiring respondents to provide customers with all of the required credit cost information in the proper manner and form prior to consummation of an agreement.

The consent order also requires that respondents advise customers of the optional nature of the credit insurance through the use of notice and a separate credit insurance election form to be signed by the obligor. Respondents are required to contact all customers with obligations outstanding and to offer them the opportunity to cancel their insurance coverage and receive a partial refund of the insurance premium paid.

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

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.77-25287 Filed 8-30-77;8:45 am]

[16 CFR Part 440]

HEARING AID INDUSTRY

Publication of Presiding Officers Report Regarding Proposed Trade Regulation Rule

AGENCY: Federal Trade Commission.

ACTION: Publication of Presiding Officer's Report.

SUMMARY: On December 30, 1975 the Presiding Officer published in the FEDERAL REGISTER (40 FR 59746) final notice of the proposed trade regulation rulemaking proceeding. The Presiding Officer's Report, required by the Commission's rules of practice for rulemaking (16 CFR 1.13(f)) consisting of his summary, findings and conclusions with regard to the proposed rule and to those issues designated by the Presiding Officer and such other findings and conclusions as he saw fit to make, has been made public and placed on Public Record No. 215-44. When completed, the staff's report on the rulemaking record and its recommendations to the Commission also will be made public and notice thereof published in the FEDERAL REGISTER. The Presiding Officer's Report has not been reviewed or adopted by either the Bureau of Consumer Protection or the Commission itself and its publication should not be interpreted as reflecting the present views of the Commission or any individual Commissioner.

DATE: The sixty-day period which the rules of practice for rulemaking (16 CFR 1.13(g)) provide for public comment on both the Presiding Officer's and the staff's report will not commence until the staff's report has been made public and placed on the public record. Therefore, comment on the Presiding Officer's report alone would be considered premature at this time.

FOR FURTHER INFORMATION CONTACT:

G. Martin Shepherd, Presiding Officer, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202–724–1180).

Issued: August 25, 1977.

ALBERT H. KRAMER,
Director,
Bureau of Consumer Protection.

[FR Doc.77-25288 Filed 8-30-77;8:45 am]

[16 CFR Part 443]

HEALTH SPAS

Change in Hearing Date Concerning Proposed Trade Regulation Rule

AGENCY: Federal Trade Commission.

ACTION: Change in hearing date.

SUMMARY: The hearings concerning the proposed Health Spas Trade Regulation Rule scheduled to commence in Atlanta, Ga., on September 12, 1977, have been rescheduled to commence on September 15, 1977.

DATES: Hearings commence: Atlanta, Ga., September 15, 1977; San Francisco, Calif., October 17, 1977; New York, N.Y., November 28, 1977. Statements of testimony or comprehensive written outlines and exhibits due for hearings at Atlanta, by August 22, 1977; San Francisco, by September 26, 1977, New York by November 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Jack Cothran, 404–881–4836, Federal Trade Commission, Atlanta Regional Office, 1718 Peachtree Street NW., Room 1000, Atlanta, Ga., 30309.

SUPPLEMENTARY INFORMATION: The Presiding Officer's final notice published in the FEDERAL REGISTER (42 FR 26432) on May 24, 1977 established, among other things, the commencement date for hearings in Atlanta, Ga. That Final Notice is revised as follows: Section B—Public Hearings, Dates and Places, paragraph 1, is changed to read September 15, 1977 vice September 12, 1977. All other information contained in the Final Notice remains the same.

Issued: August 29, 1977.

ROGER J. FITZPATRICK,
Presiding Officer.

[FR Doc.77-25341 Filed 8-30-77;8:45 am]

POSTAL SERVICE

[39 CFR Part 111]

NONMAILABLE MATTER—WRITTEN, PRINTED AND GRAPHIC MATTER

Solicitations in the Guise of Bills, Invoices, or Statements of Account

AGENCY: United States Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposed rule would provide additional protection for members of the public who receive mail which is in the form of a bill or invoice, but which constitutes, in fact, a commercial solicitation. The proposed rule would prescribe how a statutory notice should be placed on such mail to identify it as a solicitation and to warn that the recipient is under no obligation to make any payment unless the offer is accepted.

DATES: Comments must be received on or before September 30, 1977.

ADDRESSES: Assistant General Counsel, Consumer Protection Division, Law Department, United States Postal Service, Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:

George C. Davis, 202–245–4385.

SUPPLEMENTARY INFORMATION: Under 39 U.S.C. 3001(d), mail which is in the form of, and reasonably could be interpreted to be a bill, invoice, or statement of account due, but which constitutes, in fact, a solicitation for the order by the addressee of goods or services, is mailable only if it bears on its face a notice which identifies it as a solicitation and warns that the recipient is under no obligation to make any payment unless the offer is accepted. The required notice may take one of two forms. Under 39 U.S.C. 3001(d)(2)(A), the mail may bear on its face, in a manner prescribed by the Postal Service, the following notice:

This is a solicitation for the order of goods or services, or both, and not a bill, invoice, or statement of account due. You are under no obligation to make any payments on account of this offer unless you accept this offer.

Because of administrative oversight, the Postal Service has never issued any regulations prescribing the typography, layout, color, or other requirements applicable to this statutory notice.

As an alternative, under 39 U.S.C. 3001(d)(2)(B), the mailer may place on the solicitation a notice to the same effect prescribed by the Postal Service. Acting under paragraph (2)(B), the Postal Service has issued regulations contained in Postal Service Manual 123.41 which permit any solicitation in the guise of a bill, invoice, or statement of account to bear on its face the disclaimers, "This Is Not A Bill", and "This Is A Solicitation. You Are Under No Obligation To Pay Unless You Accept This Offer." the regulations also set forth in detail the location, size of print, color, and other requirements pertaining to the disclaimers.

There has been little or no use of the disclaimers precribed in Postal Service Manual 123.41. Instead, mailers sending solicitations in the form of bills or statements of account have tended merely to place the statutory notice of 39 U.S.C. 3001(d)(2)(A) on their mailings, in a manner little calculated to bring the notice to the attention of the recipients of the solicitations. The Postal Service has received numerous complaints regarding this practice from postal customers, trade groups, and Members of Congress.

In order to insure that the public receives the full protection afforded by 39 U.S.C. 3001(d), the Postal Service proposes to establish specific regulatory requirements concerning the color and size of type used to present the statutory notice of 39 U.S.C. 3001(d)(2)(A).

Although exempted from the requirements of the Administrative Procedure Act, 5 U.S.C. 553(b), (c), regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revision of the Postal Service Manual:

PART 123—NONMAILABLE MATTER—WRITTEN, PRINTED AND GRAPHIC MATTER

1. In 123.41, delete the subsection designation "c.", thereby incorporating former subsection c. into subsection b.

2. In 123.41, add new subsection c. as follows:

* * * * *

c. In lieu of the requirements in a. and b., the solicitation may bear on its face the disclaimer prescribed by 39 U.S.C. 3001(d)(2)(A) in boldface capital letters of a color prominently contrasting with the background against which it appears, including all other print on the face of the solicitation, and at least as large and as bold as any other print on the face of the solicitation, but not smaller than 30-point type.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 401(2), 3001(d)(2).)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.77-25329 Filed 8-30-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 782-7]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

South Carolina: Proposed Plan Revisions

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: It is proposed to revise the South Carolina implementation plan by eliminating stack height provisions from its emission limiting regulations and by adding provisions for mandatory continuous monitoring by certain existing sources. The first change is made to respond to judicial decisions on the issue of tall stacks; the second change is in response to new implementation plan requirements promulgated by EPA in October, 1975.

DATE: Comments must be received on or before September 29, 1977.

ADDRESSES: Written comments on the proposed revisions should be addressed to Mr. Tom Helms of EPA's Region IV Air Programs Branch in Atlanta (see address below). Copies of materials sub-

mitted by South Carolina may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, EPA (PM-213), 401 M Street SW., Washington, D.C. 20460.

EPA—Region IV, 345 Courtland Street NE., Atlanta, Ga. 30308.

South Carolina Bureau of Air Quality Control, 2600 Bull Street, Columbia, S.C. 29201.

FOR FURTHER INFORMATION CONTACT:

Mr. Tom Helms, Chief, Air Programs Branch, EPA—Region IV, 345 Courtland Street NE., Atlanta, Ga. 30308.

SUPPLEMENTARY INFORMATION: On May 31, 1972 (37 FR 10842), the Administrator approved the South Carolina plan to attain and maintain the national ambient air quality standards in that State. The original South Carolina plan, in common with a number of other State implementation plans, contained emission limiting regulations which were based in part on stack height. Specifically, existing fuel burning sources of particulates with a rated heat input of 350 million btu per hour or more were allowed to emit at a higher rate if equipped with taller stacks than would otherwise be the case. For example, a source with a heat input capacity of 5,000 million btu per hour was limited to 0.2 lb/MMbtu if equipped with a stack 225 feet tall, whereas a facility of the same size was allowed to emit 0.6/lb-MMbtu if fitted with a stack of 600 feet.

On February 8, 1974, in the case of *National Resources Defense Council* v. *EPA* (6 ERC 1248), the U.S. Court of Appeals for the Fifth Circuit found that the use of dispersion enhancement techniques such as tall stacks was not a valid control strategy in cases where constant emission controls were available. This finding was subsequently confirmed by other court decisions; the legal issues are discussed in EPA's Stack Height Increase Guideline of February 18, 1976 (41 FR 7450). In keeping with the implications of these judicial decisions, the State of South Carolina, after notice and public hearing, revised its particulate emission limits for fuel combustion in such a way as to eliminate stack height as a basis for determining allowable emissions. The revised regulations (Regulations 62.6, Standard No. 2, Section 2A) provide a limit of 0.6 pounds of particulate per million btu heat input for sources with a rated capacity of 10 to 1300 million btu per hour. For larger sources, a sliding and descending scale applies, expressed by the Formula $E=57.84p^{0.667}$, where "E" is the allowable emission rate in pounds per million btu input and "P" is the heat input expressed in millions of btu per hour. For example, a source with a heat input of 5000 million btu per hour would be allowed to emit only 0.2547 lb/MMbtu.

The revised emission limiting regulations were submitted to EPA as a proposed plan revision on January 13, 1977. On March 30, 1977, the South Carolina Department of Health and Environmental Control submitted an amendment to the plan's particulate control strategy in support of the new limits. For seven facilities, this amendment indicates, application of the revised limits would result in allowable emissions greater than those allowed under existing regulations. Because of the problems anticipated in maintaining standards in two areas, two of these facilities have been issued operating permits specifying they must meet the limits established by the old regulations—International Paper Company in Georgetown and the South Carolina Electric and Gas Company's Hagood Plant in Charleston. Mathematical modeling of four of the remaining facilities at the new emission limits showed that resulting air quality would remain below secondary standards; the seventh was not modeled since the increase allowed (1.5%) was not felt to be significant in view of the source's location, an isolated area where standards are being met.

The South Carolina regulations dealing with particulate emissions from fuel burning were also amended to provide for the continuous monitoring of the opacity of emissions from existing large sources (250 million btu or more), pursuant to the continuous monitoring requirements promulgated by the Agency on October 6, 1975 (40 FR 46240) as Appendix P to 40 CFR Part 51. Under the guidelines set in Appendix P, continuous monitoring of other pollutants is not indicated. Moreover, there are no facilities of the other categories (size) covered—nitric and sulfuric acid plants, petroleum cracking plants—in the State of South Carolina.

The public is invited to participate in this rulemaking by submitting written comments (see under DATE and ADDRESSES above) on these revisions in the South Carolina plan. Final action on these revisions will take into account any pertinent comments received within the time allotted.

(Sec. 110(a), Clean Air Act, (40 U.S.C. 1857c-5(a)).)

Dated: July 15, 1977.

JOHN A. LITTLE,
Acting Regional Administrator.

[FR Doc.77-25261 Filed 8-30-77;8:45 am]

[40 CFR Part 180]

[FRL 783-2; OPP-260027]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON AGRICULTURAL COMMODITIES

Proposed Revocation of Tolerances for Decachlorooctahydro - 1,3,4 - metheno-2H-cyclobuta[cd]pentalen-2-one

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

ACTION: Proposed revocation of tolerance for the insecticide decachlorooctahydro - 1,3,4-metheno-2*H*-cyclobuta[*cd*] pentalen-2-one (acceptable common chemical name chlordecone; trade name Kepone) contained in 40 CFR 180.287.

SUMMARY: The evidence before the Agency has prompted the EPA to propose that 40 CFR 180.287, which contains a tolerance for chlordecone residues in or on bananas, be revoked. The Agency has recently taken action to cancel the registrations of peticide products containing chlordecone. There is, however, the risk of use of existing stocks of this pesticide by foreign countries. It is also possible that future availability of chlordecone from another source may result in use on raw agricultural commodities in foreign countries and the subsequent importation of these treated commodities into the United States. The revocation of the chlordecone tolerance for bananas would, in effect, prevent introduction of any foreign grown bananas containing chlordecone residues into the United States. Thus, the possibility of future exposure to the public from this source will be prevented.

DATES: An advisory committee may be requested on or before September 29, 1977. Comments on the proposal may be submitted on or before September 29, 1977.

ADDRESSES: Requests for an advisory committee should be addressed to: Hearing Clerk, Environmental Protection Agency, 401 M Street SW., East Tower, Room 1019, Washington, D.C. 20460. Comments on the proposal should be addressed to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, at the same street address.

FOR FURTHER INFORMATION CONTACT:

Mr. Frederick Hageman, Office of Special Pesticide Reviews (WH-566), Office of Pesticide Programs, EPA, at the above address or by telephone at 202-755-5755.

SUPPLEMENTARY INFORMATION: On March 25, 1976, the Environmental Protection Agency (EPA) published notices and rebuttable presumption against registration and continued registration of pesticide products containing chlordecone (Kepone) (41 FR 12333). The basis for the presumption was the observed chronic oncogenic effect of chlordecone in laboratory animals.

The Agency evaluated the rebuttal information and other comments received in response to the notices, performed a benefit/risk evaluation of the use of registered chlordecone products, and drafted a proposed action which was reviewed by the United States Department of Agriculture and the Scientific Advisory Panel, EPA (created under Section 24(d) of the Federal Insecticide, Fungicide and Rodenticide Act). After considering USDA and SAP comments, EPA issued a notice of intent to cancel the registrations of pesticide products containing

chlordecone (42 FR 18885). Material before the Agency indicated that continued registration of these pesticide products appeared to pose substantial questions of safety amounting to an unreasonable risk to man and the environment. The terms of the cancellation, effective May 11, 1977: *Provided*, That the distribution, sale, and use of existing stocks of inaccessible chlordecone products could continue. Inaccessible chlordecone products are defined as all-enclosed Kepone traps made from metal or plastic as well as metal stakes containing enclosed Kepone bait which are hammered into the ground. However, the continued distribution, sale, and use of existing stocks of accessible chlordecone products is not permitted since use of existing stocks of these products is judged to pose an unreasonable adverse effect to man. Accessible products are defined as those which in normal use would be removed from their containers, as well as foil or cardboard covered traps.

The notices of presumption against registration and continued registration of pesticide products containing chlordecone and subsequent cancellation actions were conducted in accordance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136 et seq.).

For the reasons stated in the notices of rebuttable presumption against registration (41 FR 12333) and the notices of intent to cancel the registrations (42 FR 18885), the Agency is proposing to revoke the tolerance for chlordecone. 40 CFR 180.287 contains a tolerance, or maximum permissible residue level, of 0.01 part per million (ppm) of chlordecone in or on bananas. Chlordecone use on bananas has been primarily a foreign use. The petitioner for the tolerance for chlordecone in or on bananas was United Fruit Co., Miami, Fla. 333145, which filed petition PPOE0919. The tolerance was proposed (35 FR 16980) and established (36 FR 6496) in accordance with the provisions of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 346a(e)).

The recent chlordecone contamination of the James River and Chesapeake Bay has resulted in the establishment of action levels for residues of the pesticide which may occur in seafood. Action levels are established by the Food and Drug Administration (FDA). Both tolerances and action levels are enforced by the FDA. Action levels are applied when inadvertent residues are discovered in or on raw agricultural commodities or processed food or feed. Such residues may occure unexpectedly due to accidents or misuse and when factors required to be considered before promulgation of a tolerance are rapidly changing. A tolerance implies a zero health risk; action levels, while not established at levels known to be hazardous to health, do accept some risk.

The risks and benefits associated with consumption of Chesapeake Bay seafood were assessed and action levels were established after considering safety and unavoidability of contamination. Action levels are in effect for the edible portion of crabs at 0.4 ppm, and other shellfish (oysters and clams) and finfish at 0.3 ppm.

Cancellation of the sole chlordecone product registered for use on bananas (at the voluntary request of the registrant; 41 FR 24624) ensures the absence of risk from residues in or on bananas grown in this country and its possesisons, primarily Puerto Rico. (Diazinon is currently registered by EPA as an alternative to chlordecone for control of the banana root borer on bananas.)

There remains, however, in spite of the cancellation, the risk of use of existing stocks of chlordecone products by foreign countries and the possible future availability of chlordecone from another source for use on raw agricultural commodities in foreign countries which could result in the subsequent importation of treated commodities into the United States. The revocation of the only chlordecone tolerance, i.e. for bananas, would, in effect, prevent introduction into the United States of any foreign grown commodities with chlorodecone residues. Thus, the possibility of future exposure to the public in this manner will be prevented.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may submit a request to the Hearing Clerk for this proposal to be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this proposal to revoke 40 CFR 180.287 to the office of the Federal Register Section at the above address. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in reviewing them. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section.

Dated: August 17, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

(Sec. 408 (e), (m), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a (e) and (m)).)

It is proposed that 40 CFR Part 180 be amended by revoking § 180.287.

§ 180.287 [Removed]

[FR Doc.77-25259 Filed 8-30-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 170]

FINANCIAL ASSISTANCE FOR CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF HIGHER EDUCATION FACILITIES

Correction

In FR Doc. 23370 appearing at page 40926 in the issue for Friday, August 12, 1977, the following corrections should be made.

1. In the first column on page 40927, line 7 of the first paragraph under the heading, "SUMMARY OF COMMENTS AND RESPONSES", reading, "was published in the FEDERAL REGISTER", should be deleted.

2. Line 14 of the first full paragraph in the first column on page 40932, now reading, "of a public institution of higher educa-", should also be deleted.

3. Line 5 of the first paragraph under § 170.11 in the second column on page 40932, now reading, "novation meet the requirements specified", should read, "novation must meet the requirements specified".

4. In the first column on page 40933, paragraph (d)(1) should appear before the authority citation and there should also be a paragraph (d)(2) which reads as follows;

(d) * * *

(2) The application is recommended by the State Commission in accordance with the priority system established in the State plan.

5. In the middle column of page 40935, the following line should be inserted between lines 12 and 13 of § 170.42: "appropriate, each application will be".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19879; RM-2020; RM-2064; RM-2113; RM-2226; RM-2177; RM-2264; RM-2288; RM-2299; RM-2305; RM-2313; RM-2381; RM-2404; RM-2387; RM-2527]

FM BROADCAST STATIONS IN FAYETTEVILLE AND SPRINGDALE, ARKANSAS

Request for Supplemental Information

AGENCY: Federal Communications Commission.

ACTION: Request for Supplemental Information; proposed rule.

SUMMARY: This request seeks more information from parties proposing Class C assignments at Springdale and Fayetteville, Arkansas, so that the Commission can resolve the conflicts and determine if such assignments would be in the public interest. Although the assignments would be contrary to certain Commission FM assignment policies, exceptions have been permitted on showing of special circumstances such as a large amount of first aural service.

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

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

FOR FURTHER INFORMATION CONTACT:

Mark N. Lipp or James J. Gross, Broadcast Bureau (202-632-7792).

SUPPLEMENTARY INFORMATION: This proceeding also involves 14 other Arkansas communities. Actions on the proposals affecting those communities were taken in a separate Report and Order, adopted August 16, 1977; 42 FR 42858 (1977).

Adopted: August 19, 1977.

Released: August 24, 1977.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Little Rock, Benton, Batesville and Mountain View, Ark. Also Cherokee Village, Dardanelle, Dumas, Fayetteville, Lonoke, Malvern, Morrilton, Ozark,[1] Pine Bluff, Russellville, Sheridan, Springdale,[1] and Van Buren, Arkansas and Neosho, Mo., Docket No. 19879; RM-2020, RM-2064, RM-2113, RM-2226, RM-2177, RM-2264, RM-2288, RM-2299, RM-2305, RM-2313, RM-2381, RM-2404, RM-2387, RM-2527.

1. The Commission here requests further information in conjunction with the Further Notice and Order to Show Cause, released April 24, 1975 (40 FR 18452), as well as the recent Report and Order, adopted August 16, 1977, in this proceeding. Except for the communities of Fayetteville and Springdale, Arkansas, the Report and Order resolves the various proposals and counterproposals for FM assignments at each of the communities, including those previously in conflict with these two proposals. However, additional data is needed in order to resolve the remaining questions regarding the Fayetteville and Springdale, Arkansas, proposed assignments.

2. Vernon B. Fitzhugh proposed the assignment of Class C Channel 300 to Fayetteville as a third FM assignment to that community. Kessler Mountain Broadcasting Co., Inc., licensee of FM Station KNWA (Channel 280A), Fayetteville, requested the substitution of Class C Channel 281 for its Class A channel and modification of its license to specify the Class C channel. Johnson Communications, Inc., licensee of Station KCIE-FM, Springdale, Arkansas, proposed to substitute Channel 300 for Channel 285A at Springdale,[2] and to modify its license accordingly.

3. Fayetteville (pop. 30,729), seat of Washington County (pop. 77,370), is located in northwest Arkansas. It presently has two daytime-only AM stations (KFAY and KHOG) and two commercial FM stations (KKEG, Channel 221A, and KNWA, Channel 280A). Springdale (pop. 16,783) also in Washington County, is located approximately 13 kilometers (8 miles) north of Fayetteville. It has a full-time AM station (KBRS), petitioner's daytime-only AM station (KSPR), and petitioner's Class A FM station (KCIE, Channel 285A). Recent estimates place the present population at approximately 20,000.

4. Regarding the preclusive impact of the proposed assignment, a Fayetteville Channel 300 assignment would not foreclose future assignments to any communities without Class C assignments which would normally warrant such an assignment. A Channel 300 assignment at Springdale would not deny any city with a population over 10,000 a first Class C allocation, nor would it preclude any Class A assignments. Channel 281 substituted for Channel 280A at Fayetteville would foreclose future channel assignments at Heavener (pop. 2,566), Wilberton (pop. 2,280), Stigler (pop. 2,347), and Quinton (pop. 1,262), Oklahoma, and Marshall, Arkansas (pop. 1,397).

5. As it now stands, the record is inadequate to support the proposed Class C assignments at Fayetteville or Springdale. Before a Class C channel could be assigned to Springdale we would need assurance that it would be designed to serve that community rather than the nearby and larger community of Fayetteville. See Berwick Broadcasting Co., 20 F.C.C. 2d 393 (1973). Additionally, we would need to consider whether it would be appropriate to modify the licenses of the existing Class A stations to specify operation on a Class C channel as has been proposed. Since the Commission issued its decision in the lead case in this area (Cheyenne, Wyoming, 62 F.C.C. 2d 63 (1976)) after the deadline for comments in this proceeding, the parties have not had an opportunity to offer their views on the implications of that case in the present context.

6. We also need additional comments on another aspect of the proceeding, and that is the allegation of first and second aural service. Such information is important because without it we would not be able to justify any of the requested Class C assignments. The Commission's assignment criteria provide that communities with populations of less than 50,000, such as Fayetteville should normally be assigned not more than two FM channels. The Commission also has a policy of avoiding the assignment of a Class C channel which would result in the inter-mixture of that assignment with one or more existing Class A channels in a community as would be the case in Fayetteville. Typically, communities the size of Springdale would not be assigned a wide coverage Class C channel without a compelling showing of need that could not be met by an available Class A channel.

7. Exceptions, however, have been made to each of these policy considerations when a strong showing of public benefit has been made. For instance, provision of a first aural service has been recognized as a very high priority in FM assignment cases, and could weigh in favor of the assignment of a Class C channel, if a sufficient showing were made. See Anamosa-Iowa City, Iowa, 46 F.C.C. 2d 520 (1974); Oak Ridge, Tenn., 32 F.C.C. 2d 937, 940-947 (1972); Parkersburg, W. Va., 37 F.C.C. 2d 54 (1972). Since we do not have adequate information regarding the extent of first aural service which could be provided by each of the proposals, we are offering this additional opportunity for the parties to provide sufficient information. Comments should address the issues mentioned above, so that the Commission can decide if it is possible to justify any of the requested Class C channels.

8. The information now before us includes an Anamosa[3] showing of aural service for one of the three proposals.[4] However, the data submitted concerning the Fayetteville Channel 281 and Springdale Channel 300 proposals, is confined to the extent of first and second FM service, rather than a showing of first aural service which could be provided by those proposals.[5] We therefore seek an Anamosa analysis of any first aural service which these proposals could provide taking into account existing AM broadcast stations. This showing should indicate the extent of any first aural service which would be provided by Class A channels available for assignment at these communities.

9. It should be noted by all interested parties that this Request for Supplemental Information relates only to the issues specifically referred to in paragraphs 5, 6 and 7, supra. Any counterproposals or comments on other issues are untimely and will not be considered.

10. Interested parties may file comments on or before October 3, 1977, and reply comments on or before October 25, 1977 All submissions by parties to this proceeding or persons acting on behalf of such parties shall be made in written comments, reply comments, or other appropriate pleading.

11. An original and 4 copies of all comments, reply comments, pleadings, briefs and other documents shall be furnished the Commission. All filings made in this

[1] This community has been added to the caption.

[2] Channel 300 cannot be assigned to both Fayetteville and Springdale consistent with our mileage separation rule which requires a distance of 290 kilometers (180 miles for co-channel Class C stations. See § 73.207(a) of the Commission's Rules.

[3] Anamosa-Iowa City, Iowa, supra.

[4] Fitzhugh asserts that a Fayetteville station operating on Channel 300 with 100 kW and 162 meters (530 feet) HAAT antenna could provide a first aural service to 9,412 persons, and a second aural service to 35,200 persons.

[5] Kessler asserts that Channel 281 at Fayetteville, operating at 100 kW and 156 meters (510 feet) HAAT, could provide a first FM service to 4,211 persons and a second FM service to 21,679 persons. Johnson Communications at Springdale claims that a Channel 300 station operating at 75 kW and 153 meters (500 feet) HAAT, could provide a first FM service to 5,234 persons and a second FM service to 27,913 persons.

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, Washington, D.C.

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

[FR Doc.77-25276 Filed 8-30-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Chapter X]

FREIGHT FORWARDERS—TARIFF FILING REQUIREMENTS FOR MOVEMENTS IN FOREIGN COMMERCE

Advance Notice of Proposed Rulemaking

AGENCY: Interstate Commerce Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Interstate Commerce Commission is considering proposing a rule which would provide that freight forwarders authorized by the Interstate Commerce Commission to provide transportation in foreign commerce from or to points within the United States must file tariffs with the Commission setting forth all charges for the total transportation services which they hold themselves out to provide, with that portion of the charges attributable to transportation services performed within the United States separately stated. The purpose of such a rule would be to resolve possible ambiguities concerning the tariff filing obligations of freight forwarders providing international transportation services.

DATES: Comments by interested persons are invited, and must be filed with the Secretary of the Commission on or before October 10, 1977.

FOR FURTHER INFORMATION CONTACT:

Martin E. Foley, Director, Bureau of Traffic, Interstate Commerce Commission, 12th and Constitution Ave. NW., Washington, D.C. 20423 (202-275-7348).

SUPPLEMENTARY INFORMATION:

BACKGROUND

Section 402(6) of the Interstate Commerce Act, 49 U.S.C. 1002(6), provides in relevant part that "interstate commerce" means transportation "from or to any point in the United States to or from any point outside thereof, but only insofar as such transportation takes place within the United States."

The requirements for the publishing and filing of freight forwarder tariffs are set out in Section 405 of the Act, 49 U.S.C. 1005, which provides in relevant part:

(a) Every freight forwarder shall file with the Commission and print, and keep open to public inspection, tariffs showing its rates and charges for service subject to this part, and all classifications, rules, regulations, and practices with respect thereto. Such tariffs shall become effective only after thirty days' notice, and shall plainly state the points between which property will be transported, the classification of property, and, separately, all terminal charges, or other charges which the Commission shall require to be so stated, all privileges or facilities granted or allowed, and any rules or regulations which in any wise change, affect, or determine any part or the aggregate of such rates or charges, or the value of the service rendered to the shipper or consignee.

(b) All rates and charges of freight forwarders for service subject to this part shall be stated in lawful money of the United States. The Commission shall by regulations prescribe the form and manner in which the tariffs to which this section applies shall be published, filed, and posted; and the Commission is authorized to reject any tariff filed with it which is not in accordance with this section and with such regulations. Any tariff so rejected by the Commission shall be void and its use shall be unlawful.

The Commission has noted that there may be some question concerning the tariff filing obligations of freight forwarders engaged in international movements. The Commission is considering proposing a comprehensive rule which would require such freight forwarders to file tariffs with the Commission showing (1) total charges for all transportation provided, and (2) a separate statement of the domestic portion of those total charges.

COMMENTS

By this Advance Notice we are soliciting the views of all interested parties in the hope that relevant issues can be raised prior to the Commission's determination whether to propose such a rule. We invite interested parties thoroughly to address the practical ramifications of such a rule, including the nature of the services which freight forwarders involved in international movements usually hold themselves out to perform, and issues relating to the Commission's jurisdiction to require filing of such tariffs and to regulate such transportation services. Attention should also be given to the circumstance of movements within a commercial zone, ordinarily exempt from regulation, where that movement is part of an international movement. Interested parties are also invited to comment on any other matter that may bear upon the subject of this Notice. No oral hearing is contemplated at this time.

Interested parties should file an original and 15 copies of their comments with the Secretary of the Commission at the following address:

Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

By the Commission.

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

[FR Doc.77-25370 Filed 8-30-77;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

FRANCIS MARION NATIONAL FOREST LAND MANAGEMENT PLAN

Notice of 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 Francis Marion National Forest Land Management Plan, South Carolina, USDA–FS–R8–FES (Adm.) 77–10.

This unit contains 249,412 acres of National Forest land located in Berkeley and Charleston Counties, S.C. Major actions are harvesting timber products, development and maintenance of wildlife improvements, development of recreation facilities for dispersed recreation and construction and reconstruction of roads.

This final environmental statement was transmitted to CEQ August 22, 1977. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service; South Agriculture Bldg., Rm. 3210, 12th St. and Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, 1720 Peachtree Road NW., Room 804, Atlanta, Ga. 30309.
USDA, Forest Service, Francis Marion and Sumter National Forests, 1801 Assembly Street, Columbia, S.C. 29201.

A limited number of single copies are available upon request to Forest Supervisor, Francis Marion and Sumter National Forests, 1801 Assembly Street, Columbia, S.C. 29201.

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

Dated: August 22, 1977.

ROBERT F. WILLIAMS,
Regional Environmental Coordinator.

[FR Doc.77-25306 Filed 8-30-77;8:45 am]

KLAMATH BASIN WORKING CIRCLE TIMBER RESOURCE PLAN

Notice of Availability of Draft 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 draft environmental statement for Klamath Basin Working Circle Timber Resource Plan, USDA–FS–R6-DES(Adm) –77–13.

The environmental statement concerns a proposed revision of the 10-year Timber Resource Plan for 1,617,511 acres of National Forest land within the Klamath Basin Working Circle of the Winema and Fremont National Forests.

The draft environmental statement was transmitted to CEQ on August 23, 1977.

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

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th and Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, Pacific Northwest Region, 319 SW. Pine Street, Portland, Oreg. 97204.
USDA, Forest Service, Winema National Forest, Post Office Building, Klamath Falls, Oreg. 97601.
USDA, Forest Service, Fremont National Forest, 34 North D St., Lakeview, Oreg. 97630.

A limited number of single copies are avaliabel upon request to Forest Supervisor, Robert J. Chadwick, P.O. Box 1390, Klamath Falls, Oreg. 97601.

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

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Robert J. Chadwick, P.O. Box 1390, Klamath Falls, Oreg. 97601. Comments must be received by October 22, 1977 in order to be considered in the preparation of the final environmental statement.

Dated: August 23, 1977.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programming and Budgeting.

[FR Doc.77-25302 Filed 8-30-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 30402]

BRITISH AIRTOURS LTD.

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on September 27, 1977, at 9:30 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut, NW., Washington, D.C., before Administrative Law Judge Richard V. Backley.

Dated at Washington, D.C., August 24, 1977.

HENRY M. SWITKAY,
Acting Chief Administrative Law Judge.

[FR Doc.77-25374 Filed 8-30-77;8:45 am]

[Order 77-8-123; Docket Nos. 22859, 26838]

CONTINENTAL AIR LINES, INC.

Order of Suspension of Investigations

In the matter of general increase in air freight rates proposed by Continental Air Lines, Inc. Domestic Air Freight Rate Investigation: Docket 22859; Priority Reserved Air Freight Rates Investigation: Docket 26838.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of August, 1977.

By tariff revisions[1] bearing a posting date of July 29 and marked to become effective September 12, 1977, Continental Air Lines, Inc. (Continental) proposes a systemwide increase in bulk and container general and specific commodity rates as follows:

Between Mainland points by 8 percent; From Mainland points to Hawaii by 10 percent; From Hawaii to Mainland points by 15 percent.

The proposal would increase Continental's domestic freight revenues by 8.8 percent.

In support of the proposal, the carrier asserts that it has experienced cost increases of 8.9 percent in the past year; that during the first five months of 1977, the carrier's Hawaiian operations suffered operating losses on freight of $230,000; that even if the proposed rates had been in effect during that period, it would have earned operating profits of $236,000 for an after-tax return on investment of only 5.86 percent; that current rates in Hawaiian markets are significantly below rates in Mainland markets of similar distances, particularly eastbound; and that the greater increases in Hawaiian markets are, therefore, justified.

All of the proposed rates either come within the scope of the *Priority Reserved Air Freight Rates Investigation (PRAFRI)*, Docket 26838 or are subject to the Board's decision in the *Domestic Air Freight Rate Investigation (DAFRI)*.[2]

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariffs C.A.B. Nos. 169 and 227.

[2] The Board issued its decision in *DAFRI* in Order 77-8-62, served August 18, 1977.

The Board finds that many of the proposed priority-service minimum charges exceed 130 percent of the regular-service minimum charge, which the Board has found to be the maximum premium for priority service that should be permitted pending final decision in *PRAFRI*.[2] We will, therefore, suspend these rates. We will also supend a number of bulk specific commodity rates that exceed the corresponding general commodity rates, which are the basic rates for transportation.[3] Specific commodity rates, except for commodities that are more costly to transport, should not exceed the rates for the general run of commodities. None of the specific commodities to be suspended are alleged by the carrier to involve extra costs.

Certain of the remaining rates proposed by Continental, while conforming to the standards the Board has used before its decision in *DAFRI*, may exceed the ceiling imposed by our opinion in that case. If that proves to be the case,[5] those rates will have to be cancelled on February 14, 1978 pursuant to Order 77-8-62.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 2-4(a), 403, 404, and 1002 thereof.

It is ordered, that: 1. Pending hearing and decision by the Board, the increased rates, charges, and provisions described in Appendix A[4] be suspended and their use deferred to and including December 10, 1977, unless otherwise ordered by the Board, and that no change be made during the period of suspension, except by order or special permission of the Board; and

2. Copies of this order shall be filed with the tariffs and served upon Continental Air Lines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-25377 Filed 8-30-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

MAYO FOUNDATION

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00202. Applicant: Mayo Foundation, 200 First Street SW., Rochester, Minn. 55901. Article: Electron Microscope, Model EM 400HTG with High Tilt Goniometer and accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article will be used for studies of biological materials that will include human and animal tissues and cells from normal as well as a variety of spontaneous and experimentally induced pathological states. Materials will also encompass non-cellular biologicals ranging from urine sediment to tissue fluid extracts, plasma proteins and coagulation factors. Many of the studies will include solid tissues such as kidney and skin biopsies, and others will include macromolecular biological specimens ranging from cell free DNA to purified enzymes. Non-cellular biological materials would include crystals of inorganic compounds and virus particles.

The experiments to be conducted will include: consideration of the normal function, biochemistry and ultrastructure of cells in culture and surgically obtained tissues; a consideration of subcellular enzyme activity and localization in a variety of disease states including cancer, atherosclerosis and hematologic disorders; the analysis for clinical diagnosis of kidney, cardiac and soft tissue tumor biopsies; the description and characterization through high resolution electron microscopy of enzyme, DNA, and virus structure; the intracellular localization of specific antigens or substances stored within cells (such as catecholamines, or inorganic ions); a description of plasma membrance changes associated with cell transformation or experimental manipulation; and the localization of specific subcellular sites of action of transforming chemicals.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (April 18, 1977). Reasons: The foreign article is equipped with a eucentric goniometer stage with ±60° tilt and a guaranteed resolution of 7 Angstrom (point to point). The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated July 11, 1977, that the characteristics of the article described above are pertinent to the applicant's intended purposes. HEW further advises that it knows of no domestic instrument which provided an equivalent eucentric goniometer and resolving power at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-25271 Filed 8-30-77;8:45 am]

UNIVERSITY OF CHICAGO

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00207. Applicant: University of Chicago, Billings Hosp., Department of Pathology, 950 East 59th Street, Chicago, Ill. 60637. Article: Electron Microscope, Model EM 201 and accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in the investigation of atherosclerosis and atherosclerotic heart disease. Research is performed mainly on experimental animals and also utilizes some human tissues obtained at autopsy. The article will also be used for the training of future scientists and physicians.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (December 7, 1976). Reasons: The description of the applicant's research and/or educational purposes establishes the fact that a conventional transmission electron microscope comparable to the foreign article is pertinent to the purposes for which the article is intended to be used. We know of no conventional transmission electron microscope which was being manufactured in the United States at the time the foreign article was ordered. ("Conventional transmission electron microscopes" are not to be confused with "scanning electron microscopes" which were manufactured domestically at the time the article was ordered and are still being manufactured in the United States.)

[2] See, e.g., Orders 76-10-14, 75-12-98, and 75-12-28.

[3] See Orders 76-10-90, 75-6-70, and 74-12-128.

[5] The rates shown in our *DAFRI* decision to illustrate the costing methodology we adopted reflected cost data for the year ended September 30, 1976. It will be necessary to update those costs to make a definitive evaluation of Continental's rates.

[4] Appendix A filed as part of the original document.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-25272 Filed 8-30-77;8:45 am]

YALE UNIVERSITY SCHOOL OF MEDICINE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00196. Applicant: Yale University School of Medicine—Section of Cell Biology, 333 Cedar Street, New Haven, Conn. 06510. Article: Electron Microscope, Model JEM-100CX/SEG and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of Article: the article is intended to be used to carry on research on tissues, cells, subcellular components from a variety of sources. The structure, surface morphology, and interaction of cells and subcellular components with physiological and experimental ligands will be investigated. Experiments to be conducted will cover analysis of structural aspects of basic functions, e.g., vessel (capillary) permeability; secretory process in cells producing digestive enzymes and hormones; membrane biogenesis in hepatic cells, and membrane biogenesis as altered by neoplastic transformation in mouse leukemia cells. The article will also be used for advanced training and research of graduate students, postdoctoral fellows, and research associates.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the U.S. Customs Service received this application (April 21, 1977). Reasons: The article provides a guaranteed resolution of 3 Angstroms and is equipped with a scanning transmission electron microscope attachment which provides a guaranteed resolving power of 15 Angstroms. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated June 24, 1977, that the characteristics of the article described above are pertinent to the applicant's intended purposes. HEW further advises that it knows of no domestic instrument which provides the pertinent features at the time the U.S. Customs Service received this application.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the U.S. Customs Service received this application.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Program Division.

[FR Doc.77-25273 Filed 8-30-77;8:45 am]

Maritime Administration

TITLE V—CONSTRUCTION-DIFFERENTIAL SUBSIDY SHIP CONSTRUCTION PROGRAM

Proposed Predetermined Limitation Policy

Correction

In FR Doc. 77-16769, appearing at page 30231 in the issue of Monday, June 13, 1977, the seventh entry in the last column of the table on page 30232 should read, "8.0".

National Oceanic and Atmospheric Administration

EXHIBITS, INC.

Withdrawal of Permit Application for Marine Mammals

On May 10, 1977, notice was published in the FEDERAL REGISTER (41 FR 23674), that an application had been filed with the National Marine Fisheries Service by Exhibits, Inc., Dorney Park Road, Allentown, Pa. 18104, for a public display permit to take three (3) California sea lions (*Zalophus californianus*).

Notice is hereby given that Exhibits, Inc., has requested to withdraw the application, and that the request to withdraw was acknowledged and accepted by the National Marine Fisheries Service on August 8, 1977.

Dated: August 25, 1977.

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

[FR Doc.77-25299 Filed 8-30-77;8:45 am]

PRELIMINARY FISHERY MANAGEMENT PLAN FOR PACIFIC BILLFISHES AND SHARKS

Public Hearing Change; Draft Environmental Impact Statement

Notice is hereby given of a change in the time of a hearing as published in the FEDERAL REGISTER on August 11, 1977 (42 FR 40755) for a public hearing concerning a draft environmental impact statement for the proposed implementation of a preliminary fishery management plan for Pacific billfishes and sharks.

The hearing scheduled for September 10, 1977, in the Kamakahonu Ballroom, King Kamehameha Hotel, Kailua-Kona, Hawaii will commence at 7 p.m., rather than 8:30 p.m. as originally scheduled.

Dated: August 26, 1977.

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

[FR Doc.77-25297 Filed 8-30-77;8:45 am]

ST. PAUL COMO PARK ZOO

Issuance of Permit for Marine Mammals

On April 11, 1977, notice was published in the FEDERAL REGISTER (42 FR 18882), that an application had been filed with the National Marine Fisheries Service by St. Paul Como Park Zoo, St. Paul, Minn. 55103, for a Permit to take eight (8) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on August 24, 1977, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit to St. Paul Como Park Zoo subject to cerain conditions set forth therein. The Permit is available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.

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

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Mass. 01930.

Dated: August 24, 1977.

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

[FR Doc.77-25298 Filed 8-30-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 783-1; OPP-180135]

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

Issuance of a Specific Exemption to Use Methidathion To Control the Artichoke Plume Moth

The Environmental Protection Agency (EPA) has granted a specific exemption to the California Department of Food and Agriculture (hereafter referred to as the "Applicant") to use Supracide 2E (methidathion) in ground application to control the artichoke plume moth on 10,470 acres of artichokes in the counties of Santa Barbara, Monterey, and Santa Cruz in California. This exemption was granted in accordance with, and is sub-

ject to, the provisions of 40 CFR part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. S.W., Room E-315, Washington, D.C. 20460.

Accordingly to the Applicant, approximately 10,470 acres of artichokes are grown in Santa Barbara, Monterey, and Santa Cruz counties; the artichoke plume moth (*Platyptilia carduidactyla*) is the most serious pest in all of these counties. EPA has been informed that the University of California at Davis has been working on the plume moth problem for several years. Resistance to ethyl parathion has been extreme; methyl parathion has given up to 30% control; ethyl-methyl parathion combinations have given better control but 45–65% damage has been common. The Applicant stated that an additional problem with ethyl-methyl parathion sprays has been that leafminers have increased in large numbers because of the ineffectiveness of these pesticides on leafminers; therefore, the leafminers became a public health hazard. Supracide 2E has demonstrated effectiveness on leafminers, and the artichoke plume moth, according to the Applicant. Up to 100% damage occurs if no pesticides are used.

Parathion, methyl parathion, and phosalone are currently registered for use to control the artichoke plume moth. However, as discussed above, the pest has developed resistance to parathion and methyl parathion. Currently application of these products is made at two week intervals; losses still approach the 50–75% level in secondary pest resurgence of the chrysanthemum leafminer. Phosalone is not significantly more effective than these products and is much more expensive. In addition, up until April 15, 1977, the county commissioner had suspended the use of any pesticide on artichoke fields because of severe bee losses that appear to be an indirect result of the frequent application of parathion and methyl parathion. The Applicant stated that field trials performed highly effective against the artichoke plume moth. Methidathion is also toxic to bees, but has demonstrated greater than 90% effectiveness for control of the plume moth after 4 or 5 applications.

The Applicant proposed to use the product Supracide 2E (methidathion), manufactured by Ciba-Geigy, EPA Reg. No. 100-501. The application rate will be one pound active ingredient/50–70 gallons of water/acre per application by ground spray. A maximum of 6 applications of Supracide 2E will be made prior to bud formation. A maximum of 62,820 pounds of active ingredient will be applied.

During the coming year, approximately 10,470 acres of artichoke crop will be grown in Santa Cruz, Santa Barbara, and Monterey counties. The Applicant estimated that growers will incur an economic loss of about $5,800,000 from crop damage caused by the artichoke plume moth unless methidathion is made available to control the pest.

Supracide 2E is registered for use in California on alfalfa grown for seed, oranges, and grapefruits; in the western United States on peaches; in the southeastern United States on pecans; and throughout the United States on sunflowers, tobacco, and walnuts. These uses are for ground or aerial application.

No tolerance has been set for methidathion for use on artichokes. However, after reviewing available data, the proposed use and dosage rate, EPA has determined that a methidathion residue level of 0.1 parts per million (ppm) would be adequate to protect the public health. Since application will be prior to bud formation, and no methidathion will be applied to the edible portion of the plant, little translocation of residue within the plant to the maturing bud is expected.

After reviewing the application and other available information, EPA has determined that: (a) A serious economic loss has been experienced by growers because of damage caused by the artichoke plume moth on artichokes in Santa Cruz, Santa Barbara, and Monterey counties; (b) there is no pesticide presently registered and available for use to control the artichoke plumme moth in California; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the artichoke plume moth is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until May 15, 1978, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Supracide 2E (methidathion), EPA Reg. No. 100-501, manufactured by Ciba-Geigy, is authorized;

2. Application rate shall be one pound active ingredient/50–70 gallons of water/acre per application by ground spray;

3. Up to a maximum of six applications of Supracide 2E prior to bud formation shall be made;

4. A maximum of 10,470 acres of artichoke crop located in the two counties previously mentioned may be treated;

5. A maximum of 62,820 pounds active ingredient may be applied;

6. The duration of the application period shall be from the beginning of May 1977 until May 15, 1978;

7. Applications may be made by growers;

8. The Applicant shall be responsible for making initial determinations of Supracide 2E application; they shall advise the county agricultural commissioners, county agricultural agents, and growers about dosages, application techniques, and other program criteria. A special permit from the county agricultural commissioners shall be required prior to the use of this product under this exemption;

9. The following precautionary labeling shall be in the possession of the user at the time of pesticide application: "Do not allow spray drift to artichoke fields with buds present;"

10. A residue level of methidathion in or on artichokes not exceeding 0.1 ppm has been deemed adequate to protect the public health. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

11. All lable precautions must be followed;

12. A final report shall be submitted to EPA by the end of 1978, summarizing the results of this program; and

13. The Applicant shall inform EPA immediately of any adverse effects resulting from this program and shall be responsible for the performance of all provisions of this exemption.

STATUTORY AUTHORITY: Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

Dated: August 19, 1977.

LOWELL E. MILLER,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-25254 Filed 8-30-77;8:45 am]

[OPP-33000/516, 517, 518 & 519, FRL 785-5]

CITIES SERVICE CO.

Receipt of Applications for Pesticide Registration, Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement which were effected by the enactment of the recent amendments to FIFRA on November 28, 1975 [Pub. L. 94-140], and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications

have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street SW., Washington, D.C. 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, 13—202/755-9315
PM 21 and 22—202/426-2454
PM 24—202/755-2196
PM 31—202/426-2635
PM 33—202/755-9041
PM 15, 16, and 17—202/426-9425
PM 23—202/755-1397
PM 25—202/755-2632
PM 32—202/426-9486
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed on or before October 31, 1977. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before September 30, 1977.

Dated: August 25, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/516)

EPA Reg. No. 1109-21. Cities Service Co., Minerals Group, P.O. Box 50360, Atlanta GA 30302. Copper Sulfate. Active Ingredients: Copper Sulfate (Pentahydrate) 99%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added Uses. PM24

EPA File Symbol 1109-GG. Cities Service Co. Copper Sulfate Monohydrate. Active Ingredients: Copper sulfate monohydrate 98%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 1471-RRN. Elanco Products Co., A division of Eli Lilly and Co., P.O. Box 1750, Indianapolis IN 46206. Nibroxane. Active Ingredients: 5-Bromo-2-methyl-5-nitro-m-dioxane 100.0%. Method of support: Application proceeds under 2(a) of interim policy. PM33

EPA Reg. No. 1603-15. Reefer-Galler, 4044 Park Ave., St. Louis MO 63110. Pressurized Sla Cedar Scented Spray. Active Ingredients: Pyrethrins 0.15%; Allethrin (Allyl Homolog of Cinerin 1) 0.15%; N-Octyl Bicycloheptene Dicarboximide 0.25%; Technical Piperonyl Butoxide 0.50%; Petroleum Distillates 52.95%; Essential Cedar Oils 0.50%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 1839-13. Onyx Chemical Co., Div. of Millmaster Onyx Corp., 190 Warren St., Jersey City NJ 07302. BTC 2125. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benxyl ammonium chlorides 25%; n-Alkyl (50% C12, 30% C14, 17% C16, 3% C18) dimethyl ethylbenzyl ammonium chlorides 25%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA Reg. No. 1839-23. Onyx Chemical Co. BTC 824. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 50%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA Reg. No. 1839-32. Onyx Chemical Co. BTC-835. Active Ingredients: n-Alkyl (C12 40%, C14 50%, C16 10%) Dimethyl Benzyl Ammonium Chlorides 50%; Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA File Symbol 2169-ELA. Patterson Chemical Co., Division of Curry-Cartwright, Inc., 1400 Union Ave., Kansas City MO 64101. Patterson's Green-up 45% Chlordane Termite Control. Active Ingredients: Technical Chlordane 45%; Aromatic Petroleum Hydrocarbons 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA Reg. No. 2224-43. Mobil Chemical, P.O. Box 26683, Richmond VA 23261. Mocap 15% Granular Nematicide-Insecticide. Active Ingredients: O-Ethyl S,S-Dipropyl Phosphorodithioate 15%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added Uses. PM16

EPA File Symbol 2342-IU. Kerr-McGee Chemical Corp./Kerr-McGee Center, Oklahoma City OK 73125. Fasco Dipel 110 Dust. Active Ingredients: Bacillus thuringiensis, Berliner Potency of 240 International Units per mg. (0.11 billion International Units per pound). Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 2498-79. Blackhawk Chemical Corp., 4100 E. Washington Blvd., Los Angeels CA 90023. Mevinphos Insecticide. Active Ingredients: Alpha Isomer of 2-Carbomethoxy-1-methylvinyl dimethyl phosphate 75%; related compounds 25%. Method of Support: Application proceeds under 2(a) of interim policy. PM16

EPA Reg. No. 3125-111. Chemagro, Agriculture Div., Mobay Chemical Corp. Box 4913, Kansas City MO 64121. Metasystox-R Spray Concentrate Systemic Insecticide. Active Ingredients: S-[2-(Ethylsulfinyl) ethyl] *O,O*-dimethyl phosphorothioate 25%; Aromatic Petroleum Distillate 14%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM16

EPA Reg. No. 3125-111. Chemagro Agriculture Division Metasystox-R Spray Concentrate Systemic Insecticide. Active Ingredients: *S*-[2-Ethylsulfinyl) ethyl] *O,O*-dimethyl phosphorothioate 25%; Aromatic Petroleum Dstillate 14%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM16

EPA Reg. No. 3125-210. Chemagro Agriculture Div. Dylox 4 Insecticide. Active Ingredients: Dimethyl (2,2,2-trichloro-1-hydroxyethyl) phosphonate 39%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM16

EPA Reg. No. 3125-236. Chemagro Agricultural Division. Nemacur 15% Granular. Active Ingredients: Ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate 15%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM21

EPA Reg. No. 3125-237. Chemagro Agricultural Division. Nemacur 10% Granular. Active Ingredients: Ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate 10%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM21

EPA Reg. No. 3125-283. Chemagro Agricultural Division. Nemacur 3. Active Ingredients: Ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate 35%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM21

EPA Reg. No. 3286-28. Ferd Staffel Co., 331 Burnet St., San Antonio TX 78205. Staffel's Bio-Spray Dipel. Active Ingredients: Bacillus thuringiensis, Berliner, 4,320 International Units of potency per milligram. At least 6.75 billion viable spores per gram 0.86%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement. PM17

EPA Reg. No. 4313-51. Carroll Co., 2900 W. Kingsley Rd., Garland TX 75041. Super Ocide Hospital Cleaner-disinfectant. Active Ingredients: Isopropanol 13.50%; Potassium ortho-benzyl-para-chlorophenate 10.10%; Potassium ortho-phenylphenate 4.90%; Potassium para-tertiary-amylphenate 2.50% Tetrasodium ethylenediamine tetraacetate 0.39%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM32

EPA File Symbol 4822-RLE. S. C. Johnson & Son., Inc., 1525 Howe St., Racine WI 53403. Raid Treatment for Crawling Insects. Active Ingredients: Chloropyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate], 0.50%, petroleum distillate, 0.75%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 5197-25. Kem Mfg. Corp., 2075 Tucker Industrial Rd., Tucker GA 30084. Kem Quickcide. Active Ingredients: Pyrethrins 0.30%; Technical Piperonyl Butoxide 1.50%; Petroleum Distillate 18.20%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA Reg. No. 6125-13. Bixon Chemical Co., 59-19 97th Pl., Corona NY 11368. Mint Disinfectant. Active Ingredients: Isopropyl Alcohol 10.00%; sodium o-phenylphenate 3.95%; sodium o-benzyl-p-chlorophenate 5.65%; sodium dodecyl-benzene sulfonate 2.85%; tetrasodium ethylene diamine tetraacetate 0.23%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 7078-I. Arbrook, Inc., 2500 Arbrook Blvd., Arlington TX 76010. Cidex PD Precleaning and Decontamination Solution. Active Ingredients: Alkaline Glutaraldehyde 1.8%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA File Symbol 7182-U. 3M Company, 3M Center Bldg., St. Paul MN 55101. 3M Brand Disinfecting and Sterilizing Solution. Active Ingredients: Glutaraldehyde 2%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement. PM33

EPA File Symbol 7885-RR. Zoe Chemical Co., 1801 Falmouth Ave., New Hyde Park NY 11040. Zoe Personal Insect Repellent Spray. Active Ingredients: N,N-diethyl-m-toluamide 6.65%; Other isomers 0.35%; N-octyl bicycloheptene dicarboximide 2.00%; 2,3:4,5-Bi (2-butylene) tetrahydro-2-furaldehyde 0.50%; Di-n-propyl isocinchomeronate 0.50%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement. PM17

EPA File Symbol 9198-GO. The Andersons, Lawn Fertilizer Section, d.b.a. Free Flow Fertilizer, P.O. Box 119, Maumee, OH 43537. Turf Care Dursban 2.5G Granular Insecticide. Active Ingredients: Chloropyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 2.5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement. PM12

EPA Reg. No. 9782-20. Woodbury Chemical Co., P.O. Box 4319, Princeton, FL 33030. Dursban 2E Insecticide. Active Ingredients: Chloropyrifos (0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate) 22.4%; Aromatic petroleum derivative solvent 42.1%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM12

APPLICATIONS RECEIVED (OPP-33000/517)

EPA Reg. No. 239-2418. Chevron Chemical Co., Ortho Div., 940 Hensley, Richmond, CA 94804. Orthene 75 S Soluble Powder. Active Ingredients: Acephate (O,S-Dimethyl acetylphosphoradmidothioate) 75%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM16

EPA Reg. 270-110. Farnam Co., Inc., 2230 E. Magnolia St., Phoenix, AR 85036. Super-Swat Fly Repellent. Active Ingredients: Pyrethrins 0.36%, Piperonyl Butoxide 2.32% (equivalent to 0.58% (Butylcarbityl) 6-Propylpiperonyl) Ether and 0.14% of related compounds) N-octyl bicycloheptene dicarboximide 1.20%; 2,3,4,5-bis (2 butylene tetrahydro-2-furalydehyde 1.00%; Butoxypolypropylene Glycol 10.00%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Change in formulation. PM17

EPA Reg. No. 352-342. E. I. du Pont de Nemours and Co., Attn: M. B. Lore, Legal Dept., Wilmington, DE 19898. Du Pont Lannate Methomyl Insecticide. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added Use. PM12

EPA Reg. No. 352-370. E. I. duPont de Nemours and Co. Du Pont Lannate L Methomyl Insecticide. Active Ingredients: S-methyl-N-[(methylcarbamoyl)oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added Use. PM12

EPA Reg. No. 352-372. E. I. du Pont de Nemours and Co., Biochemical Dept. Vydate L Oxamyl Insecticide/Nematicide for use on apples. Active Ingredients: Methyl *N N* dimethyl *N* [(methylcarbamoyl)oxy]) 1-thiooxamimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM12

EPA Reg. No. 400-90. Uniroyal Chemical, Div. of Uniroyal, Inc., 14 Amity Rd., Bethany, CT 06525. Plantvax-5L. Active Ingredients: (5,6-dihydro-2-methyl-1,4-oxathiin-3-carboxanilide-4,4-dioxide) 5.0. Method of Support: Application proceeds under 2(a) of interim policy. PM21

EPA Reg. No. 464-131. The Dow Chemical Co., PO Box 1706, Midland, MI 48640. Dowicide B Antimicrobial. Active Ingredients: Sodium 2,4,5-trichlorophenate 85%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA Reg. No. 524-308. Monsanto Co., Agricultural Products, 800 N. Lindbergh Blvd., St. Louis, MO 63166. CP70139 Herbicide by Monsanto. Active Ingredients: Isopropylamine salt of Glyphosate 41.5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25

EPA File Symbol 538-RGG. O. M. Scott & Sons Co., Marysville, OH 43040. Proturf Fertilizer Plus Systemic Fungicide. Active Ingredients: Thiophanate-ethyl Dimethyl 4,4' o-phenylenebis 3-thioallophanate 2.22%. Method of Support: Application proceeds under 2(b) of interim policy. PM21

EPA File Symbol 538-RGG. O. M. Scott & Sons Co., Marysville, OH 43040. Proturf Fertilizer Plus Systemic Fungicide. Active Ingredients: Thiophanate-methy Dimethyl 4,4' o-phenylenebis 3-thioallophanate 1.75%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM21

EPA File Symbol 623-UN. United Chemical Co., Inc., Kansas City, MO 64130. Hospitals. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 6.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 6.25%; Tetrasodium ethyenediamine tetraacetate 3.60%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement. PM31

EPA Reg. No. 655-532. Prentiss Drug & Chemical Co., 363 7th Ave., New York, NY 10001. Prentox Pyronyl Poultry House & Barn Fly Spray. Active Ingredients: Pyrethrins 2.00%; Piperonyl Butoxide, Technical 4.00%; N-octyl bicycloheptene dicarboximide 6.66%; Petroleum Distillates 87.34%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement. PM17

EPA File Symbol 769-ULI. Woolfolk Chemical Works, Inc., PO Box 938, Fort Valley, GA 31030. Security Weed and Brush Killer X-L 1. Active Ingredients: (5-bromo-3-sec-butyl-6-methyluracil) 11.50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement. PM25

EPA File Symbol 23948-E. Johnson Wholesale, PO Box 781, Punta Gorda FL 33950. Jonco Bleach. Active Ingredients: Sodium Hypochlorite 5.25%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 33968-T. Johnson Wholesale, PO Box 781, Punta Gorda FL 33950. Johnco Bleach. Active Ingredients: Sodium Hypochlorite 5.25%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 33968-T. Colorado Dept. of Agriculture, 1525 Sherman St., Denver CO 80203. WC90. Active Ingredients: Sodium Monofluoroacetate 90.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA File Symbol 39697-R. Mountain High Diatomaceous Earth, 477 Chester St., Ogden UT 84404. Mountain High Diatomaceous Earth. Active Ingredients: Diatomaceous Earth 100%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 40329-R. Mother Lode Mines, PO Box 9671, Ogden UT 84403. Desikil Diatomaceous Earth. Active Ingredients: Diatomaceous Earth 80%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 40513-R. Aqua-Phenn Inc., PO Box 13499, Arlington TX 76013. Sanitizer 256. Active Ingredients: Isopropanol 14.9%. Sodium o-benzyl-p-chlorophenate 8.5% Tetrasodium ethylene-diamine tetraacetate 5.0%; Sodium-O-phenylphenate 4.3%; Sodium p-Tert-amylphenate 2.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 40526-R. Ava Water Treatment & Analysis, Inc., PO Box 557704, Miami FL 33155. MC-5. Active Ingredients: Poly(oxyethylene (dimethyliminio) ethylene-dimethyliminio) ethylene dichloride) 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40783-R. Eagle Chemical Corp., PO Box 172, Edison NJ 08817. Formula 1200. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimetahyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

APPLICATIONS RECEIVED (OPP-33000/518)

EPA Reg. No. 100-501. Agricultural Division, Ciba-Geigy Corporation, PO Box 11422, Greensboro NC 27409. Supracide 2E Insecticide-miticide. Active Ingredients: Methidathion: O,O-dimethyl phosphorodithioate, S-ester with 4-(mercaptomethyl)-2-methoxy-Δ2-1,3,4-thiadiazolin-5-one 24.4%; Aromatic petroleum derivative solvent 67.3%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised use directions on alfalfa. PM12

EPA Reg. No. 239-2186. Chevron Chemical Co., Ortho Division, 940 Hensley St., Richmond CA 94804. Ortho Paraquat CL. Active Ingredients: Paraquat dichloride (1,1'-dimethyl-4,4'-bipyridinium dichloride] 29.1%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added Use. PM25

EPA Reg. No. 400-89. Uniroyal Research & Development, Bethany CT 06525. Omite-6E. Active Ingredients: Propargite 2-(p-tert-butylphenoxy) cyclohexyl 2-propynyl sulfite 68.1%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added Use. PM13

EPA Reg. No. 499-109. Whitmire Research Laboratories, Inc., 3568 Tree Court Industrial Blvd., St. Louis MO 63122. Flys-off-Insect Repellent for Dogs. Active Ingredients: Butoxypolypropylene Glycol 17.589%; Rotenone 0.084%; Isopropanol 13.200%; Technical Piperonyl Butoxide (equivalent to 0.300% of (Butylcarbityl)-6-Propylpiperonyl) Ether, and 0.075% of related compounds) 0.375%; Pyrethrins I & II 0.136%; Petroleum Distillate 8.090%; Triethylene Glycol 0.080%; Paradisobutylphenoxy-ethoxyethyl Dimethyl Benzyl Ammonium Chloride 0.200%; Propylene Glycol 0.080%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA Reg. No. 499-181. Whitmire Research Laboratories, Inc. Ticks-off Repellent. Active Ingredients: Rotenone 0.136%; other cube resins 0.272%; butoxypolypropylene glycol 9.592%; dimethyl phthalate 8.00%; N,N-diethyl-metatoluamide 1.900%; other isomers 0.100%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA File Symbol 10349-RA. Nalco Chemical Co., PO Box 87, Sugarland TX 77478. Nalco Visco 3991. Active Ingredients: 2,2-Dibromo-3-nitrilopropionamide 20%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 10623-E. Metropolitan Chemical Co., 733 W. 14 St., Long Beach CA 90813. Sanamine-X. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 5.0%; Sodium metasilicate 3.0%; Tetrasodium salt of ethylene diamine teraacetic acid 1.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 11994-R. Vanguard Chemical Corp., 730 North Monticello Avenue, Skokie IL 60076. Vanguard Swimming Pool Clearcide Concentrate. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 11994-E. Vanguard Chemical Corp. Vanguard Cooling Tower Algi-Treat 100. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 11994-G. Vanguard Chemical Corp. Vanguard Swimming Pool Clearcide. Active Ingredient: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 12310-RI. Miaco International Chemicals, Inc., 1021 S. Noel, Wheeling IL 60090. CD 112-47A Disinfectant Bowl Cleaner. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 13808-U. South Dakota Dept. of Agr., Anderson Bldg., Pierre SD 57501. Stock Protector. Active Ingredients: Sodium Monofluoroacetate 90.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA File Symbol 26764-R. Miller Machinery & Supply Co., PO Box 52-604, Biscayne Annex, Miami FL 33152. Sodium Hypochlorite Solution. Active Ingredients: Sodium Hypochlorite 9.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 34164-T. Lonza Inc., 22-10 Route 208, Fair Lawn NJ 07410. Action Disinfectant. Active Ingredients: Alkyl (60% C14; 30% C16; 5% C18) Dimethyl Benzyl Ammonium Chlorides 1.28%; Alkyl (68% C12; 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 1.28%; Sodium carbonate 2.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 36306-U. Hadco East Chemical Corp., 35 Ralph Ave., Copiague NY 11726. Bowl Kleen. Active Ingredients: Hydrogen Chloride 23.98%; n-Alkyl (60% C14; 30% C16; 5% C12; 5% C18) dimethyl benzyl ammonium chlorides 0.75%; n-Alkyl (68% C12; 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.75%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 38093-R. American Dish Service, 12570 68th St. N., Largo FL 33540. 190X. Active Ingredients: Sodium Hypochlorite 5.25%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 38716-R. Poogie Pools, 9855 W. Sample Rd., Coral Springs FL 33065. Super-Ten. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39851-R. Kratz Laboratories, Div. of Kratz Engineering Inc., 17 Country Life Acres, St. Louis MO 63131. Swim Chem 100 Chlorinating Tabs. Active Ingredients: Trichloro - s - triazinetrione 100.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40738-R. Elements Illustrated, Inc., PO Box 1645, Hickory NC 28601. CWT-501. Active Ingredients: Poly-[oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40739-R. Tender Loving Care Pool, 6043 Miramar Pkwy., Miramar FL 33023. Lanechlor. Active Ingredients: Sodium Hypochlorite 9.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40812-R. Ciba-Geigy Corp., Plastics & Additives Div., 444 Saw Mill River Rd., Ardsley NY 10502. Irgarol BI 547. Active Ingredients: Triphenyl-lead acetate 90.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM24

EPA File Symbol 40823-R. Stern Chemical Co., 1120-24 Congress St. N.E., Washington DC 20002. Lemon-Aide. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimenthyl benzyl ammonium chloride 9.0%; Sodium carbonate 4.0%; Tetrasodium salt of ethylene diamine tetraacetic acid 2.0%. Method of Support: Application proceeds under (b) of interim policy. PM31

EPA File Symbol 40823-E. Stern Chemical Co., Inc., 1120-24 Congress St. N.E., Washington DC 20002. Crystal-Kleer Cooling Tower Treatment. Active Ingredients: n-Alkyl (50% C14; 40% C12; 10% C16) dimethyl benzyl ammonium chloride 10%. Method of Support: Application proceeds under (b) of interim policy. PM31

EPA File Symbol 40823-U. Stern Chemical Co., Inc. Sani-Terg. Active Ingredients: n-Alkyl (50% C14; 40% C12; 10% C16) dimethyl benzyl ammonium choloride 5.0%; Sodium metasilicate 3.0%; Tetrasodium salt of ethylene diamine tetraacetic acid 1.8%. Method of Support: Application proceeds under (b) of interim policy. PM31

EPA File Symbol 40867-R. Winston Chemical Co., 3287 W. Sussex Way, Fresno CA 93711. Al-P Algaecide. Active Ingredients: Poly [oxyethylene (dimenthyliminio) ethylene-(dimethyliminio) ethylene dichloride] 6.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40867-E. Winston Chemical Co. Al-B Algaecide. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 6.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

APPLICATIONS RECEIVED (OPP-33000/519)

EPA Reg. No. 100-523. Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro NC 27409. Tolban 4E Herbicide. Active Ingredients: Profluralin: N-(cyclopropylmethyl)-a,a,a-2,6-dinitro - N-propyl-p-toluidine 43.6%; Related compounds 1.9%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM24

EPA File Symbol 1307-REE. Magnolia Chemical Co., Inc., 2646 Rodney Lane, Dallas TX 75229. Magnolia Algaeban. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 10.0%. Method of Support. Application proceeds under (b) of interim policy. PM34

EPA File Symbol 1307-REG. Magnolia Chemical Co., Inc. Magnolia Cooling Tower Algaecide. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under (b) of interim policy. PM34

EPA Reg. No. 1839-25. Onyx Chemical Co., Div. of Millmaster Onyx Corp., 190 Warren St., Jersey City NJ 07302. BTC 471. Active Ingredients: n-Alkyl (50% C12, 30% C11, 17% C16, 3% C18) dimethyl ethylbenzyl ammonium chlorides 50%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM31

EPA Reg. No. 1839-25. Onyx Chemical Co., BTC-8358. Active Ingredients: n-Alkyl (C12 40%, C14 50%, C16 10%) Dimethyl Benzyl Ammonium Chlorides 80%; Ethyl Alcohol 10%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM31

EPA Reg. No. 1839-33. Onyx Chemical Co. BTC-8248-80%. Active Ingredients: n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chlorides 80.0%; Ethyl Alcohol 10.0%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM31

EPA File Symbol 2342-OTU. Kerr-McGee Chemical Corp., Kerr McGee Center, Box 25861, Oklahoma City OK. Grotone Mole Cricket Bait. Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 3125-234. Chemagro, Division of Baychem Corp., Box 4913, Kansas City MO 64120. Mesurol 2% Bait. Active Ingredients: 4-(Methylthio)-3,5-xylyl methylcarbamate 20%. Method of Support: Application proceeds under 2(b) of interim policy PM12.

EPA File Symbol 3367-TO. Reily Chemical Co., 450 Mandeville Rd., New Orlesns LA 70117. R977. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride]10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 3367-IN. Reily Chemical Co. R-1077. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 4643-GA. Dearborn Chemical, 300 Genesee St., Lake Zurich IL 60047. Microbiotreat 6252. Active Ingredients: Poly (oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride) 40.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 4643-GT. Dearborn Chemical. Microbiotreat 6253. Active Ingredients: Poly (oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride) 50.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 4643-GI. Dearborn Chemical. Microbiotreat 6254. Active Ingredients: Poly (oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride) 60.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 4643-GO. Dearborn Chemical. Microbiotreat 6255. Active Ingredients: Poly (oxethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride) 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 5429-ELL. The Cello Chemical Co., 8200 Fischer Rd., Baltimore MD 21222. Bluko Wonder Cleaner, Sanitizer and Deodorizer. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.048; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.048; Sodium Metasilicate Anhydrous 0.072; Tetrasodium ethylenediamine tetraacetate 0.075; Essential oils 0.003. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 5813-RR. The Clorox Co., 850 42nd Ave., Oakland CA 94601. Soft Scent Clorox. Active Ingredients: Sodium Hypochlorite 5.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 6125-GL. Bixon Chem. Co., 50-19 97th Place, Corona NY 11373. Quat No. 10. Active Ingredients: Didecyl dimethyl ammonium chloride 2.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement. PM31

EPA File Symbol 7152-EU. Seaboard Industries, 185 Van Winkle Ave., Hawthorne, NJ 07507. Sea/Chlor 2 oz. Slow Dissolving Chlorine Tablets for all swimming pools. Active Ingredients: Trichloro-s-Triazinetrione 100%; Available chlorine 85%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 14923-G. C-E Minerals, Combustion Engineering Inc., 901 E. 8th Ave., King of Prussia PA 19406. CMB-5B Microbiocide. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 15057-RN. Vitrex Chemical, Inc., 5000 Track Rd., Cleveland OH 44127. Vitex Water-Treet. Active Ingredients: Didecyl dimethyl ammonium chloride 50%; isopropyl alcohol 20%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 38719-U. Airco Industrial Gases, Rare & Specialty Gases Depart., Murray Hill NJ 07914. Ethylene for Witchweed Control. Active Ingredients: Ethylene 96% (by wt.). Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 39910-U. Triple E Systems Engineering, Inc., PO Box 7011, Hollywood FL 33021. Eeese Systems Super Algaego Concentrate. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39910-L. Triple E Systems Engineering, Inc. Eeese Systems Pool Algaecide. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene dimethyliminio) ethylene dichloride]. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40266-R. Aqua Laboratories and Chemical Co. Inc., PO Box 5725, Longview TX 75604. Alco-Cide W. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40738-R. Elements Illustrated, Inc., PO Box 1645, Hickory NC 28601. CWT-501. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40856-R. Kuka Kill Chemicals, Inc., 2165 General del Valle, Santurce PR 00913. Kuka-Kill Roach Killer Cucarachicida. Active Ingredients: Boric acid 99%. Method of Support: Application proceeds under 2(b) of interim policy. PM16

EPA File Symbol 40914-R. Elhorn Engineering Co., 302 South Waverly Rd., Lansing MI 48917. Microbiocide-E. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethlene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40923-R. C-E Minerals, Combustion Engineering Inc., 901 E 8th Ave., King of Prussia PA 19406. CMB-5C Microbiocide. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40923-E. C-E Minerals. CMB-5 Microbiocide. Active Ingredients: Poly [oxyethylene dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40923-U. C-E Minerals. CMB-5A Microbiocide. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

[FR Doc.77-25381 Filed 8-30-77;8:45 am]

[FRL 785-1 OPP-180125A]

CLEMSON UNIVERSITY

Issuance of a Specific Exemption To Use Terramycin to Control Bacterial Spot on Peaches; Correction

In FR Doc. 77-19222 appearing at page 34907 in the issue of Thursday, July 7, 1977, the last line of item number 9 in the third column beginning "* * * tion with" is corrected to read "* * *tion with him."

Dated: August 25, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-25371 Filed 8-30-77;8:45 am]

[FRL 754-6]

GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

Class Deviations

Notice is hereby given that under the authority of 40 CFR 30.1000, EPA has issued class deviations from the provisions of 40 CFR 35.935-12(c) and 35.935-13(a) for segmented and multiple facility construction grant projects awarded under section 201 of the Federal Water Pollution Control Act Amendments of 1972.

On May 6, 1976, a class deviation was issued from 40 CFR 35.935-13(a) concerning the compliance schedules of the industrial cost recovery (ICR) system requirements for segmented projects and multiple facility projects. User charges (UC) are often contained in the same local municipal ordinance; and consequently, it was considered to be advantageous to preserve the close ties of the compliance schedules of these two systems. Therefore, a class deviation was issued on September 30, 1976, from the user charge requirements of 40 CFR 35.-935-13(a). These deviations stated, in effect, that if several Step 3 grants are all part of a phased project and if none of the new facilities constructed are operable until all phases have been completed, then payments do not have to be held at 80 percent of the individual grants, but they must be held at 80 percent of the aggregate of these Step 3 grants pending UC/ICR approvals. If any element of the treatment works has been placed in operation prior to reaching 80 percent of the aggregate, no further payments can be made (whatever percentage payment) until the UC/ICR systems are approved.

A class deviation was approved on August 24, 1977 to apply a similar policy to the 80 percent payment-holding requirements for the sewer use ordinance in 40 CFR 35.935-16 and the 50 and 90 percent payment-holding requirements for submission and final approval of the operation and maintenance manual in 40 CFR 35.935-12(c).

In accordance with EPA's newly established policy to publish all class deviations in the FEDERAL REGISTER at the time of approval, the deviations are published as part of this Notice. The May 6, 1976, and September 30, 1976, deviations are

published at this time because of the similarity of the three deviations.

The deviations as granted do not contain limits on the duration of the deviation. However, a review will be made within six to nine months to determine the ned for either continuing the deviations or promulgation of regulatory amendments.

FOR FURTHER INFORMATION CONTACT:

Alexander J. Greene, Director, Grants Administration Division (PM-216), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, telephone number: 202-755-0850.

Dated: August 18, 1977.

WILLIAM DRAYTON, Jr.,
Assistant Administrator for Planning and Management (PM-208).

JULY 26, 1977.

THOMAS C. JORLING,
Assistant Administrator for Water and Hazardous Materials (WH-556).

ENVIRONMENTAL PROTECTION AGENCY

Subject: Class Deviation from 40 CFR 35.935-13(a).

From: Harvey G. Pippen, Acting Director, Grants Administration Division (PM-216).

To: Regional Administrators.

MAY 6, 1976.

40 CFR 35.935-13(a) provides that no more than 80% of the Federal share of any Step 3 project shall be paid unless an industrial cost recovery system has been approved by the Regional Administrator. This requirement is readily implementable when the treatment works to be constructed is under a single grant and consists of a single treatment facility which is operable upon completing construction. However, at times, grants are awarded for projects which are not operable or, only partially operable, upon completion. Such projects generally fall into two categories—segmented projects and multiple facility projects. For those projects, this 80% requirement requires clarification.

Appropriate clarification of this requirement has been included in the recently issued Industrial Cost Recovery Guidelines. An amendment to the regulations is being prepared, to be promulgated with the technical amendments, to incorporate the clarification in the Title II regulations. In the interim, the following class deviation is approved:

1. In projects where segmenting of an operable treatment works has occurred, payment of more than 80% of the total of all Step 3 segments is not permitted unless the ICR system proposed by the grantee is approved by the Regional Administrator.

2. In projects where an element or elements of the treatment works have been completely constructed and placed in operation by the grantee, additional payment on a Step 3 grant is not permitted unless the ICR system (or that portion of the ICR system associated with the operating elements of the treatment works) proposed by the grantee is approved by the Regional Administrator.

ENVIRONMENTAL PROTECTION AGENCY

Subject: Class Deviation from 40 CFR 35.935-13(a), User Charges System Requirements.

From: Alexander J. Greene, Director, Grants Administration Division (PM-216).

To: Regional Administrators.

SEPTEMBER 30, 1976.

40 CFR 35.935-13(a) provides that no more than 80% of the Federal share of any Step 3 project shall be paid unless an industrial cost recovery and user charge systems have been approved by the Regional Administrator. This requirement is readily implementable when the treatment works to be constructed is under a single grant and consists of a single treatment facility which is operable upon completing construction. However, at times, grants are awarded for projects which are not operable or, only partially operable, upon completion. Such projects generally fall into two categories—segmented projects and multiple facility projects. For those projects, this 80% requirement requires clarification.

On May 6, 1976, a class deviation was issued from 40 CFR 35.935-13(a) concerning the compliance schedules of the industrial cost recovery system requirement for segmented projects and multiple facility projects. User charges are often contained in the same local municipal ordinance as the industrial cost recovery and considerations for monitoring, billing, and updating are often very closely linked between the two systems. Consequently, it is advantageous to preserve the close ties of the compliance schedules of these two systems. Therefore, a class deviation is approved as follows:

1. In projects where segmenting of an operable treatment works has occurred, payment of more than 80% of the total of all Step 3 segments is not permitted unless the user charges system proposed by the grantee is approved by the Regional Administrator.

2. In projects where an element or elements of the treatment works have been completely constructed and placed in operation by the grantee, additional payment on a Step 3 grant is not permitted unless the user charge system (or that portion of the user charge system associated with the operating elements of the treatment works) proposed by the grantee is approved by the Regional Administrator.

ENVIRONMENTAL PROTECTION AGENCY

Subject: Class Deviations from 40 CFR 35.935-12(c) and 35.935-16.

From: Alexander J. Greene, Director, Grants Administration Division (PM-216).

To: Regional Administrators.

AUGUST 24, 1977.

40 CFR 35.935-12(c) provides that not more than 50 percent of the Federal share of any Step 3 project shall be paid unless the grantee has furnished a draft of the operation and maintenance manual for review, or adequate evidence of timely development of such a draft or not more than 90 percent of the Federal share unless the grantee has furnished a satisfactory final operation and maintenance manual. 40 CFR 35.935-16 provides that not more than 80 percent of the Federal share of any Step 3 project shall be paid unless the Regional Administrator has approved the grantee's sewer use ordinance, and the grantee is complying with the sewer system evaluation and rehabilitation schedule incorporated in the grant agreement.

The above requirements are readily implementable when the treatment works to be constructed is under a single grant and consists of a single treatment facility which is operable upon completing construction. However, at times, grants are awarded for projects which are not operable or, only partially operable, upon completion. Such projects generally fall into two categories, segmnted eprojcts and multiple facility projects.

Class deviations have been granted from the 80 percent payment holding requirements for the industrial cost recovery and user charge (UC/ICR) requirements. These deviations stated, in effect, that if several Step 3 grants are all part of a phased project and if none of the new facilities constructed are operable until all phases have been completed, then payments do not have to be held at 80 percent of the individual grants, but they must be held at 80 percent of the aggregate of these Step 3 grants pending UC/ICR approvals. If any piece of the construction becomes operable prior to reaching 80 percent of the aggregate, no further payments can be made (what ver percentage payment) until the UC/ICR systems are approved.

A class deviation is hereby approved to apply the same policy to the 80 percent payment-holding requirements for the sewer use ordinance in section 35.935-16 and the 50 and 90 percent payment-holding requirements for submission and final approval of the operation and maintenance manual in section 35.935-12(c):

1. In projects where segmenting of an operable treatment works has occurred:

(a) Payments of more than 80 percent of the total of all Step 3 segments is not permitted unless the sewer use ordinance has been approved by the Regional Administrator.

(b) Payments of more than 50 percent of the total of all Step 3 segments is not permitted unless the grantee has furnished a draft of the operation and maintenance manual for review, or adequate evidence of timely development of such a draft, and

(c) Payments of not more than 90 percent of the total of all Step 3 segments is not permitted unless the grantee has furnished a satisfactory final operation and maintenance manual.

2. In projects where an element or elements of the treatment works have been completely constructed and placed in operation by the grantee, additional payment on a Step 3 grant is not permitted unless the sewer use ordinance and the operation and maintenance manual (or those portions associated with the operating elements of the treatment works) submitted by the grantee are approved by the Regional Administrator.

[FR Doc.77-25258 Filed 8-30-77;8:45 am]

[OPP-180143, FRL 785-4]

IDAHO STATE DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Use Ethyl Parathion To Control Pea Aphid, Bean Aphid, and Vetch Aphid on Lentils

The Environmental Protection Agency (EPA) has granted a specific exemption to the Idaho State Department of Agriculture (hereafter referred to as the "Applicant") to use ethyl parathion to suppress populations of the pea aphid, the bean aphid, and the vetch aphid which are threatening the commercial lentil crop on 26,000 acres in ten (10) northern Idaho counties. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of information required by regulation to be

included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, approximately 26,000 acres of lentils in the counties of Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone in northern Idaho could suffer thirty (30) percent potential yield loss due to infestations of pea aphid, bean aphid, and vetch aphid.

Malathion is the only insecticide registered for use on lentils. According to the Applicant, malathion provided only marginal or ineffective control of aphid pests last year; whereas, parathion, which was applied to lentils under a specific exemption in 1976, proved satisfactory.

The Applicant proposes to use parathion at an application rate of one-half (0.5) pound active ingredient per acre by air and ground. If the exemption is approved, two (2) applications will be made to lentil fields beginning immediately and terminating by August 15, 1977. Application of parathion will be restricted to State-licensed commercial applicators and a few growers who may elect to apply parathion on their own property.

The currently available data for parathion, emulsifiable concentrate formulations, show no detectable residues (less than 0.2 ppm, depending on the crop substrate) in any crop which has the edible portion of the plant protected from direct application of the pesticide (such as peas, corn, and soybeans). Based on these data, the EPA concludes that residue levels resulting from the proposed use are not likely to exceed 0.2 ppm, if emulsifiable concentrate formulations are used and a fourteen (14) day pre-harvest interval is observed. The EPA has determined that lentils bearing residues of parathion which do not exceed 0.2 ppm will not pose a hazard to the public health.

The Fish and Wildlife Service, U.S. Department of the Interior (USDI), has advised EPA that three endangered species, American Peregrine Falcon, Grizzly Bear, and Northern Rocky Mountain Wolf, and one proposed endangered species, the Northern Bald Eagle, are resident to one or more of the Idaho counties where parathion will be applied.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of pea aphid, bean aphid, and vetch aphid has occurred; (b) there is no pesticide presently registered and available for use to control these aphids in Idaho; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if these aphids are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant as been granted a specific exemption to use the pesticide noted above until August 15, 1977, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. A parathion EC formulation containing four (4) pounds of active ethyl parathion per gallon and appropriately labeled for method of application (ground or air) will be used;
2. Rate of application will be one-half (0.5) pound of active ethyl parathion per acre per application for a maximum of two (2) applications;
3. Lentil acreages to be treated are limited to those counties previously mentioned in this notice;
4. Lentil crop residues which have been treated with parathion may not be used for food, feed or fodder. Livestock may not graze in treated lentil fields;
5. Lentils with parathion residues not exceeding 0.2 ppm will not pose a hazard to the public health and may be offered in interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;
6. A fourteen (14) day preharvest interval will be observed;
7. A one-hundred (100) foot buffer zone will be maintained around bodies of water which are inhabited by fish and/or waterfowl;
8. EPA has been advised that three (3) endangered species (American Peregrine Falcon, Grizzly Bear, and Northern Rocky Mountain Wolf) and one (1) proposed endangered species (Northern Bald Eagle) may be found in one or more of the Idaho counties where parathion will be applied and may be at risk. Therefore, according to Section 7 of the Endangered Species Act, the Applicant must consult with the Endangered Species Program, Fish and Wildlife Service, USDI, Region I, Portland, Oregon, prior to applying parathion to lentil fields;
9. Every precaution shall be taken to avoid or minimize spray drift to non-target areas;
10. Liaison shall be established among the Idaho State Departments of Agriculture, Fisheries, and Game to minimize any adverse effects on fish and wildlife resources;
11. The Idaho Department of Agriculture is responsible for supervising applications of parathion;
12. All applicable directions, restrictions, and precautions on the EPA-registered label will be followed;
13. The EPA shall be immediately informed of any adverse effects resulting from the use of this pesticide in connection with this exemption; and
14. A final report shall be submitted within one (1) year of the granting of the exemption.

Dated: August 25, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-25380 Filed 8-30-77;8:45 am]

(FRL 783-6); (OPP-50310A)

ISSUANCE OF EXPERIMENTAL USE PERMITS

Correction

In FR Doc. 77-20563 appearing at page 37030 in the issue of Tuesday, July 19, 1977, in experimental use permit No. 10182-EUP-6, the following States were omitted from the Notice: Colorado, Florida, Georgia, Illinois, Indiana, Idaho, Iowa, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

Dated: August 25, 1977.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.77-25250 Filed 8-30-77;8:45 am]

[FRL 783-7; OPP-50308A]

ISSUANCE OF EXPERIMENTAL USE PERMITS

Correction

In FR Doc. 77-19096 appearing at page 34532 in the issue of Wednesday, July 6, 1977, in experimental use permit No. 10182-EUP-3, the following States were omitted from the Notice: South Carolina, Tennessee, and Texas.

Dated: August 25, 1977.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.77-25249 Filed 8-30-77;8:45 am]

[FRL 782-3; OPP-50293A]

ISSUANCE OF EXPERIMENTAL USE PERMITS

Correction

In FR Doc.77-12830 appearing at page 22905 in the issue of Thursday, May 5, 1977, in experimental use permit No. 5857-EUP-2, the seventh line beginning "360,000 * * *" is corrected to read "1,000,000 * * *"

Dated: August 22, 1977.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.77-25248 Filed 8-30-77;8:45 am]

[OPP-42031A; FRL 782-4]

MAINE

Approval of State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.), and the implementing regulations of 40 CFR Part 171, require each state desiring to certify applicators to submit a plan for its certification program. Any State certification program under this section shall be maintained in accordance with the State Plan approved under this section.

On September 28, 1976, notice was published in the FEDERAL REGISTER (41 FR 42698) of the intent of the Regional Administrator, Environmental Protection Agency (EPA) Region I, to approve on a contingency basis, the Maine State

Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticide (Maine State Plan). Contingent approval was requested by the State of Maine pending promulgation of additional implementing regulations necessary to permit Maine to carry out FIFRA responsibilties.

Complete copies of the Maine State Plan (except for sample examinations) were made available for public inspection at the following locations: Maine Department of Agriculture, Augusta, Maine; U.S. Environmental Protection Agency, Region I, Boston, Massachusetts; and the U.S. Environmental Protection Agency, Federal Register Section, Technical Services Division, Office of Pesticide Programs, Washington, D.C.

The National Canners Association provided the only comments received on the State Plan during the 30-day comment period. Four objections were raised that pertain to (1) a consideration of Extension Service Funding for training purposes as a part of the State Plan budget, (2) inadequate consideration of all pesticide use situations in selection of subcategories, (3) use of fees charged for certification to support plan activities, (4) inclusion of a requirement for proof of financial responsibility by commercial applicators.

Maine officials have reviewed each of the specific comments and prepared a response which together with EPA remarks are summarized below.

1. Maine believes that a training program for applicators, especially for those in the private class, is essential to the implementation of the State Plan and the FIFRA. EPA notes, in further explanation, funds provided for support of the Maine Extension Service were not specifically identified as included in the State Plan budget and hence were not considered by the Agency in its review of the budget for adequacy.

2. Maine believes the subcategories indicated in the State Plan are adequate to accommodate applicator needs and therefore sees to immediate need to amend the subcategory designations and their descriptions. EPA believes the Maine officials are in the best position to make this decision. Maine can also later amend the plan if experience in certifying applicators indicates a need for redefinition of subcategories.

3. Maine officials have noted that funds expended to complete the States' certification program are largely derived from State appropriations and those provided by funding allocated by EPA. Private applicators are not assessed a fee for certification; only commercial applicators are assessed a fee, which is determined on a company basis, with fees waived for State, Federal and Municipal employees. It is EPA's view that this option of whether to charge a fee is strictly a matter for the State to decide.

4. Maine officials advise that proof of financial responsibility has been a requirement of commercial applicators operating on a custom basis for 10 years. The State Statutes were further revised very recently to further clarify the exempted status of commercial applicators operating on a noncustom basis.

Since the Notice of Intent to Approve the Maine State Plan was published on September 28, 1976, the Legislature has made certain beneficial statutory changes in Title 22 MSRA Chapter 258-A. Further, the Maine Department of Agriculture, through actions of the Board of Pesticide Control, has promulgated amendments to its regulations correcting previously determined deficiencies. In view of this recent action EPA believes it would not serve any useful purpose to proceed with approvval of the Maine State Plan on a contingency basis, but rather believes it should proceed directly with action toward final approval and hereby provides public notice of such action.

It has been determined that the Maine State Plan satisfies the requirements of section 4(a)(2) of the amended FIFRA and 40 CFR 171. Accordingly, the Maine State Plan is approved.

The Maine State Plan will remain available for public inspection in the Department of Agriculture, Division of Inspections, Room 601, State Office Building, Augusta, Maine 04330.

Effective date: Pursuant to section 4(d) of the Administrative Procedure Act, 5 U.S.C. 553(d), the Agency finds that there is good cause for providing that the approval granted herein to the Maine State Plan shall be effective upon signature of this notice. Neither the Maine State Plan itself nor this Agency's approval of the Plan creates any direct or immediate obligation on pesticide applicators or other persons in the State of Maine. Delays in starting the work necessary to implement the Plan, such as may be occasioned by providing some later effective date for this approval, are inconsistent with the public interest. Accordingly, this approval shall become effective immediately.

Dated: August 12, 1977.

WILLIAM R. ADAMS, JR.,
Regional Administrator, Region I.

[FR Doc.77-25247 Filed 8-30-77;8:45 am]

[FRL 783-4; OPP-50321]

MOBAY CHEMICAL CORP. ET AL.

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 3125-EUP-141. Mobay Chemical Corporation, Kansas City, Missouri 64120. This experimental use permit allows the use of 3,800 pounds of the insecticide S-[2-(Ethyl-sulfinyl)ethyl] 0,0-dimethyl phosphorothioate on sorghum to evaluate control of aphids and mites. A total of 2,500 acres is involved; the program is authorized only in the States of Kansas, Nebraska, New Mexico, Oklahoma, and Texas. The experimental use permit is effective from July 18, 1977, to July 18, 1978. A permanent tolerance for residues of the active ingredient in or on sorghum has been established (40 CFR 180.330). A food additive tolerance for residues of the active ingredient in milled fractions of sorghum (except flour) has been established (21 CFR 561.234).

No. 352-EUP-89. E. I. du Pont de Nemours and Company, Wilmington, Delaware 19898. This experimental use permit allows the use of 2,080 pounds of the insecticide oxamyl on apples, citrus, peanuts, and potatoes to evaluate control of aphids, mites, nematodes, and thrips. A total of 1,340 acres is involved; the program is authorized only in the States of Alabama, Arizona, California, Colorado, Florida, Georgia, Idaho, Maine, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oregon, Oklahoma, Pennsylvania, South Carolina, Texas, Virginia, Washington, and Wisconsin. The experimental use permit is effective from July 6, 1977, to July 6, 1978. Temporary tolerances for residues of the active ingredient in or on apples, citrus, peanuts, and potatoes have been established.

No. 7479-EUP-1. Lancaster Laboratories, Inc., Lancaster, Pennsylvania 17601. This experimental use permit allows the use of 719 pounds of the algacide copper sulfate monohydrate in 14 small lakes and ponds to evaluate control of algae. The program is authorized only in the State of Pennsylvania. The experimental use permit is effective from July 14, 1977, to December 31, 1978. An exemption from the requirement of a tolerance in eggs, fish, meat, milk, irrigated crops, and shellfish has been established (40 CFR 180.1021).

No. 39508-EUP-2. New Mexico State University, Las Cruces, New Mexico 88003. This experimental use permit allows the use of 70 pounds of the insecticide N-[[(4-chlorophenyl) amino]carbonyl]-2,6-difluorobenzamide on rangeland to control range caterpillars. A total of 5,000 acres is involved; the program is authorized only in the State of New Mexico. The experimental use permit is effective from July 8 1977, to July 8, 1978. This permit is being issued under the condition that livestock not be allowed to graze on treated rangeland for the residual life of the pesticide on rangegrass and then only breeder livestock may be grazed. Rangegrass must be tested for residues and found below the method of sensitivity prior to allowing the grazing of breeder livestock.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW. Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

STATUTORY AUTHORITY: Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

Dated: August 25, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-25252 Filed 8-30-77;8:45 am]

[FRL 783-5; OPP-50318]

THOMPSON-HAYWARD CHEMICAL CO.

Issuance of Experimental Use Permit and Solicitation of Public Views

The Environmental Protection Agency (EPA) has issued an experimental use permit to Thompson-Hayward Chemical Company, Kansas City, Kansas 66110. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 148-EUP-22) allows the use of 3,821.5 pounds of insecticide N-[[(4-chlorophenyl) amino]carbonyl]-2,6-difluorobenzamide (Dimilin) on cotton to evaluate control of the boll weevil. A maximum of 7,333 acres is involved; due to limitations of the permit, only that acreage will be treated that is economically feasible to be destroyed if tolerances are not set. The program is authorized only in the States of Alabama, Arizona, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, Oklahoma, North Carolina, South Carolina, Tennessee, and Texas. The experimental use permit is effective from June 8, 1977, to June 8, 1978.

A toxicology review of the data submitted indicates there may be evidence of possible carcinogenicity in an 80 week mouse study; in addition, one of the break-down products of Dimilin (p-chlorophenylurea) has a chemical structure similar to Monuron for which residue tolerances were revoked in 1973 due to evidence of carcinogenicity in rats and mice (38 FR 16780). Therefore, this permit was issued on a crop destruct basis in order to allow Thompson-Hayward to gather the efficacy, environmental chemistry, and residue data necessary to support registration. The crop destruction restriction will allow for the protection of the public health pending review of additional studies submitted in connection with the question of carcinogenicity. This permit has been issued under the condition that cottonseed from treated cotton will not be used for food, feed, or oil purposes. Treated cottonseed will be 1) destroyed, 2) used for seed purposes only, or 3) segregated and held until such time as a temporary tolerance may be established. The Agency is currently in the process of reviewing additional new toxicology data submitted by Thompson-Hayward Company and is awaiting the results of a carcinogenesis bioassay study, being conducted on one of the metabolites of Dimilin, by the National Cancer Institute. This study is expected to be completed by January of 1978. In the event that additional information shows that tolerances should not be established for residues of Dimilin and its metabolites in or on cottonseed then the seed must be 1) destroyed, 2) used for research purposes, or 3) used for seed purposes.

In light of the above, perhaps controversial items, the Agency is soliciting public comment. We are soliciting comments now rather than prior to issuance since timing of application was critical to the gathering of data this season. That data may also have an impact on the U.S. Deprtment of Agriculture's plans for eradication programs in the future.

All interested parties are invited to submit written comments pertinent to this experimental use permit. Comments should be forwarded to the Federal Register Section, Room E-401, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, 401 M Street, SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting the submissions. The comments must be received within 30 days after date of publication of this notice in the FEDERAL REGISTER, and should bear the identifying notation OPP-50318. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. during normal work days.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, at the same address mentioned above. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. This file will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

STATUTORY AUTHORITY: Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

Dated: August 25, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-25251 Filed 8-30-77;8:45 am]

[FRL 783-3; OPP-50322]

3M CO. ET AL.

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 7182-EUP-17. 3M Company, St. Paul, Minnesota 55105. This experimental use permit allows the use of 1,260 pounds of the herbicide perfluidone on tobacco to evaluate control of nutsedge, annual grasses and broadleaf weeds. The experimental use permit is effective from July 21, 1977, to September 1, 1978.

No. 7182-EUP-18. 3M Company, St. Paul, Minnesota 55101. This experimental use permit allows the use of 280 pounds of the herbicide perfluidone on tobacco to evaluate control of nutsedge, annual grasses and broadleaf weeds. A total of 995 acres is involved for both this permit and the one above; the programs are authorized only in the States of Georgia, North Carolina, South Carolina, and Virginia. This experimental use permit is also effective from July 21, 1977, to September 1, 1978. The permits will use the same active ingredient, but different formulations.

No. 10065-EUP-9. Fisons Corporation, Bedford, Massachusetts 01730. This experimental use permit allows the use of 585 pounds of the insecticide 2,2-dimethyl-1, 3-benzodioxol-4-yl methylcarbamate on turf to evaluate control of turf insects. A total of 308 acres is involved. The experimental use permit is effective from July 18, 1977, to July 18, 1978.

No. 10065-EUP-10. Fisons Corporation, Bedford, Massachusetts 01730. This experimental use permit allows the use of 152 pounds of the insecticide 2,2-dimethyl-1, 3-benzodioxol-4-yl methylcarbamate on turf to evaluate control of turf insects. A total of 76 acres is involved. The experimental use permit is also effective from July 18, 1977, to July 18, 1978.

No. 10065-EUP-11. Fisons Corporation, Bedford, Massachusetts 01730. This experimental use permit allows the use of 152 pounds of the insecticide 2,2-dimethyl-1, 3-benzodioxol-4-yl methylcarbamate on turf to evaluate control of turf insects. A total of 76 acres is involved; this program and the two above are authorized only in the States of California, Florida, Georgia, Illinois, Indiana, Kansas, Maryland, Massachusetts, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, and Texas. This experimental use permit is also effective from July 18, 1977, to July 18, 1978. The permits will use the same active ingredient, but different formulations.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

STATUTORY AUTHORITY: Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

Dated: August 25, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-25253 Filed 8-30-77;8:45 am]

[FRL 784-2; (OPP-42040B)]

STATE OF UTAH

Approval of State Plan for Certification of Pesticide Applicators

Section 4(a)(2) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended 86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 et seq.) and the implementing regulations of 40 CFR Part 171, require each state desiring to certify applicators to submit a plan to EPA for its certification program. Any state certification program under this section shall be maintained in accordance with the State Plan approved under this section.

On January 31, 1977, a summary of the Utah State Plan for Certification of Pesticide Applicators (Utah State Plan)

and a notice of intent of the Regional Administrator, EPA Region VIII, to approve the Utah State Plan were published in the FEDERAL REGISTER (42 FR 5747). This intent to approve the Utah State Plan was contingent upon promulgation of necessary regulations and enactment of amendments to the Utah Pesticide Control Act of 1971. The Utah State Plan was granted contingency approval on April 11, 1977 (42 FR 18893). The necessary amendments to the Utah Pesticide Control Act of 1971 became effective May 11, 1977 and the necessary regulations were promulgated on July 10, 1977. Having reviewed the revised Utah legal authorities and finding that all requisite legal authorities required by FIFRA and 40 CFR Part 171 are now enacted and promulgated, the Regional Administrator, EPA Region VIII, hereby gives notice that the Utah State Plan is now a fully approved State Plan.

Dated: August 22, 1977.

JOHN A. GREEN,
Regional Administrator,
Region VIII.

[FR Doc.77-25246 Filed 8-30-77;8:45 am]

[FRL 782-5]

STATE OF TENNESSEE

Determination of Primary Enforcement Responsibility

This public notice is issued pursuant to section 1413 of the Safe Drinking Water Act, Pub. L. 93-523, December 16, 1974, and 142.10 of the National Interim Primary Drinking Water Regulations, published in the FEDERAL REGISTER on January 20, 1976.

An application, dated June 27, 1977, has been received from the Commissioner, Tennessee Department of Public Health, requesting that the Division of Water Quality Control of the Tennessee Department of Public Health be granted primary enforcement responsibility for water systems in the State of Tennessee, in accordance with the provisions of this Act.

In response, I have determined that the Division of Water Quality Control has met all conditions of the Safe Drinking Water Act and subsequent regulations for the assumption of primary enforcement responsibility for water systems in the State of Tennessee. The State—

(1) Has adopted drinking water regulations which are no less stringent than the National Interim Primary Drinking Water Regulations;

(2) Has adopted and will implement adequate procedures for the enforcemnet of such State regulations, including adequate monitoring and inspections;

(3) Will keep such records and make such reports as required;

(4) If it permits variances or exemptions from the requirements of its regulations, will issue such variances and exemptions in accordance with the provisions of the National Interim Primary Drinking Water Regulations;

(5) Has adopted and can implement an adequate plan for the provision of safe drinking water under emergency circumstances.

All documents relating to this determination are available for public inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Division of Water Quality Control, Department of Public Health, Cordell Hull Bldg., room 621, Nashville, Tenn. 37219.

Regional Administrator, Environmental Protection Agency, Region IV, 345 Courtland St. NE., Atlanta, Ga. 30308.

All interested parties are invited to submit written comments on this determination and may request a public hearing. Written comments and/or a request for a public hearing must be submitted on or before September 30, 1977. A request for a public hearing shall include the following information:

(1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing.

(2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing.

(3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made on or before September 30, 1977, a public hearing will be held. The Regional Administrator will give further notice in the FEDERAL REGISTER and in a newspaper or newspapers of general circulation in the State of Tennessee of any hearing to be held pursuant to a request submitted by an interested person, or on his own motion. Notice of the hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. In addition to publication as described above, notice will be sent to the person requesting a hearing and to the State. Notice of the hearing will include a statement of the purpose of the hearing, information regarding the time and location for the hearing, and the address and telephone niumber of an office at which interested persons may obtain further information concerning the hearing.

After receiving the record of the hearing, the Regional Administrator will issue an order affirming or rescinding his determination. If the determination is affirmed, it shall become effective as of the date of this order.

If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective on September 30, 1977.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

Dated: July 21, 1977.

HOWARD ZELLER,
Deputy Regional Administrator,
Environmental Protection Agency, Region IV.

[FR Doc.77-25244 Filed 8-30-77;8:45 am]

[FRL 782-6]

STATE OF SOUTH CAROLINA

Determinant of Primary Enforcement Responsibility

This public notice is issued pursuant to section 1413 of the Safe Drinking Water Act, Pub. L. 93-523, December 16, 1974, and 142.10 of the National Interim Primary Drinking Water Regulations, published in the FEDERAL REGISTER on January 20, 1976.

An application, dated June 29, 1977, has been received from the Deputy Commissioner of the Office of Environmental Quality Control requesting that the Division of Water Supply of the South Carolina Department of Health and Environmental Control be granted primary enforcement responsibility for water systems in the State of South Carolina, in accordance with the provisions of this Act.

In response, I have determined that the Division of Water Supply has met all conditions of the Safe Drinking Water Act and subsequent regulations for the assumption of primary enforcement responsibility for water systems in the State of South Carolina. The State—

(1) Has adopted drinking water regulations which are no less stringent than the National Interim Primary Drinking Water Regulations;

(2) Has adopted and will implement adequate procedures for the enforcement of such State regulations, including adequate monitoring and inspections;

(3) Will keep such records and make such reports as required;

(4) If it permits variances or exemptions from the requirements of its regulations, will issue such variances and exemptions in accordance with the provisions of the National Interim Primary Drinking Water Regulations;

(5) Has adopted and can implement an adequate plan for the provision of safe drinking water under emergency circumstances.

All documents relating to this determination are available for public inspection between the hours of 8:30 a.m. and 4:45 p.m., Monday through Friday, at the following offices:

Office of Environmental Quality Control, Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201.

Regional Administrator, Environmental Protection Agency, Region IV, 345 Courtland Street, NE, Atlanta, Ga. 30308.

All interested parties are invited to submit written comments on this deter-

mination and may request a public hearing. Written comments and/or a request for a public hearing must be submitted on or before September 30, 1977. A request for a public hearing shall include the following information:

(1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing.

(2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing.

(3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made on or before September 30, 1977, a public hearing will be held. The Regional Administrator will give further notice in the FEDERAL REGISTER and in a newspaper or newspapers of general circulation in the State of South Carolina of any hearing to be held pursuant to a request submitted by an interested person, or on his own motion. Notice of the hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. In addition to publication as described above, notice will be sent to the person requesting a hearing and to the State. Notice of the hearing will include a statement of the purpose of the hearing, information regarding the time and location for the hearing, and the address and telephone number of an office at which interested persons may obtain further information concerning the hearing.

After receiving the record of the hearing, the Regional Administrator will issue an order affirming or rescinding his determination. If the determination is affirmed, it shall become effective as of the date of this order.

If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective on September 30, 1977.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

Dated: July 21, 1977.

HOWARD ZELLER,
Deputy Regional Administrator, Environmental Protection Agency, Region IV.

[FR Doc.77-25245 Filed 8-30-77;8:45 am]

[FRL 785-2; OPP-180133A]

MICHIGAN DEPARTMENT OF AGRICULTURE

Amendment to Specific Exemption To Use Terramycin To Control Bacterial Spot on Peaches and Apricots

In May, 1977, the Environmental Protection Agency (EPA) granted a specific exemption to the Michigan Department of Agriculture (hereafter referred to as the "Applicant") for use of Terramycin by ground equipment to control bacterial spot caused by a pathogenic bacterium, *Xanthomonas pruni*, on 6,000 acres of peaches and apricots in the following counties of Michigan: Allegan, Berrien, Lapeer, Kent, Mason, Oceana, and Van Buren. Notice of the granting of the exemption was published in the FEDERAL REGISTER on July 6, 1977 (42 FR 37996).

The Applicant has requested a fifteen (15) day extension of the subject exemption. The Applicant states that in the case of the more northern counties and in those cases where growers have planted longer maturing varieties, applications must be made later than the July 31 expiration date. There will be no increase in the acreage treated, the number of applications or the amount of Terramycin applied, beyond that which was previously authorized by the subject exemption.

After reviewing the application and other available information, EPA has determined that the specific exemption granted may be amended to include the following:

1. The expiration date of the specific exemption is changed from July 31, 1977, to August 15, 1977; and

2. All other restrictions pursuant to the original specific exemption remain in force.

Dated: August 25, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-25372 Filed 8-30-77;8:45 am]

[OPP-180141, FRL 785-3]

WASHINGTON STATE DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Use Carbofuran To Control Root Weevil on Cranberries

The Environmental Protection Agency (EPA) has granted a specific exemption to the Washington State Department of Agriculture (hereafter referred to as the "Applicant") to use a maximum of 560 pounds of carbofuran to control populations of root weevils which are threatening the commercial cranberry crop on 140 acres in Pacific and Grays Harbor Counties, Washington. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Room E-315, Washington, D.C.

According to the Applicant, the primary pest is the Black Vine Weevil (*Otiorhynchus sulcatus*). Other weevils which may be present are the Strawberry Root Weevil (*O. ovatus*), the Rough Strawberry Weevil (*O. rugostriatus*), and the Obscure Root Weevil (*Sciopithes obscurus*). These pests occur principally in those cranberry bogs which are not flooded at harvest. Of the 1200 acres of cranberries grown in Washington State, about 700 acres are not flooded. The Applicant estimated that approximately twenty percent of the dry harvest bogs, about 140 acres, may need treatment with carbofuran this year.

These pests are indigenous to the area. Wildlands adjacent to the cranberry bogs contain alternate hosts which serve as reservoirs for new infestations. The larvae, which feed on the roots, may destroy virtually every cranberry plant as the pest spreads. Recovery can be expected only if the weevils are controlled before the damage becomes extensive. The Applicant stated that recent experience indicates that infestations will increase rapidly and cause widespread damage within the next two to five years.

There appear to be no alternative registered pesticides or non-chemical methods of control currently available to control these pests; malathion, registered for strawberry weevil control on cranberries, is of questionable efficacy, according to the Applicant. Flooding will control these pests, but bogs which are dry-harvested cannot be flooded because of slope or unevenness of the land. Prior to their cancellation, chlorinated hydrocarbon insecticides were registered for control of root weevils.

The Applicant proposed the use of two applications of the product Furadan 10G at a rate of two pounds of active ingredient per acre per application. A preharvest interval of at least sixty days will be observed. Broadcast applications will be made by State-certified commercial and private applicators using ground equipment in accordance with instructions provided by the Washington State University Cooperative Extension Service. Treatment will be limited to non-flooded bogs where infestations have been confirmed. According to the Applicant, nearly complete control can be obtained with two applications of the Furadan granules at the rate proposed.

Even with the carbofuran treatments this year, presently existing damage is expected to cause a 2 to 3 percent loss of production in the non-flooded bogs. Without the treatment in 1977, the loss is expected to increase to 10 or 15 percent by 1978, and probably much more in the next two to five years.

The Applicant estimated that if 15 percent of 700 acres of cranberries require replanting in 1978, the total loss over the next ten years to the industry could be as high as $1,900,000. These losses could force some growers out of business.

EPA has determined that cranberries bearing residues of carbofuran which do not exceed 0.2 part per million (ppm) will not pose a hazard to the public health. Cranberries comprise only about 0.1 percent of the human diet, and the request was for only 140 acres of the

25,000 acres of cranberries grown in the United States; therefore, actual risk is minimal. Although Furadan 10G poses a serious hazard to wildlife, particularly waterfowl, the treatment does not pose an unacceptable environmental hazard, due to the small acreage involved and the facts that (a) following application, the granules are expected to go through the thick mat of cranberry vines to the soil where they would be unavailable to birds, and (b) the application period should miss the time when nesting waterfowl will be utilizing nest sites.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of root weevils has occurred; (b) there is no pesticide presently registered and available for use to control the root weevils threatening the cranberry crop in Pacific and Grays Harbor Counties; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the root weevils are not controlled; and (e) the time available for action to mitigate the problems is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until August 1, 1977, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Carbofuran applications will be limited to non-flooded bogs, where infestations have been confirmed by Washington State University research or extension personnel or fieldmen from the Ocean Spray Cranberry Company;
2. The dosage rate shall not exceed two pounds of active ingredient per application;
3. A maximum of 560 pounds active carbofuran will be applied;
4. The number of applications shall not exceed two;
5. A sixty day pre-harvest interval will be observed;
6. The pesticide will be applied by broadcast ground equipment;
7. All applicable directions and precautions on the registered label will be observed;
8. All applications of carbofuran shall be restricted to cranberries which are watered by sprinkler irrigation;
9. EPA has determined that residues of carbofuran, its carbamate metabolite and its phenolic metabolites resulting from this use will not exceed 0.2 ppm, a level which has been determined adequate to protect the public health. The Food and Drug Administration of the U.S. Department of Health, Education, and Welfare, has been advised of this action;
10. All applications will be made by commercial and private applicators certified by the Applicant;
11. The EPA shall be immediately informed of any adverse effects resulting from the use of this pesticide in connection with this exemption; and
12. The pesticide will not be applied in bogs which are being utilized by waterfowl as nesting or feeding sites.

AUTHORITY: Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 et seq.).

Dated: August 25, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-25379 Filed 8-30-77;8:45 am]

FEDERAL RESERVE SYSTEM

NATIONAL CITY CORP.

Order Approving Acquisition of Bank

National City Corporation, Cleveland, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. § 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to National Union Bank, Columbiana, Ohio ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Applicant, the third largest banking organization in Ohio, controls five banks with total deposits of $1.8 billion representing 5.5 per cent of total deposits in commercial banks in the State.[1] Consummation of the proposed acquisition would increase Applicant's share of Statewide deposits by 0.1 per cent without changing its ranking in the State. Thus, consummation of the proposal would have no appreciable effect upon the concentration of banking resources in Ohio.

Applicant proposes to enter the Salem banking market[2] by acquiring Bank ($32.5 million in deposits), the third largest of eight banking organizations in the market, holding 16.3 per cent of total market deposits.[3] Inasmuch as Applicant's closest subsidiary bank is located 65 miles away in another banking market, approval of the application would not eliminate significant existing competition. The Salem market does not appear particularly attractive for de novo entry; moreover, following consummation additional points of entry would remain available. In light of the above, the Board concludes that the proposed acquisition would not have significant adverse effects on either existing or potential competition.

The financial and managerial resources of Applicant and Bank are regarded as satisfactory and the future prospects for each appear favorable. Although Applicant will incur debt in connection with this proposal, it appears that Aplicant will be able to service the debt without placing an undue strain on Bank. Thus, banking factors are consistent with approval of the application.

It appears that the banking needs of the Salem banking market are being adequatly served at the present time. Although the acquisition of Bank by Applicant is not likely to result in any immediate changes in Bank's operations, the affiliation will enable Bank to offer its customers additional and improved services. Accordingly, convenience and needs considerations are consistent with approval of the proposed transaction. On the basis of all the facts of record, it is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[4] effective August 24, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-25280 Filed 8-30-77;8:45 am]

[1] Unless otherwise indicated, all banking data are as of December 31, 1976, and reflect all bank holding company formations and acquisitions approved as of June 30, 1977.

[2] The Salem banking market is approximated by the northern two thirds of Columbiana County along with Green and Goshen Townships in Mahoning County.

[3] All market data are as of June 30, 1976.

UNITED ROCK CONSTRUCTION, INC.

Order Granting Determination Under the Bank Holding Company Act

United Rock Construction, Inc., Omaha, Nebraska ("United"), a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. § 1841(a)), by virtue of its ownership of over 99 percent of the issued and outstanding voting shares of National Security Bank of Superior, Superior, Nebraska, has requested a determination, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1841(g)(3)) ("the Act"), that United is not in fact capable of controlling either Harold S. Myers, or David C. Myers ("Myers Brothers"), individuals to whom it

[4] Voting for this action: Vice Chairman Gardner and Governors Wallich, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns and Governor Coldwell.

transferred its stockholdings in M&M Investment Company, Omaha, Nebraska ("M&M"), company engaged in farming operations, notwithstanding the fact that the individuals are officers and directors of United.

Under the provisions of section 2(g)(3) of the Act, shares transferred after January 1, 1966, by any bank holding company to a transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, are deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not in fact capable of controlling the transferee.

Notice of an opportunity for hearing with respect to United's request for a determination under section 2(g)(3) was published in the FEDERAL REGISTER (41 FR 28360). The time provided for requesting a hearing has expired. No such request has been received by the Board, nor has any evidence been received to show that United is in fact capable of controlling the two individual transferees.

It is hereby determined that United is not, in fact, capable of controlling the Myers Brothers. This determination is based upon the evidence of record in this matter, including the following facts. United is a closely-held Nebraska corporation in which the Myers Brothers, each hold a 50 percent stock interest and serve as its only officers and directors. Under § 4(a)(2) of the Bank Holding Company Act United is required to divest its farming operations by 1981. In anticipation of such a divestiture, M&M was organized to hold United's farming operations, and its shares were spun off to the Myers Brothers on a pro rata basis. Thus, United's interest in M&M has terminated. The Myers Brothers are the only stockholders in M&M and are also its only directors and officers, and the divestiture does not appear to have been a means for perpetuating United's control over the divested farming operations. On the basis of the above and other facts of record the Board concludes that control of both United and M&M resides with the Myers Brothers as individuals and that United does not control and is not in fact capable of controlling the Myers Brothers in their capacity as transferees of M&M's stock or otherwise.

Accordingly, it is ordered, That the request of United for a determination pursuant to section 2(g)(3) be and hereby is granted. This determination is based upon the representations made to the Board by United and the Myers Brothers. In the event the Board should hereafter determine that facts material to this determination are otherwise than as represented, or that United or the Myers Brothers has failed to disclose to the Board other material facts, this determination may be revoked, and any change in the facts or circumstances relied upon by the Board in making this determination could result in the Board reconsidering the determination made herein.

By order of the Board of Governors, acting through its General Counsel, pursuant to delegated authority (12 C.F.R. § 265.2(b)(1)), effective August 24, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-25281 Filed 8-30-77;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on August 24, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA request are invited from all interested persons, orangizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before September 19, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States Gneral Accounting Office, Room 5033, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

The FEA request clearance of new Form FEA-U535-A-O, Energy Savings Report. Form FEA-U535-A-O will be used to collect data on actual energy savings achieved each year as a result of State participation in the State Energy Conservation Program (SECP). Each State participating in the SECP will submit an annual Energy Savings Report consisting of one Form FEA-U535-A-O for each program measure in its State plan. FEA estimates a complete report will consist of approximately 5 to 100 forms per State depending on the number of program measures in the State's plan. The forms will be partially completed by FEA based on information available within the State plans and will then be distributed to participating States annually for final completion and submission to FEA by October 31 of each year.

Data from Form FEA-U535-A-O will be used to construct a data base for compilation and dissemination of information on SECP program measures, for use by the FEA and the States to evaluate the relative effectiveness of different conservation strategies, and for FEA's annual reporting requirements to the President and Congress. FEA estimates that respondents are the 50 States and 5 Territories and that reporting burden will average 540 hours per annual response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77-25289 Filed 8-30-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. D-60]

SECRETARY OF THE INTERIOR

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of the Interior to appoint uniformed guards of the Department of the Interior as special policemen for duty in connection with the policing of the Haskell Indian Junior College, Lawrence, Kans.; Fort Sill Indian School, Lawton, Okla.; Riverside Indian School Reserve, Anadarko, Oklahoma; Concho Indian School Reserve, El Reno, Oklahoma; and Chilocco Indian School Reserve, Kay County, Okla., which are under the administration of the Department of the Interior.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* (a) Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), as amended, authority is hereby delegated to the Secretary of the Interior to appoint uniformed guards as special policemen, to make all needful rules and regulations, and to annex to such rules and regulations such reasonable penalties (not to exceed those prescribed in 40 U.S.C. 318c) as will ensure their enforcement for the protection of persons and property at the Haskell Indian Junior College, Lawrence, Kans.; Fort Sill Indian School, Lawton, Okla.; Riverside Indian School Reserve, Anadarko, Okla.; Concho Indian School Reserve, El Reno, Okla.; and Chilocco Indian School Reserve, Kay County, Okla., over which the United States has exclusive jurisdiction.

(b) The Secretary of the Interior may redelegate this authority to the appropriate officers or employees of the Department of the Interior.

(c) This authority shall be exercised in accordance with the limitations and requirements of the above-cited acts and the policies, procedures, and controls prescribed by the General Services Administration.

Dated: August 22, 1977.

JOEL W. SOLOMON,
Administrator of General Services.

[FR Doc.77-25274 Filed 8-30-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AR 030451]

ARIZONA

Notice of Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

The United States Army, Corps of Engineers, filed application Serial Number AR 030451 on February 28, 1961, for a withdrawal in relation to the following described lands:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 5S., R. 28 E.,
Sec. 36, SE¼, unsurveyed.
T. 6S., R. 28 E.,
Sec. 1, Lots 1 and 2, S½NE¼, and unsurveyed W½, SE¼;
Sec. 2, S½, unsurveyed;
Sec. 11, N½, unsurveyed;
Sec. 12, N½NE¼, NW¼, and N½SW¼, unsurveyed.
T. 5 S., R. 29 E.,
Sec. 7, W½E½, E½W½, and SW¼NW¼;
Sec. 11, E½NE¼, S½SW¼, SE¼;
Sec. 12, Lot 1, Lots 5 to 16 inclusive, NW¼NW¼, S½NW¼, SW¼, and Patented Mineral Survey 1029B to 1033B, inclusive;
Sec. 13, NW¼NW¼;
Sec. 14, SW¼NE¼, N½NE¼, W½;
Sec. 15, E½NE¼, S½SW¼, SE¼;
Sec. 16, SE¼SE¼;
Sec. 18, N½, E½SW¼, SE¼;
Sec. 19, W½E½, and E½W½;
Sec. 21, NE¼, E½SW¼, SE¼;
Sec. 22, N½, NW¼SW¼, S½S½;
Sec. 25, Lots 2 and 3, Lots 5 to 16, inclusive, S½NW¼, SW¼;
Sec. 26, All;
Sec. 27, N½, N½N½SW¼, SE¼;
Sec. 28, N½N½;
Sec. 29, NE¼, S½NW¼, W½SW¼, N½SE¼;
Sec. 30, All;
Sec. 31, N½NE¼, W½;
Sec. 32, NW¼NW¼;
Sec. 35, N½N½;
Sec. 36, Lots 1 and 2.
T. 6 S., R. 29 E.,
Sec. 6, NW¼, W½SW¼, unsurveyed;
Sec. 7, NW¼NW¼, unsurveyed.
T. 5 S., R. 30 E.,
Sec. 6, Lots 3 to 6, 8, 9, 12, 13, 14, 15, 16, 17, 19, 20, 23, and 24, inclusive, and Mineral Survey 1654B;
Sec. 7, Lots 1 to 4, inclusive, and NE¼NW¼;
Sec. 30, Lots, 2, 3, 4, SE¼NW¼, and E½SW¼;
Sec. 31, Lot 1, NW¼NE¼, S½NE¼, E½W½, SE¼;
Sec. 32, S½NW¼, SW¼;
Sec. 33, SE¼NE¼, S½;
Sec. 34, SW¼NW¼, W½SW¼.
T. 6 S., R. 30 E.,
Sec. 1, Lots 5 to 12, inclusive;
Sec. 2, Lots 1 to 12, inclusive;
Sec. 3, Lots 1 to 7, inclusive;
Sec. 4, Lots 1 to 6, inclusive, the North 9.44 acres of Lot 7, SE¼NW¼, and the Gila River between the meander lines of said lots of Secs. 1, 2, 3, and 4.

The area described above aggregates approximately 13,062.91 acres in Graham and Greenlee Counties.

The applicant desires that the lands be reserved for the construction operation and maintenance of the Camelback Dam and Reservoir, a structure designed to control floods on the Gila River.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on September 7, 1962, Volume No. 27, Page No. 8927, Document No. 62-8963.

Pursuant to section 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 with the State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073, on or before October 10, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

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 October 10, 1977.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining and the mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands 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 Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073.

MARIO L. LOPEZ,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-25307 Filed 8-30-77;8:45 am]

CHIEF, BRANCH OF RECORDS & DATA MANAGEMENT DIVISION OF MANAGEMENT SERVICES WYOMING STATE OFFICE

Redelegation of Authority by State Director

JULY 22, 1977.

Pursuant to the authority contained in section 1.1 of BLM Order No. 701 dated July 23, 1964, as amended, authority is hereby redelegated to the Chief, Branch of Records and Data Management to take action under section 2.6(k) as to mining claim instruments filed for record with BLM under 43 CFR 3833, as follows:

(1) Accept and record instruments meeting recording requirements;

(2) Notify owners to take curative actions to complete defective filings;

(3) Reject instruments and void claims not filed within the prescribed time periods; and

(4) Reject filings and void claims located on lands not available for mineral location on dates of location.

This delegation is effective May 31, 1977.

Dated: August 24, 1977.

DELMAR D. VAIL,
Associate State Director.

Approved:
GEORGE L. TURCOTT,
Acting Director.

[FR Doc.77-25301 Filed 8-30-77;8:45 am]

Bureau of Land Management

[Wyoming 039851]

WYOMING

Application

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Marathon Pipe Line Company of Casper, Wyo., filed an application for right-of-way to construct a rectifier, cable and ground bed on the Ainsworth to Bonanza 7 inch and 8 inch line in the Bonanza-Manderson District across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING
T. 49 N., R. 91 W.,
Sec. 21, N½NW¼.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyo. 82401.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-25309 Filed 8-30-77;8:45 am]

[Wyoming 60659]

WYOMING

Application

AUGUST 22, 1977.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corp. of Salt Lake City, Utah, filed an application for a right-of-way to construct a 4½-inch

O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 24 N., R. 111 W., sec. 4, NW¼SE¼.

The pipeline will transport natural gas within T. 24 N., R. 111 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-25310 Filed 8-30-77;8:45 am]

[Wyoming 60663]

WYOMING

Application

AUGUST 22, 1977.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co. of Colorado Springs, Colo., filed an application for a right-of-way to construct a 2-inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 19 N., R. 97 W.,
Sec. 8, NW¼NE¼.

The pipeline will transport natural gas from a well in section 5 to present facility in section 8, T. 19 N., R. 97 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-25311 Filed 8-30-77;8:45 am]

U.S. INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-36]

CERTAIN PLASTIC FASTENER ASSEMBLIES

Preliminary Conference

In the matter of certain plastic fastener assemblies.

Notice is hereby given that a Preliminary Conference will be held in connection with the above styled investigation at 12:00 Noon on Tuesday, September 6, 1977, in the Hearing Room of the Administrative Law Judge, Room 610, Bicentennial Building, 600 E Street NW., Washington, D.C. Notice of this investigation was published in the FEDERAL REGISTER on August 11, 1977 (42 FR 40786). The purposes of this preliminary conference are to familiarize counsel with Commission procedures, to discuss pending motions, 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 Mr. Robbins Pancake, Advisory Attorney to the Presiding Officer, at 202—724-0070.

The Secretary shall serve a copy of this notice upon all parties of record and shall publish it in the FEDERAL REGISTER.

Issued: August 25, 1977.

ITALO H. ABLONDI,
Presiding Officer.

[FR Doc.77-25339 Filed 8-30-77;8:45 am]

DEPARTMENT OF JUSTICE

E. I. DUPONT DE NEMOURS & CO., INC., LAPLACE, LOUISIANA

Proposed Consent Decree (Federal Water Pollution Control Act)

In accordance with Departmental Policy, 28 C.F.R. § 50.7, 38 Fed. Reg. 19029, notice is hereby given that on August 9, 1977, a proposed consent decree in *United States* v. *E. I. duPont de Nemours & Company, Inc.*, C. A. 77-2258 Session G, was lodged with the United States District Court for the Eastern District of Louisiana. The proposed decree extends the deadline for compliance with certain effluent limitations until December 15, 1977, and provides for the payment to the United States of $210 for each day until that date that the discharge exceeds these effluent limitations.

The Department of Justice will receive for a period of thirty (30) days from the date of this notice written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *E. I. duPont de Nemours & Company, Inc.*, D.J. Ref. 90-5-1-1-805.

The proposed amended consent decree may be examined at the office of the United States Attorney for the Eastern District of Louisiana, New Orleans, Louisiana 70130; at the Region VI office of the Environmental Protection Agency, Enforcement Division, 1201 Elm Street, Dallas, Texas 75270; and at the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Room 2625, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed amended consent decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division, Department of Justice.

JAMES W. MOORMAN,
Acting Assistant Attorney General Land and Natural Resources Division.

[FR Doc.77-25303 Filed 8-30-77;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (77-551)]

SPACE PROGRAM ADVISORY COUNCIL (SPAC), APPLICATIONS COMMITTEE

Meeting

The ad hoc informal Subcommittee on Satellite Telecommunications of the SPAC Applications Committee will meet on September 20, 1977, at NASA Headquarters, Federal Office Building 10B, Room 226A, 600 Independence Avenue SW., Washington, D.C.

Members of the public will be admitted to the meeting at 9:00 a.m. on a first-come first-served basis. The seating capacity of the room is 35 people. Visitors will be requested to sign a visitor's register.

This Subcommittee, comprised of 7 members including the Chairman, Mr. Thomas Rogers, serves in an advisory capacity only and will recommend a satellite telecommunications program to NASA.

For further information regarding the meeting, please contact Mr. Louis B. C. Fong, (202) 755-8617. The approved agenda for the meeting on September 20, 1977, is as follows:

Time	*Topic*
9 a.m.	Opening remarks by Chairman.
9 a.m.	Satellite telecommunications program. The subcommittee will continue its discussions on and review of the National Resource Council—Space Applications Board Report on Satellite Communications and will review its progress for the past meetings. The chairman will present a draft report covering the subcommittee's findings and conclusions to date for the member's approval.
4 p.m.	Adjourn.

KENNETH R. CHAPMAN,
Assistant Administrator for DoD and Interagency Affairs.

AUGUST 25, 1977.

[FR Doc.77-25275 Filed 8-30-77;8:45 am]

NATIONAL COMMISSION FOR MANPOWER POLICY

MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (P.L. 92-463; 86 Stat. 770) notice is hereby given that the National Commission for Manpower Policy will conduct a field review on the net employment effects of the public service employment (PSE) pro-

gram on September 20 and September 21, 1977. The meeting will be held in the Rainbow Plaza Room of the Seattle Airport Hilton Hotel located at 17620 Pacific Highway, South, Seattle, Wash. The reviews will commence at 9:00 a.m. and conclude at 4:00 p.m. on both days.

The National Commission for Manpower Policy was established pursuant to Title V of the Comprehensive Employment and Training Act of 1973 (P.L. 92-203). The Act charges the Commission with the broad responsibility of advising the Congress, the President, the Secretary of Labor, and other Federal agency heads on national manpower issues. The Commission is specifically charged with reporting annually to the President and the Congress on its findings and recommendations with respect to the Nation's manpower policies and programs. The Emergency Jobs Programs Extension Act of 1976 directs the Commission to study and report to Congress on the net employment effects of PSE programs under Title II and Title VI of the Comprehensive Employment and Training Act.

The purpose of the hearing is to elicit the views of those at the State and local level (in and out of government) on the effects and effectiveness of the public service employment program. Among the issues to be addressed are:

1. What goals and objectives are developed by State and local governments for the PSE programs? How are these goals developed so that they are supportive of national goals; provide needed public services; and are supportive of other public services?

2. To what extent has PSE resulted in an increase in the provision of services by State or local governments? Has PSE been instrumental in maintaining the level of services where they would have otherwise been curtailed due to revenue reductions, increased costs or other factors? What types of services are being provided through the PSE programs? What types of agencies (e.g., public safety, sanitation, education) received PSE jobs? If the PSE program were reduced or phased out, to what extent would these services also be reduced or terminated?

3. To what extent has PSE resulted in an increase in the services provided by nonprofit community organizations? How has this changed as a result of the requirements of the Emergency Jobs Programs Extension Act of 1976? What types of services are being provided by community organizations with the employment provided by PSE?

4. What is the ability of State and local governments to absorb additional PSE jobs? To what extent can this be expanded by increased utilization of nonprofit community organizations? What has been the experience in implementing and increasing the PSE programs to date? What are the constraints to further increasing the size of the program?

5. What effect has the presence of the PSE program had on the personnel practices of State and local governments? Have changes been made to provide PSE employees with improved access to regular (i.e., non-PSE) jobs? Has the PSE program resulted in any changes in the composition of the regular employment of the employing jurisdiction in terms of race, sex, education, experience, or other characteristics? Can PSE be used as a means of training the hard-to-employ and then obtaining access for them to permanent, unsubsidized employment?

6. What should be the areas of concern in consideration of phasing out or phasing down the current PSE programs? What areas should be considered if the target populations or mode of operation of the current programs are to be modified? To what extent and how do changes in the scale, mode of operation, target population and/or continuity of the program effect the delivery of needed public services?

Members of the general public or other interested individuals may attend the Commission field reviews. Members of the public desiring to submit written statements to the Commission that are germane to the agenda may do so, provided such statements are in reproducible form and are submitted to the Director no later than 2 days before and 7 days after the meeting.

Additionally, members of the general public may request to make oral statements to the Commission to the extent that the time available for the meeting permits. Such oral statements must be directly germane to the announced agenda items and written application must be submitted to the Director of the Commission 3 days before the meeting. This application shall identify the following: the name and address of the applicant, the subject of his or her presentation and its relationship to the agenda; the amount of time requested; the individual's qualifications to speak on the subject matter; and shall include a justifying statement as to why a written presentation would not suffice. The Chairman reserves the right to decide to what extent public oral presentation will be permitted at the meeting. Oral presentations shall be limited to statements of fact and views and shall not include any question of Commission members or other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting, working papers, and other documents prepared for the meeting will be available for public inspection 5 working days after the field review at the Commission's headquarters located at 1522 K Street NW., Room 300, Washington, D.C.

Signed at Washington, D.C., this 26th day of August 1976.

ELI GINZBERG,
Chairman, National Commission for Manpower Policy.

[FR Doc.77-25321 Filed 8-30-77;8:45 am]

NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS

NOTICE OF MEETING

A meeting of the National Commission on New Technological Uses of Copyrighted Works (CONTU) will be held at 10:30 a.m. on Thursday, September 15, 1977, and at 9:30 a.m. on Friday, September 16, 1977, in room 2119 of the Federal Building located at 210 South Dearborn Street in Chicago, Ill. The proceedings will be devoted to testimony on the Commission reports concerned with copyright protection for computer software and automated data bases, and witnesses on the photocopying issue. The meeting will be open to the public.

Full transcripts of the meeting will be available for purchase from the National Technical Information Service in November 1977; ordering information may be obtained from the Commission.

All members of the public, including representatives of groups concerned, are invited to submit written comments relating to any matters under the Commission's consideration. All such comments should be addressed to Dolores K. Dougherty, Administrative Officer, National Commission on New Technological Uses of Copyrighted Works, Washington, D.C. 20558.

ARTHUR J. LEVINE,
Executive Director, National Commission on New Technological Uses of Copyrighted Works.

[FR Doc.77-25316 Filed 8-30-77;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 August 24, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of Human Development, Typology and Service Assessment of Runaway Youth Unable or Unwilling to Return Home, single time, clients of funded runaway projects and service providers, Sunderhauf, M. B., 395-6140.

DEPARTMENT OF LABOR

Labor Management and Service Administration, Impact of Training Survey, LMSA-40-T, single time, past participants of DOL labor-relations course, Strasser, A., 395-5867.

Employment and Training Administration, Men in WIN, MT-283, single time, food stamp registrants ES staff, Maria Gonzalez, 395-5867.

REVISIONS

VETERANS ADMINISTRATION

Application for servicemen's group life insurance—retired reservists, VAP 29-871, on occasion, retired reservists, Marsha Traynham, 395-4529.

U.S. CIVIL SERVICE COMMISSION

Data for nonsensitive or noncritical-sensitive position, SF-85, on occasion, applicants for nonsensitive & noncritical positions, Marsha Traynham, 395-4529.

Security Investigation Data for Sensitive Position: SF-86, on occasion, applicants for critical-sensitive positions, Marsha Traynham, 395-4529.

Inquiry for U.S. Government use only, educational data for NACI of 50, on occasion, educational institutions, Marsha Traynham, 395-4529.

Identification and personnel data for employment of U.S. Citizen, II.B-2, on occasion, individuals, Marsha Trynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, application for teacher exchange program, OE 356, on occasion, American teachers, Warren Topelius, 395-5872.

EXTENSIONS

GENERAL SERVICES ADMINISTRATION

Background Information for Consideration of Membership in the National Defense Executive Reserve, GSA 9009, on occasion, individuals, professionals, businessmen, Marsha Traynham, 395-4529.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration, Regulations—Community Facilities—loans to associations (Exc. for water and waste disposal), on occasion, business firms, Lowry, R. L., 395-3772.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-25262 Filed 8-30-77;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

COMMISSIONER'S ADVISORY GROUP

Notice of Open Meeting

There will be meeting of the Commissioner's Advisory Group on September 15 and 16, 1977, in Room 3313 of the Internal Revenue Service Building. The building is located at 1111 Constitution Avenue, NW., Washington, D.C. The meeting will begin at 10:00 a.m. on September 15 and 9:00 a.m. on September 16. The agenda will include the following topics:

THURSDAY, SEPTEMBER 15, 1977

Oversight and the IRS.
Administrative Appeals—Single Level of Appeals.
Use of Administrative Procedure Act Approach to the Issuance of Rulings and Other Policy Announcements.
Revision of Form W-4.
Regulation 9100. What standards should the Service adopt regarding elections?
Information Returns Program.

FRIDAY, SEPTEMBER 16, 1977

Image of the IRS.
Authorization for Payment of Attorneys Fees in Tax Cases.
Possible Excessive Requirement for Power of Attorney.
IRS and New Taxpayer Gambits—What techniques does IRS use to keep abreast of new taxpayer gambits.

The meeting, which will be open to the public, will be in a room that accommodates approximately 50 people. After the Committee members finish discussing the items on the agenda, there may be time for statements by non-members. If you want to make a statement at the meeting, please contact Thomas V. Glynn before the meeting, so that he can set up a schedule. If you would like the Committee to consider a written statement, please send it to the Executive Secretary, Room 3011, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Thomas V. Glynn, Assistant to the Commissioner, (202) 566-4073 (not toll free).

JEROME KURTZ,
Commissioner.

AUGUST 24, 1977.

[FR Doc.77-25583 Filed - -77; : am]

INTERSTATE COMMERCE COMMISSION

[No. 468]

ASSIGNMENT OF HEARINGS

AUGUST 26, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 139876 Sub No. 3 A B C Transit, Co., Inc., now assigned September 8, 1977 in Omaha, Nebr. is canceled and application dismissed.

MC 117940 Sub No. 194 Nationwide Carriers, Inc., now assigned September 20, 1977 in Washington, D.C., is canceled and application dismissed.

MC 119777 Sub No. 334 Ligon Specialized Hauler, Inc., now being assigned September 29, 1977 (1 day) for hearing in Dallas, Tex. will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 13455 Sub No. 106 Charter Express, Inc., now being assigned September 30, 1977 (1 day) for hearing in Pittsburgh, Pa., will be held in Room 819, Post Office & Courthouse, Grant Street.

MC 19227 Sub 227, Leonard Bros. Trucking Co., Inc.; MC 32882 Sub 77, Mitchell Bros. Truck Lines; MC 60014 Sub 43, Aero Trucking Inc.; MC 73165 Sub 394, Eagle Motor Lines, Inc.; MC 74321 Sub 124 B. F. Walker, Inc.; MC 83539 Sub 449, C & H Transportation Co., Inc.; MC 106644 Sub 225, Superior Trucking Co., Inc.; MC 109397 Sub 330, Tri-State Motor Transit Co.; MC 111545 Sub 232, Home Transportation Co., Inc.; MC 112304 Sub 108, Ace Doran Hauling & Rigging Co.; MC 113855 Sub 366, International Transport, Inc.; MC 114211 Sub 296, Warren Transport, Inc.; MC 117574 Sub 277, Daily Express, Inc.; MC 124211 Sub 286, Hilt Truck Line, Inc.; MC 124692 Sub 173, Sammons Trucking; MC 123048 Sub 355, Diamond Transportation System, Inc.; MC 125433 Sub 89, F-B Truck Line Co.; MC 128762 Sub 16, P. L. Lawton, Inc.; and MC 142059 Sub 2, Cardinal Transport, Inc., now assigned November 7, 1977, at San Francisco, Calif., will be held in Room 510, 211 Main Street; and now assigned November 14, 1977, at Atlanta, Ga., will be held in Room 305, 1252 W. Peachtree St. NW.

MC 134755 Sub No. 106 Charter Express, Inc., now being assigned September 30, 1977 (1 day) for hearing in Pittsburgh, Pa., will be held in Room 819, Post Office & Courthouse, Grant Street.

MC 42487 Sub 860, Consolidated Freightways Corp., now assigned October 3, 1977, at Atlanta, Ga., will be held in Room 305, 1252 W. Peachtree St. NW.

MC 130442, Shelmont, Inc., now assigned October 5, 1977, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree St. NW.

MC 2900 Sub 298, Ryder Truck Lines, Inc., now assigned October 12, 1977, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree, St. NW.

MC 129537 Sub 19, Reeves Transportation Co., now assigned October 17, 1977, at Atlanta Ga., will be held in Room 305, 1252 West Peachtree St. NW.

MC 135316 Sub 5, Air Truck Service, Inc., dba Kanawha Valley Air Freight, now assigned October 18, 1977, at Columbus, Ohio, will be held in Room 235, Federal Bldg., 85 Marconi Blvd.

H. G. HOMME, JR.
Acting Secretary.

[FR Doc.77-25349 Filed 8-30-77;8:45 am]

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

Eleventh Revised Exemption No. 129

AUGUST 26, 1977.

It appearing, That the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service

Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 404 issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44-ft. 6-in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Chicago, West Pullman & Southern Railroad Company.
Reporting Marks: CWP.
Chicago, Rock Island and Pacific Railroad Company.
Reporting Marks: RI-ROCK.
Detroit and Mackinac Railway Company.
Reporting Marks: D&M-DM.
Illinois Terminal Railroad Company.
Reporting Marks: ITC.
Louisville, New Albany & Corydon Railroad Company.
Reporting Marks: LNAC.
Missouri-Kansas-Texas Railroad Company.
Reporting Marks: MKT.
Missouri Pacific Railroad Company.
Reporting Marks: CEI-MI-MP-TP.
New Hope and Ivyland Railroad Company.
Reporting Marks: NHIR.
Richmond, Fredericksburg and Potomac Railroad Company Reporting Marks: RFP.
* St. Louis-San Francisco Railway Company.
Reporting Marks: SLSF.
Southern Railway Company.
Reporting Marks: CG-NS-SA-SOU.

Effective 12:01 a.m., September 1, 1977, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., August 23, 1977.

INTERSTATE COMMERCE COMMISSION.
JOEL E. BURNS,
Agent.

[FR Doc.77-25345 Filed 8-30-77;8:45 am]

[I.C.C. Order No. 36; Rev. S.O. 1252]

GRAND TRUNK WESTERN RAILROAD CO.

Rerouting of Traffic

TO ALL RAILROADS:

In the opinion of Joel E. Burns, Agent, the Grand Trunk Western Railroad Company will be unable to transport traffic routed via its car ferry between Milwaukee, Wisconsin, and Muskegon, Michigan, because of necessary repairs to its boat to commence after completion of trips scheduled for September 2, 1977.

It is ordered, That:

(a) *Rerouting traffic.* The Grand Trunk Western Railroad Company being unable to transport traffic routed via its car ferry between Milwaukee, Wisconsin, and Muskegon, Michigan, because of necessary repairs to its boat to commence on September 19, 1977, that carrier is hereby authorized to divert and reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Traffic which may be rerouted.* (1) This order shall apply to traffic routed via the ferry for movements via ferry trips scheduled to depart Milwaukee or Muskegon after September 16, 1977.

(c) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(d) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(e) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(f) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportations applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) Effective date. This order shall become effective at 12:01 a.m., August 29, 1977.

(h) Expiration date. This order shall expire at 11:59 p.m., October 31, 1977, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 25, 1977.

INTERSTATE COMMERCE COMMISSION.
JOEL E. BURNS,
Agent.

[FR Doc.77-25346 Filed 8-30-77;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

AUGUST 26, 1977.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successfully filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 8973 (Sub-No. E34), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk), (A)(1) from points in Essex County, N.J., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Maryland, Virginia, District of Columbia, Ohio, and Delaware. (2) From points in Essex County, N.J., to points in that part of Connecticut on, north and east of a line beginning at the Connecticut-Massachusetts State line and extending along Connecticut Highway 12 and south through Grosvenordale thence through Putnam to junction U.S. Highway 44, thence east to the Connecticut-Rhode Island State line. (3) From points in Essex County, N.J., to that portion of Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line near Sayre and extending south along U.S. Highway 220 to junction Pennsylvania Highway 487, thence along Pennsylvania Highway 487 to junction Pennsylvania Highway 239, thence along Pennsylvania Highway 239 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 143, thence along Pennsylvania Highway 143 to junction Pennsylvania Highway 73, thence along Pennsylvania Highway 73 to Boyertown, thence east along Pennsylvania Highway 73 to junction Pennsylvania Highway 29 to junction Pennsylvania Highway 63 to junction Pennsylvania Highway 463 to junction U.S. Highway 202 to Doylestown, thence along U.S. Highway 202 to junction Pennsylvania Highway 32 to the Pennsylvania-New Jersey State line near Washington Crossing. (4) From that part of Essex County, N.J. embracing the City of Newark; the City of East Orange; the Town of Irvington; the Town of Belleville; and Port Newark,

N.J., to points in Pennsylvania. (5) From points in Essex County, N.J., to points in that part of New York on, north, and west of a line extending from the New York-Pennsylvania State line near Waverly, thence north along New York Highway 34 to junction New York Highway 224, thence east along New York Highway 224 to junction New York Highway 96, thence north along New York Highway 96 to junction New York Highway 13, thence east on New York Highway 13 to New Woodstock, N.Y., thence northeast along unnamed creek to Peterboro, thence east along an unnumbered highway from Peterboro to junction New York Highway 46, thence north along unnumbered highway to junction New York Highway 12B, thence north along New York Highway 12B to junction New York Highway 8, thence north along New York Highway 8 to a point approximately eight (8) miles north of Griffin, N.Y., thence east along New York Highway 8 to junction unnumbered highway to Thurman, N.Y., thence east along unnumbered highway to junction New York Highway 28 to junction U.S. Highway 9 north of Warrensburg, thence east along U.S. Highway 9 to Bolton, thence east along Lake George to Pilot Knob, thence east along unnumbered highway to Comstock, N.Y., to junction U.S. Highway 4 to junction New York Highway 22, thence east along New York Highway 22 to the New York-Vermont State line near Granville.

(B) (1) From points in Hudson County, N.J., to points in Maine, New Hampshire, Maryland, Virginia, District of Columbia, Pennsylvania, Ohio, and Delaware. (2) From points in Hudson County, N.J., to that portion of New York on, north and west of a line commencing at the Pennsylvania-New York State line near Hale Eddy, thence north along New York Highway 17 to junction New York Highway 17 to junction New York Highway 8, thence north along New York Highway 8 to junction New York Highway 51, thence north along New York Highway 51 to junction New York Highway 205, thence north along New York Highway 205 to junction New York Highway 28, thence east along New York Highway 28 to junction New York Highway 80, thence north along New York Highway 80 to Van Hornesville, thence north along an unnamed creek to Newville, N.Y., thence east along an unnumbered highway to New York Highway 5–S, thence east along New York Highway 5–S to a point directly across the Mohawk River, from Saint Johnsville and New York Highway 5, thence north along an unnumbered highway to junction New York Highway 29, thence east along New York Highway 29 to junction New York Highway 10, thence north along New York Highway 10 to Caroga Lake, thence east along an unnumbered highway through Benson, N.Y., to junction New York Highway 30, thence south along New York Highway 30 to Northville, thence east along an unnumbered highway to Edinburg, thence north along unnumbered highway through Conklingville to junction New York Highway 9–N near Hadley, thence north on New York Highway 9–N to Lake George, thence north along New York Highway 9–L to Cleverdale, thence east along to Comstock, thence east on New York Highway 22 to New York-Vermont State line near Granville. (3) From points in that portion of Hudson County, N.J., embracing the city of Jersey City; Town of Kearny; Boro of East Newark; and Town of Harrison, to points in Rhode Island. (4) (a) From points in Hudson County, N.J., to that portion of Massachusetts on, south and east of an unnumbered highway commencing at Buzzards Bay and extending north to Cape Code Bay at Sagamore. (b) From point in Hudson County, N.J., to points in Massachusetts, on, north, and east of a line beginning at the Massachusetts-New Hampshire State line near Winchendon, Mass., thence south and east along Massachusetts Highway 12 to junction Massachusetts Highway 2A to Lexington, thence east along Massachusetts Highway 60 to Revere, thence east to Massachusetts Bay. (5) From that portion of Hudson County, N.J., embracing the City of Bayonne; the Town of Harrison; the Town of Kearny; the Boro of East Newark; to points in Massachusetts.

(6) From points in Hudson County, N.J., to that portion of Vermont on, north and east of a line commencing at the New York-Vermont State line near West Arlington, Vt. and extending along Vermont Highway 313 to junction U.S. Highway 7 near Arlington, Vt., thence east on unnumbered highway to junction Vermont Highway 100, thence south on Vermont Highway 100 to junction Vermont Highway 112, thence south along Vermont Highway 112 to the Massachusetts-Vermont State line. (7) From points in that portion of Hudson County, N.J. that embraces the City of Jersey City; the Town of Kearny; and the City of Hoboken; the Town of Harrison; the City of Bayonne; and the Boro of East Newark; to points in Vermont. (C) (1) From points in Union County, N.J., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Maryland, Virginia, District of Columbia, Ohio and Delaware. (2) From points in Union County, N.J. to that portion of Connecticut on, north and east of a line commencing at the New York-Connecticut State line west of North Wilton, Conn., to Cannondale, Conn., thence south and east along Connecticut Highway 33 to junction U.S. Highway 7, to junction Connecticut Highway 53, to Southport on Long Island Sound. (3) From that part of Union County, N.J., embracing the Townships of Scotch Plains, Berkeley Heights, Cranford; and Clark; the Cities of Linden, Rahway, Plainfield, and Summit; and the Boroughs of New Providence, Mountainside, Garwood, Fanwood, and the Town of Westfield, to points in Connecticut. (4) From points in Union County, N.J., to points in that portion of New York, on, north and west of a line commencing at the New York-Pennsylvania State line near Hancock, N.Y., thence east along New York Highway 17 to junction New York Highway 30, thence north on New York Highway 30 to junction New York Highway 28, thence east along New York Highway 28 to Kingston, thence across the Hudson River to Rhinecliff, thence south and east along New York Highway 308 to junction New York Highway 9G to junction unnumbered highway to Taconic State Parkway to junction U.S. Highway 44, thence south along the Taconic State Parkway to junction New York Highway 55, thence south and east along New York Highway 55 to junction New York Highway 22, thence south along New York Highway 22 to Patterson, N.Y., to the New York-Connecticut State line near Squantz Pond. (5) From that portion of Union County, N.J., embracing the Townships of Hillside and Clark and the City of Linden; the City of Rahway, and the City of Elizabeth, to points in New York.

(6) From points in Union County, N.J., to that part of Pennsylvania on south and west of a line commencing at the New York-Pennsylvania State line near Equinunk, thence south on unnumbered highway to junction Pennsylvania Highway 371, thence west along Pennsylvania Highway 371 to junction Pennsylvania Highway 247, thence south along Pennsylvania Highway 247 to junction Pennsylvania Highway 171, thence south along Pennsylvania Highway 171 to junction U.S. Highway 6, thence south along U.S. Highway 6 to junction Pennsylvania Turnpike Extension at Scranton, thence south along the Pennsylvania Turnpike Extension to junction unnumbered highway south of Bear Creek, thence south and west along said unnumbered highway to junction Pennsylvania Highway 93 to junction U.S. Highway 209 and thence west on U.S. Highway 209 to junction Pennsylvania Highway 309, thence south and east on Pennsylvania Highway 309 to junction Pennsylvania Highway 143, thence west on Pennsylvania Highway 143 to junction Pennsylvania Highway 863, thence south and west along Pennsylvania Highway 863 to junction Pennsylvania Highway 737, thence south on Pennsylvania Highway 737 to Pennsylvania Highway 73, thence south on Pennsylvania Highway 73 to junction Pennsylvania Highway 100, thence south along Pennsylvania Highway 100 to junction U.S. Highway 422, thence east and south on U.S. Highway 422 to junction with the Pennsylvania Turnpike at Norristown, thence east on the Pennsylvania Turnpike to the New Jersey-Pennsylvania State line north of Bristol, Pa. (7) From that portion of Union County, N.J. embracing the Boroughs of Mountainside, Garwood, Kenilworth, Roselle Park, and Roselle; Townships of Clark, Cranford, Union, and Hillside; and Cities of Elizabeth, Linden and Rahway; and the Town of Westfield, to points in Pennsylvania. (D) (1) From points in Somerset County, N.J., to points in Connecticut, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Virginia and Ohio. (2) From that portion of Somerset County, N.J. embracing the Boroughs of Watchung, North Plainfield, Bounde Brook, Township of Green

Brook, and Town of Somerset in Franklin Township, to points in Delaware.

(3) From points in Somerset County, N.J., to points in that part of Pennsylvania on and west of a line commencing at the New York-Pennsylvania State line at Austinburg, thence south along Pennsylvania Highway 349 to junction U.S. Highway 6, thence west along U.S. Highway 6 to junction Pennsylvania Highway 144, thence south along Pennsylvania Highway 144 to Hammersley Fork, thence south along Kettle Creek to Alvin R. Bush Dam, thence south along Alvin R. Bush Dam to Cooks Run, thence south and west along the Susquehanna River to Karthaus, Pa., thence south along an unmarked river between Karthaus and Phillipsburg, thence south along Pennsylvania Highway 350 to Sandy Ridge, thence south along Pennsylvania Highway 350 to Water Street, thence south on U.S. Highway 22 to junction Pennsylvania Highway 866, thence east and south along Pennsylvania Highway 866 to junction Pennsylvania Highway 36, thence east on Pennsylvania Highway 36 to junction Pennsylvania Highway 26, thence south along Pennsylvania Highway 26 to junction Interstate Highway 70, thence east and south along Interstate Highway 70 to the Maryland-Pennsylvania State line near Warfordsburg, Pa. (4) From points in Somerset County, N.J. to that portion of New York on, north and west of a line commencing at the Pennsylvania-New York State line at Lawrenceville, extending north along U.S. Highway to junction unnumbered highway to junction New York Highway 225, thence north on New York Highway 225 to junction New York Highway 414, thence north on New York Highway 414 to Beaver Dams, thence east on the Chemung County line to junction New York Highway 14, thence north on New York Highway 14 to junction New York Highway 414, thence north on New York Highway 414 to Romulus, thence east on an unnumbered highway to Cayuga Lake to Aurora, thence north along New York Highway 90 to Levanna, thence east on an unnumbered highway to New York 34, thence north on New York 34 to junction New York Highway 5 near Auburn, thence north and east along New York Highway 5 to Syracuse, N.Y., thence south and east along New York Highway 92 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 51, thence south on New York Highway 51 to junction unnumbered highway at West Exeter, thence east on the unnumbered highway to junction New York Highway 28 at Schuyler Lake, thence south on New York Highway 28 to junction New York Highway 7, to junction New York Highway 23 to Prattsville, thence along New York Highway 23 to New York Highway 82, thence east and south on New York Highway 82 to Ancramdale, thence south on unnumbered highway to junction New York Highway 199 north of Millerton, thence south on New York Highway 199 to the Connecticut-New York State line near Millerton.

(5) From that portion of Somerset County, N.J., on, south and east of a line commencing at the Middlesex-Somerset County line, south and west on Cedar Grove Road to junction Amwell Road, thence east on Amwell Road to South Middlebush Road, thence south on South Middlebush Road, to junction Vliet Road, thence south and west to a joint on Copper Mine Road south of Griggs Town Heights, thence south along New Jersey Highway 533 to junction U.S. Highway 206, thence north and west along U.S. Highway 206 to junction Orchard Road, thence west on Orchard Road to junction Burnt Hill Road, thence north on Burnt Hill Road to junction Skillman Road, thence west on Skillman Road, when it becomes Camp Meeting Ave., and west on Camp Meeting Ave., to Hollow Road, thence west to the Somerset-Mercer County line, to points in New York. (6)(a) From points in Somerset County, N.J., to that part of Maryland on and west of a line commencing at the Pennsylvania-Maryland State line near the town of State Line, Pa., thence south along U.S. Highway 11 to Hagerstown, thence south on Maryland Highway 65 to the West Virginia-Maryland State line near Antietam, Md. (b) From points in Somerset County, N.J., to that part of Maryland on and south of a line commencing at the Potomac River, thence east to Marbury, to junction Maryland Highway 225, thence south and east along Maryland Highway 225 to junction Maryland Highway 6, thence east along Maryland Highway 6 to junction Maryland Highway 235 near Charlotte Hall, thence south on Maryland Highway 235 to California, thence east to Chance, Md., thence east along Maryland Highway 363 to junction U.S. Highway 13, thence south of Princess Anne, Md., thence east on U.S. Highway 13 to junction Maryland Highway 366, thence east on Maryland Highway 366 to Chincoteague Bay and the Atlantic Ocean.

(7) From the Town of Somerset in Franklin Township; the Boroughs of Bound Brook and South Bound Brook, and that part of Somerset County, N.J., located on and east of a line beginning at the Morris-Somerset County line south along New Jersey Highway 527 to Mt. Bethel, thence south on King George Road, to the Middlesex-Somerset County line, to points in Maryland. (8) From points in Somerset County, N.J. (except the Town of Blawenburg), to the District of Columbia. (E) (1) From points in Bergen County, N.J., to points in Maryland, Virginia, District of Columbia, Ohio, and Delaware. (2) From points in Bergen County, N.J., to points in that part of New Hampshire on, north and east of a line commencing at the Vermont-New Hampshire State line at or near Lyme, thence south on unnumbered highway to U.S. Highway 4, thence east on U.S. Highway 4, to junction U.S. Highway 3, thence east and south of U.S. Highway 3 to Concord, thence east on U.S. Highway 4 to New Castle to the Atlantic Ocean. (3) From that portion of Bergen County, N.J. embracing the Boroughs of Fairlawn, East Paterson, Wallington, Wood Ridge, Rutherford, and North Arlington; the townships of Saddle Brook, and Lyndhurst and the City of Garfield, to points in New Hampshire. (4) From points in Bergen County, N.J., to points in that part of Vermont on, east and north of a line commencing at the International Boundary between the United States and Canada near Lake Memphremagog, south along the west shore of the lake to junction U.S. Highway 5, thence south on U.S. Highway 5 to junction Vermont Highway 16, thence north on Vermont Highway 16 to junction Vermont Highway 5A, thence south on Vermont Highway 5A to Westmore, thence north and east along unnumbered highway to junction Vermont Highway 105, thence south and east along Vermont Highway 105 to the Vermont-New Hampshire State line. (5) From that portion of Bergen County, N.J., embracing the Township of Lyndhurst; and the Boroughs of Rutherford and North Arlington, N.J., to points in Vermont. (6) From the Borough of North Arlington, Bergen County, N.J., to points in Rhode Island.

(7) From points in Bergen County, N.J., to points in that part of Pennsylvania on, south and west of a line commencing at the New York-Pennsylvania State line near Lawrenceville, thence south along U.S. Highway 15 to junction Pennsylvania Highway 14, thence north on Pennsylvania Highway 14 to junction unnumbered highway south of Bodines, thence east along unnumbered highway to junction Pennsylvania Highway 864, thence east on Pennsylvania Highway 864 to junction U.S. Highway 220, thence east on U.S. Highway 220 to junction Pennsylvania Highway 42; thence south on Pennsylvania Highway 42 to junction Pennsylvania Highway 61, thence east and south along Pennsylvania Highway 61 to junction Pennsylvania Highway 662, thence east on Pennsylvania Highway 662 to junction Pennsylvania Highway 29, thence south on Pennsylvania Highway 29 to junction Pennsylvania Highway 663, thence north and east along Pennsylvania Highway 663 to junction Pennsylvania Highway 313, thence south on Pennsylvania Highway 313 to Dublin, thence east on unnumbered highway from Dublin to New Hope to the Pennsylvania-New Jersey State line. (8) From points in Bergen County, N.J., to those points in New York on and west of a line commencing at the Pensylvania-New York State line near Lawrenceville, Pa., thence north along U.S. Highway 15 to junction New York Highway 17, thence south on New York Highway 17 to junction New York Highway 414, thence north on New York Highway 414 to junction New York Highway 14, thence north on New York 14 to junction New York Highway 96, thence south on New York Highway 96 to a point west of Waterloo, thence north along unnumbered highway to Clyde, thence east and north along unnumbered highway to Spring Lake, thence east along unnumbered highway to

Conquest, thence north on New York Highway 38 to junction New York Highway 104, at Hannibal, thence north along New York Highway 104 to Fruit Valley, and New York Highway 104 A, thence east on New York Highway 104A to Oswego and Lake Ontario. The purpose of this filing is to eliminate the gateway of the warehouse and plantsite facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 21170 (Sub-No. E190) (partial correction), filed February 3, 1975, published in the FEDERAL REGISTER issues of May 2, 1975 and June 11, 1975 and republished as corrected, this issue. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prokuski (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats and packinghouse products.*

NOTE.—The purpose of this partial correction is to state the correct commodity description by deleting the restriction "except commodities requiring refrigeration" that was erroneously added when this gateway elimination letter-notice was published. The remainder of this letter notice remains as previously published.

No. MC 40215 (Sub-No. E25) (correction), filed May 17, 1974, published in the FEDERAL REGISTER issue of May 26, 1977, and partially republished, as corrected, this issue. Applicant RICHARDSON TRANSFER & STORAGE CO., INC., 246 North Fifth Avenue, Salina, Kans. 67401. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (4) from points in Oklahoma on and east of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 54/64, thence along U.S. Highway 54 to the Oklahoma-Texas State line, to points in Colorado (7A) from points in Oklahoma to points in Illinois on and north of a line beginning at the Missouri-Illinois State line, and extending east and southeast along Illinois Highway 177, to junction Illinois Highway 15, thence east along Illinois Highway 15 to the Illinois-Indiana State line. (16A) From points in Oklahoma and east and north of a line beginning at the Oklahoma-Kansas State line, and extending south along U.S. Highway 183 to junction Oklahoma Highway 51, thence east along Oklahoma Highway 51 to junction Oklahoma Highway 33, thence east along Oklahoma Highway 33 to the Oklahoma-Arkansas State line, to points in New Mexico. (B) From points in Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line and extending south along U.S. Highway 183 to junction U.S. Highway 66, thence east along U.S. Highway 66 to junction U.S. Highway 281, thence south along U.S. Highway 281 to the Texas-Oklahoma State line, to points in New Mexico on and north of a line beginning at the New Mexico-Texas State line, and extending along U.S. Highway 60 to the New Mexico-Arizona State line. (18) From points in Oklahoma on and west and north of a line beginning at the Oklahoma-Arkansas State line, and extending along U.S. Highway 59, to junction U.S. Highway 259, thence south along U.S. Highway 259 to the Oklahoma-Texas State line, to points in North Carolina. (21) From points in Oklahoma on and north and west of a line beginning at the Oklahoma-Arkansas State line, and extending west along Oklahoma Highway 33, to junction U.S. Highway 75, to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 81, thence south along U.S. Highway 81 to the Oklahoma-Texas State line, to points in Tennessee. The purpose of this filing is to eliminate the gateways of points in Kansas and Ohio in Section 16, and in all other sections, points in Kansas.

NOTE.—The purpose of this partial republication is to correct the territorial descriptions. The remainder of this letter-notice remains as previously published.

No. MC 60014 (Sub-No. E154) (partial correction), filed August 28, 1976, published in the FEDERAL REGISTER issue of May 18, 1977, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils* (except commodities requiring special equipment), between: points in Wisconsin north and west of a line commencing on U.S. Highway 51 at Beloit, Wisconsin, thence north on U.S. Highway 51 to Janesville, thence north on Wisconsin Highway 26 to Fort Atkinson, thence east on Wisconsin Highway 106 to the intersection of Wisconsin Highway 106 to the intersection of Wisconsin Highway 107 and Wisconsin Highway 67, thence south on Wisconsin Highway 67 to Eagle, thence north on Wisconsin Highway 59 to Waukesha, thence east on Wisconsin Highway 59 to Milwaukee, Wisconsin, on the one hand, and, on the other, points in Massachusetts.

NOTE.—The purpose of this partial correction is to delete the (F) in the territorial description. The gateways to be eliminated should remain as previously published.

No. MC 60014 (Sub-No. E170) (partial correction), filed August 28, 1976, published in the FEDERAL REGISTER issue of May 18, 1977, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils*, (the transportation of which, because of their size or weight, require the use of special equipment), between points in Pennsylvania, on the one hand, and, on the other, points in Ohio on and southwest of a line beginning at Lake Erie, and extending along Ohio Highway 306 to junction U.S. Highway 322, thence along U.S. highway 322 to the Ohio-Pennsylvania State line. Gateways to be eliminated: (1) Pennsylvania, (2) Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio, (3) points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line (except points in Licking County, Ohio).

NOTE.—The purpose of this correction is to correct the gateways to be eliminated.

No. MC 60014 (Sub-No. E173) (correction), filed August 28, 1976, published in the FEDERAL REGISTER issue of May 18, 1977, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts tubing and wire in coils* (the transportation of which, because of their size or weight, require the use of special equipment), between points in Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along Indiana Highway 18 to juction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Interstate Highway 69, to junction U.S. Highway 6, thence along U.S. Highway 6 to the Indiana-Ohio State line, on the one hand, and, on the other, points in Ohio on and west of a line beginning at the Kentucky-Ohio State line and extending along U.S. Highway 23 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Ohio Highway 37, thence along Ohio Highway 37 to junction U.S. Highway 40,thence along U.S. Highway 40 to junction Ohio Highway 79, thence along Ohio Highway 79 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 30, thence along

U.S. Highway 30 to the Ohio-Pennsylvania State line. Gateways to be eliminated: Points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line.

No. MC 60014 (Sub-No. E183) (correction), filed August 28, 1976, published in the FEDERAL REGISTER issue of May 18, 1977, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, (except commodities requiring special equipment) between points in New Jersey on and east of a line beginning at the Pennsylvania-New Jersey State line, and extending along New Jersey Highway 94 to junction New Jersey Highway 521, thence along New Jersey Highway 521 to junction New Jersey Highway 519, thence along New Jersey Highway 519 to junction New Jersey Highway 23, thence along New Jersey Highway 23 to junction New Jersey Highway 284, thence along New Jersey Highway 284 to the New Jersey-New York State line, on the one hand, and, on the other, points in Vermont on and east of a line beginning at the International Boundary line between the United States and Canada and extending along Vermont Highway 105 to junction Vermont Highway 101, thence along Vermont Highway 101 to junction Vermont Highway 100, thence along Vermont Highway 100 to junction Vermont Highway 15/15A, thence along Vermont Highway 15/15A to junction Vermont Highway 15, thence along Vermont Highway 15 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 302, thence along U.S. Highway 302 to junction Vermont Highway 110, thence along Vermont Highway 110 to junction Vermont Highway 14, thence along Vermont Highway 14 to junction Vermont Highway 107, thence along Vermont Highway 107 to junction Vermont Highway 12, thence along Vermont Highway 12 to junction Vermont Highway 106; thence along Vermont Highway 106; thence along Vermont Highway 106 to junction Vermont Highway 131, thence along Vermont Highway 131 to the Vermont-New Hampshire State line; points in New Hampshire on and northeast of a line beginning at the Vermont-New Hampshire State line and extending along New Hampshire Highway 12/103, thence along New Hampshire Highway 12/103 to junction New Hampshire Highway 11/103, thence along New Hampshire Highway 11/103 to junction New Hampshire Highway 31, thence along New Hampshire Highway 31 to junction New Hampshire Highway 10, thence along New Hampshire Highway 10 to junction New Hampshire Highway 12, thence along New Hampshire Highway 12 to the New Hampshire-Massachusetts State line, points in Rhode Island on and north of Interstate Highway 6. Gateways to be eliminated: (1) Points in New York, points in Connecticut, (2) within 10 miles of Greenwich, Connecticut, and (3) Points in Massachusetts on and east of U.S. Highway 5, (4) Between points in that part of Massachusetts, on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, (except points in Barnstable, Dukes, and Nantucket Counties, Mass.).

NOTE.—The purpose of this correction is to state the correct territorial description and to include the gateway, Part (4), that was omitted in the May 18, 1977 publication.

No. MC 60014 (Sub-No. E197) (correction), filed August 28, 1976, published, in the FEDERAL REGISTER issue of May 18, 1977, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils* (except commodities requiring special equipment), between points in New Jersey, on the one hand, and, on the other, points in Maine. Gateways to be eliminated: (1) New York, (2) Within 10 miles of Greenwich, Connecticut, (3) Points in Massachusetts on and east of U. S. Highway 5, (4) Between points in that part of Massachusetts, on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, (except points in Barnstable, Dukes, and Nantucket Counties, Mass.).

NOTE.—The purpose of this correction is to state the correct gateway points.

No. MC 60014 (Sub-No. E201) (partial correction), filed August 28, 1976, published in the FEDERAL REGISTER issue of May 26, 1977, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils* (except commodities requiring special equipment), from points in New York on and south of a line beginning at Lake Erie extending along U.S. Highway 20 to the junction New York Highway 12, thence along New York Highway 12 to the junction New York Highway 23, thence along New York Highway 23 to the junction of New York Highway 8, thence along New York Highway 8 to the junction of New York Highway 206, thence along New York Highway 206 to the junction of New York Highway 30, thence along New York Highway 30 to the junction New York Highway 28, thence along New York Highway 28 to the Junction of New York Highway 199, thence along New York Highway 199 to junction of U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line, to points in Maine on and east of a line beginning at the International Boundary line between the United States and Canada along Maine Highway 11 to the junction of Interstate Highway 95, thence along Interstate Highway 95 to the junction of U.S. Highway Alternate 1, thence along U.S. Highway Alternate 1 to the junction of U.S. Highway 1, thence along U.S. Highway 1 to Penobscot Bay.

NOTE.—The purpose of this partial correction is to state the correct highway to read as "New York Highway 28" instead of "New York Highway 26." The gateways to be eliminated remains as previously published.

No. MC 60014 (Sub-No. E205) (partial correction), filed August 28, 1976, published in the FEDERAL REGISTER issue of May 26, 1977, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils*, between points in Michigan on the one hand, and, on the other, points in New York, New Jersey, Delaware, those in Pennsylvania south of a line beginning at the New York-Pennsylvania State line extending along Pennsylvania Highway 277 to the junction of Pennsylvania Highway 77, thence along Pennsylvania Highway 77 to the junction of U.S. Highway 6/322, thence along U.S. Highway 6/322 to the junction of U.S. Highway 322, thence along U.S. Highway 322 to the Pennsylvania-Ohio State line.

NOTE.—The purpose of this partial correction is to eliminate the District of Columbia as part of the destination point. The gateways to be eliminated remains as previously published.

No. MC 60014 (Sub-No. E208) (partial correction), filed August 28, 1976, published in the FEDERAL REGISTER issue of May 26, 1977, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils* (the transportation of which because of size or weight, requires the use of special equipment).

NOTE.—The purpose of this partial correction is to state the correct commodity description. The remainder of this letter-notice remains as previously published in the May 26, 1977 FEDERAL REGISTER issue.

No. MC60014 (Sub-No. E232) (correction), filed August 28, 1976, published in the FEDERAL REGISTER issue of May 26, 1977, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, between points in West Virginia on and north of a line beginning at the West Virginia-Ohio State line extending along West Virginia Highway 95 to junction of West Virginia Highway 47, thence along West Virginia Highway 47 to junction of U.S. Highway 33/119, thence along U.S. Highway 33/119 to junction of U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line, on the one hand, and, on the other, points in Alabama on and west of a line beginning at the Alabama-Tennessee State line extending along U.S. Highway 231/431 to junction U.S. Highway Alternate 72 to junction of U.S. Highway 31, thence along U.S. Highway 31 to junction of Interstate Highway 65, thence along Interstate Highway 65 to junction of Alabama Highway 69, thence along Alabama Highway 69 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction Alabama Highway 10, thence along Alabama Highway 10 to junction of Alabama Highway 47, thence along Alabama Highway 47 to junction Alabama Highway 83, thence along Alabama Highway 83 to junction Alabama Highway 84, thence along Alabama Highway 84 to the Alabama-Georgia State line. Gateways to be eliminated: (1) Wheeling, West Virginia.

NOTE.—The purpose of this correction is to correct the territorial description.

No. MC 60014 (Sub-No. E240) (partial correction) filed August 28, 1976, published in the FEDERAL REGISTER issue of May 26, 1977, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa., 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils* (except commodities requiring special equipment) from points in Rhode Island to points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along Tennessee Highway 216 to the junction of Tennessee Highway 52, thence along Tennessee Highway 52 to junction of Tennessee Highway 136, thence along Tennessee Highway 136 to the junction of Tennessee Highway 42, thence along Tennessee Highway 42 to the junction of U.S. Highway 70S, thence along U.S. Highway 70S to the junction of Tennessee Highway 55, thence along Tennessee Highway 55 to junction U.S. Highway Alternate 41, thence along U.S. Highway Alternate 41 to the junction of U.S. Highway 64, thence along U.S. Highway 64 to the junction of Tennessee Highway 97, thence along Tennessee Highway 97 to the Tennessee-Alabama State line.

NOTE.—The purpose of this partial correction is to correct the highway. The gateways to be eliminated remains as previously published.

No. MC 60014 (Sub-No. E246) (partial correction), filed August 28, 1976, published in the FEDERAL REGISTER issue of May 26, 1977, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison, same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils* (except commodities requiring special equipment) from points in Massachusetts to points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 31E/231 to the junction of U.S. Highway 231, thence along U.S. Highway 231 to the junction of U.S. Highway 41, thence along U.S. Highway 41 to the junction of Tennessee Highway 55, thence along Tennessee Highway 55 to the junction of U.S. Alternate Highway 41, thence along U.S. Alternate Highway 41 to the junction of U.S. Highway 64, thence along U.S. Highway 64 to the junction of Tennessee Highway 97, thence along Tennessee Highway 97 to the Tennessee-Alabama State line.

NOTE.—The purpose of this partial correction is to state the correct highway. The gateways to be eliminated remains as previously published.

No. MC 60014 (Sub-No. E248) (partial correction), filed August 28, 1976, published in the FEDERAL REGISTER issue of May 26, 1977, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils* (except commodities requiring special equipment) from points in Massachusetts on and east of a line beginning at the Vermont-Massachusetts State line, extending along Massachusetts Highway 8A to the junction of Massachusetts Highway 116, thence along Massachusetts Highway 116 to the junction of Massachusetts Highway 112, thence along Massachusetts Highway 112 to the junction of U.S. Highway 20, thence along U.S. Highway 20 to the junction of U.S. Highway 202, thence along U.S. Highway 202 to the junction of Massachusetts Highway 10, thence along Massachusetts Highway 10 to the Massachusetts-Connecticut State line, to points in Kentucky.

NOTE.—The purpose of this partial correction is to state the correct highway. The gateways to be eliminated remains as previously published.

No. MC 60014 (Sub-No. E249) (partial correction), filed August 28, 1976, published in the FEDERAL REGISTER issue of May 26, 1977, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, (except commodities in requiring special equipment) from points in Massachusetts on and east of a line beginning at the Vermont-Massachusetts State line extending along Massachusetts Highway 8A, to the junction of Massachusetts Highway 116, thence along Massachusetts Highway 116 to the junction of Massachusetts Highway 112, thence along Massachusetts Highway 112 to the junction of U.S. Highway 20, thence along U.S. Highway 20 to the junction of U.S. Highway 202, thence along U.S. Highway 202 to the Massachusetts-Connecticut State line, to points in Alabama.

NOTE.—The purpose of this partial correction is to state the correct highway. The

gateways to be eliminated remains as previously published.

No. MC 60014 (Sub-No. E260) (correction), filed August 28, 1976, published in the FEDERAL REGISTER issue of May 18, 1977, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, between points in Vermont on the one hand, and, on the other, points in Connecticut on and east of a line beginning at the Connecticut-Massachusetts State line extending along Connecticut Highway 12 to the junction of Connecticut Highway 2, thence along Connecticut Highway 2 to the Connecticut-Rhode Island State line. Gateways to be eliminated: (1) between points in that part of Massachusetts, on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line (except points in Barnstable, Dukes, and Nantucket Counties, Mass.)

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 60014 (Sub-No. E263) (partial correction), filed August 28, 1976, published in the FEDERAL REGISTER issue of May 18, 1977, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*. Gateway to be eliminated: (1) Between points in that part of Massachusetts, on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highawy 12 to the Massachusetts-Connecticut State line, (except points in Barnstable, Dukes, and Nantucket Counties, Mass.).

NOTE.—The purpose of this partial correction is to state the gateway to be eliminated that was omitted in prior publication. The remainder of this letter-notice remains as previously published.

No. MC 60014 (Sub-No. E267) (partial correction), filed August 28, 1976, published in the FEDERAL REGISTER issue of May 18, 1977, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire coils*, between points in New Hampshire on the one hand, and, on the other, points in Pennsylvania north and west of a line beginning at the Ohio-Pennsylvania State line and extending along Pennsylvania Highway 58, thence along Pennsylvania Highway 58 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction of Pennsylvania Highway 77, thence along Pennsylvania Highway 77 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction of Pennsylvania Highway 27, thence along Pennsylvania Highway 27 to the Pennsylvania-New York State line and those points in Pennsylvania north and east of a line beginning at the New York-Pennsylvania State line extending along Interstate Highway 84, thence along Interstate Highway 84 to junction of Pennsylvania Highway 6, thence along Pennsylvania Highway 6 to junction of Pennsylvania Highway 590, thence along Pennsylvania Highway 590 to junction of Pennsylvania Highway 435, thence along Pennsylvania Highway 435 to junction of U.S. Highway 11, thence along U.S. Highway 11 to junction of U.S. Highway 6, thence along U.S. Highway 6 to junction of U.S. Highway 220, thence along U.S. Highway 200 to the Pennsylvania-New York State line.

NOTE.—The purpose of this partial correction is to state the correct highway territory. The gateway to be eliminated remains as previously published.

No. MC 60014 (Sub-No. E280) (partial correction), filed August 28, 1976, published in the FEDERAL REGISTER issue of May 18, 1977, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P. O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils*, between points in Virginia on and west of a line beginning at the North Carolina-Virginia State line extending along U.S. Highway 220, thence along U.S. Highway 220 to junction of Interstate Highway 64, thence along Interstate Highway 64 to junction of U.S. Highway 220, thence along U. S. Highway 220 to the Virginia-West Virginia State line, on the one hand, and, on the other, points in Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line extending along U.S. Highway 202, thence along U.S. Highway 202 to junction of U.S. Highway 6/202, thence along U.S. Highway 6/202 to junction of Connecticut Highway 69, thence along Connecticut Highway 69 to junction of Connecticut Highway 72, thence along Connecticut Highway 72 to junction of Connecticut Highway 229, thence along Connecticut Highway 229 to junction of Interstate Highway 84, thence along Interstate Highway 84 to junction of Connecticut Highway 66, thence along Connecticut Highway 66 to junction of Connecticut Highway 10, thence along Connecticut Highway 10 to junction of Connecticut Highway 150, thence along Connecticut Highway 150 to junction of Connecticut Highway 22, thence along Connecticut Highway 22 to U.S. Highway 1, thence along U.S. Highway 1 to the Atlantic Ocean.

NOTE.—The purpose of this partial correction is to state the correct highway. The remainder of this letter remains as previously published. (The gateways to be eliminated).

No. MC 60014 (Sub-No. E290) (partial correction), filed August 28, 1976, published in the FEDERAL REGISTER issue of June 2, 1977, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof parts, tubing, and wire coils*, between points in New York on and north of a line beginning at the St. Lawrence River and extending along New York Highway 58, thence along New York Highway 58 to junction New York Highway 184, thence along New York Highway 184, to junction of New York Highway 68, thence along New York Highway 68 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction of New York Highway 374, thence along New York Highway 374 to the New York-Canada International Boundary, on the one hand, and, on the other, points in Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line and extending along Interstate Highway 91, thence along Interstate Highway 91 to the Atlantic Ocean.

NOTE.—The purpose of this partial correction is to state the correct territorial description. The gateways to be eliminated should remain as previously published.

No. MC 60014 (Sub-No. E296) (partial correction), filed August 28, 1976,

published in the FEDERAL REGISTER issue of June 2, 1977, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils*, between points in New York on and west of a line beginning at the Pennsylvania-New York State line extending along New York Highway 14, thence along New York Highway 14 to junction of New York Highway 13, thence along New York Highway 13 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction of New York Highway 12, thence along New York Highway 12 to junction New York Highway 5, thence along New York Highway 5 to junction of New York Highway 30A, thence along New York Highway 30A to junction of New York Highway 29, thence along New York Highway 29 to junction of New York Highway 22, thence along New York Highway 22 to the New York-Vermont State line, on the one hand, and, on the other, points in Connecticut on and east of a line beginning at the Connecticut-Massachusetts State line extending along Connecticut Highway 12, thence along Connecticut Highway 12 to junction of Connecticut 2, thence along Connecticut Highway 2 to junction of Connecticut Highway 1A, thence along Connecticut Highway 1A to the Atlantic Ocean.

NOTE.—The purpose of this partial correction is to state the correct territorial description. The remainder of the letter-notice stating the gateways to be eliminated remains as previously published.

No. MC 92983 (Sub-No. E58) (correction), filed JUNE 4, 1974, published in the FEDERAL REGISTER issue of April 28, 1976, partially republished, as corrected, this issue. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Inedible animal fats*, in bulk, in tank vehicles, (10) (a) From points in Wyoming on and north of a line beginning at the Wyoming-Nebraska State line, and extending along U.S. Highway 20, to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Wyoming Highway 22, thence along Wyoming Highway 22 to the Wyoming-Idaho State line, to points in Michigan in and east of Dickinson, Menominee, Delta and Algar Counties, and those points in Wisconsin in, and east and south of Vernon, Monroe, Juneau, Wood, Portage, Shawano, Menominee, Oconto and Marinette Counties, (10) (b) From points in Wyoming on and south of a line beginning at the Wyoming-Nebraska State line, and extending along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Wyoming Highway 22, thence along Wyoming Highway 22 to the Wyoming-Idaho State line, to points in Michigan, and points in Wisconsin located in, and east and south of Tremplealeau, Eau Claire, Clark, Taylor, Price and Iron Counties. The purpose of this filing is to eliminate the gateway of East Dubuque, Ill (in the Dubuque, Iowa Commercial zone).

NOTE.—The purpose of this republication is to insert Section 10, previously omitted. The remainder of this letter-notice remains as previously published.

No. MC 114019 (Sub-No. E258), filed May 25, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods*, from points in that part of New York on and east of a line beginning at Windsor Beach, N.Y., and extending to Rochester, N.Y., thence along U.S. Highway 15 to Wayland, N.Y., thence along New York Highway 245 to Dansville, N.Y., thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, N.Y., and thence along New York Highway 17 to the New York-Pennsylvania State line, to points in the Lower Peninsula of Michigan. Gateway to be eliminated: points in Ohio. (2) *Foodstuffs*, from points in that part of New York on and east of a line beginning at Windsor Beach, N.Y., and extending to Rochester, N.Y., thence along U.S. Highway 15 to Wayland, N.Y., thence along New York Highway 245 to Dansville, N.Y., thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, N.Y., and thence along New York Highway 17 to the New York-Pennsylvania State line, to Detroit and Grand Rapids, Mich. Gateway to be eliminated: Toledo, Ohio.

No. MC 114019 (Sub-No. E396), filed May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, glass covers, glass caps and glass accessories* for glass containers, (1) from points in Indiana on and south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to Huntington, Ind., thence along U.S. Highway 224 to the Indiana-Ohio State line and points in Indiana on and north of a line beginning at the Illinois-Indiana State line at or near Terre Haute, Ind. and extending along Indiana Highway 46 to junction Indiana Highway 7 at Columbus, Ind., thence along Indiana Highway 7 to the Indiana-Kentucky State line and from points in Ohio on and South of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 224 to Van Wert, Ohio, thence along U.S. Highway 30 to Delphos, Ohio, thence along U.S. Highway 30N to Mansfield, Ohio, thence along U.S. Highway 30 to Massillon, Ohio, thence along U.S. Highway 21 to the Ohio-West Virginia State line, to points in Iowa, Minnesota, Nebraska, North Dakota and South Dakota. Gateway to be eliminated: Streator, Ill. (2) from Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach, N.Y., and extending to Rochester, N.Y., thence along U.S. Highway 15 to Wayland, N.Y., thence along New York Highway 245 to Dansville, N.Y., thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, N.Y., and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia and Pennsylvania, to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota. Gateways to be eliminated: points in Ohio on and south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 224 to Van Wert, Ohio, thence along U.S. Highway 30 to Delphos, Ohio, thence along U.S. Highway 30N to Mansfield, Ohio, thence along U.S. Highway 30 to Massillon, Ohio, thence along U.S. Highway 21 to the Ohio-West Virginia State line and Streator, Ill.

No. MC 114019 (Sub-No. E481), filed May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, toilet preparations and toilet articles*, from New York, N.Y. and points within 30 miles of New York, N.Y., to Kansas City, Mo. The purpose of this filing is to eliminate the gateways of Conneaut, Ohio and Buffalo, N.Y.

No. MC 114019 (Sub-No. E482), filed May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 46 M.C.C. 23, between points in Minnesota, on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning at Lake Erie, and extending along Pennsylvania Highway 8 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Penn-

sylvania Highway 34, thence along Pennsylvania Highway 34 to the Pennsylvania-Maryland State line.

The purpose of this filing is to eliminate the gateways of Muscatine, Iowa and Cutting, N.Y.

No. MC 124211 (Sub-No. E48) (partial correction), filed May 7, 1974, published in the FEDERAL REGISTER issue of September 17, 1975, and republished as corrected, this issue. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authourity sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (7) *foods and food products* (except frozen foods, meat by-products, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 and commodities in bulk), from St. Paul, Minn., to those points in Alabama on and south of U.S. Highway 84 and points in Florida on and south of U.S. Highway 90. The purpose of this filing is to eliminate the gateways of Waverly and Milford, Nebr.

NOTE.—The purpose of this partial correction is to state the correct territorial description. The remainder of this letter-notice remains as previously published.

No. MC 124211 (Sub-No. E60), filed May 13, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen bakery goods* (except commodities in bulk), (1) between Sioux City, Iowa, on the one hand, and, on the other, points in Arkansas, Kansas, Louisiana, Mississippi, Oklahoma, Texas, and Tennessee (except Bells, Humboldt, Jackson, Milan, and Memphis, and points in its commercial zone as defined by the Commission); and (2) from Sioux City, Iowa, to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Missouri, New Hamsphire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia, and to points in Indiana (except points on and west of Indiana Highway 19 and north of U.S. Highway 24), points in Michigan (except points in the upper peninsula and points in Michigan on and west of of U.S. Highway 131 and south of Michigan Highway 43), and to those points in Iowa on and south of Interstate Highway 80, those points in Wisconsin on and east of a lie beginning at the Illinois-Wisconsin State line, thence north over U.S. Highway 51 to Madison, Wis., thence over U.S. Highway 151 to junction U.S. Highway 41 at Fond du Lac, thence over U.S. Highway 41 to the Wisconsin-Michigan State line, and to Bells, Humbolt, Jackson, Milan, and Memphis, Tenn. The purpose of this filing is to eliminate the gateways of points in Dakota County, Nebr. and Lincoln and Omaha, Nebr.

No. MC 124211 (Sub-No. E89), filed August 3, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and except hides and liquid commodities in bulk, in tank vehicles), (a) from Topeka, Kans., to points in Nebraska on, west and north of a line beginning at the Nebraska-South Dakota State line, and extending south along U.S. Highway 81 to junction Nebraska Highway 84, thence west along Nebraska Highway 84 to junction Nebraska Highway 14, thence south along Nebraska Highway 14 to junction U.S. Highway 30, thence west along U.S. Highway 30 to junction U.S. Highway 281, thence south along U.S. Highway 281 to junction U.S. Highway 6, thence west along U.S. Highway 6 to junction U.S. Highway 183, thence north along U.S. Highway 183 to junction Nebraska Highway 23, thence west along Nebraska Highway 23 to the Nebraska-Colorado State line. The purpose of this filing is to eliminate the gateway of Grand Island, Nebr. (b) from Topeka, Kans., to points in South Dakota on and west of a line beginning at the South Dakota-North Dakota State line and extending south along South Dakota Highway 65 to junction U.S. Highway 212, thence west along U.S. Highway 212 to junction South Dakota Highway 79, thence south along South Dakota Highway 79 to junction Interstate Highway 90, thence along Interstate Highway 90 to Rapid City, thence along South Dakota Highway 79 to Hot Springs, thence south along South Dakota Highway 71 to the South Dakota-Nebraska State line. The purpose of this filing is to eliminate the gateways of Grand Island, Nebr. and points in Saunders County, Nebr. (c) from Topeka, Kans., to points in North Dakota on, west and north of a line beginning at the United States-Canada International Boundary near Maida, N. Dak., and extending south along North Dakota Highway 1 to junction North Dakota Highway 17, thence west along North Dakota Highway 17 to junction North Dakota Highway 20, thence south along North Dakota Highway 20 to Devils Lake, thence west along U.S. Highway 2 to junction North Dakota Highway 14, thence south along North Dakota Highway 14 to junction U.S. Highway 10, thence west along U.S. Highway 10 to junction North Dakota Highway 6, thence south along North Dakota Highway 6 to the North Dakota-South Dakota State line. The purpose of this filing is to eliminate the gateways of Grand Island, Nebr. and points in Saunders County, Nebr.

No. MC 124211 (Sub-No. E90), filed August 3, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk and except liquid commodities, in bulk, in tank vehicles), (a) from points in Nebraska on, west and south of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 281 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to Alliance, Nebr., thence south along U.S. Highway 385 to junction U.S. Highway 26, thence west along U.S. Highway 26 to the Nebraska-Wyoming State line, to points in Wisconsin. The purpose of this filing is to eliminate the gateways of the plant sites of Cornland Dressed Beef Company at or near Lexington and Minden, Nebr. (b) from points in Nebraska on and west of U.S. Highway 281 to (except points in Franklin and Webster Counties), to points in Missouri on and south of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of the plant site of Cornland Dressed Beef Company at or near Minden, Nebr. (c) from points in York County, Nebr., on and west of U.S. Highway 81, to points in Missouri on and south of U.S. Highway 50. The purpose of this filing is to elimiate the gateway of the plant site of Cornland Dressed Beef Company at or near Minden, Nebr. (d) from Fairbury, Nebr., to Milwaukee, Wis. The purpose of this filing is to eliminate the gateway of the plant site of Cornland Dressed Beef Company at or near Minden, Nebr.

No. MC 124211 (Sub-No. E91), filed August 8, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, and except liquid commodities, in bulk), (a) from points in Nebraska (except points in Nemaha and Richardson Counties, Nebr., to points in Kentucky. (b) From points in Nemaha County, Nebr., to points in Kentucky on and east of U.S. Highway 41. (c) From points in Richardson County, Nebr., to points in Kentucky on and east of U.S. Highway 23. The purpose of this finding is

to eliminate the gateway of Lincoln, Nebr.

By the Commission.

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

[FR Doc.77-25347 Filed 8-30-77;8:45 am]

[Notice No. 215]

MOTOR CARRIERS TRANSFER PROCEEDINGS

AUGUST 31, 1977.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC 77274. By application filed August 22, 1977, MOTEK TRANSPORT, INC., P.O. Box 239, 2250 Maple Avenue, Hatfield, PA 19440, seeks temporary authority to transfer a portion of the operating rights of MOTEK TRANSPORT SYSTEMS, INC., by Southeast National Bank of Pennsylvania, d/b/a MOTEK TRANSPORT SYSTEMS, INC., 406 Avenue of the States, Chester, PA 19013, under section 210a(b). The transfer to MOTEK TRANSPORT, INC., of the operating rights of MOTEK TRANSPORT SYSTEMS, INC., by Southeast National Bank of Pennsylvania, d/b/a MOTEK TRANSPORT SYSTEMS, INC., is presently pending.

By the Commission.

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

[FR Doc.77-25348 Filed 8-30-77;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

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: Follows 10:30 a.m. Open Meeting, Wednesday, August 31, 1977.

PLACE: Room 856, 1919 M Street, N.W., Washington, D.C.

STATUS: Closed Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No. and Subject

Hearing—1—Appeals from interlocutory ruling of Administrative Law Judge that Commission is not authorized by statute to award punitive damages in common carrier actions under Section 206 of the Communications Act (Docket No. 20831).

Hearing—2—Petitions (1) to re-admit licensee's counsel, Benedict P. Cottone, (2) to set aside all proceedings conducted by former Administrative Law Judge Nash, and (3) for immediate action on (1) and (2) in the Puyallup, Washington, standard broadcast renewal proceeding (Docket No. 18929).

Hearing—3—Appeals from interlocutory orders of Administrative Law Judges in the San Diego, California, FM license renewal proceeding (Docket No. 20971) and the Lancaster, Pennsylvania, TV license renewal proceeding (Docket No. 21034).

General—1—Discussion of litigation of the Execunet case, *MCI* v. *FCC* (Case No. 75–1635).

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone 202–632–7260.

Issued: August 24, 1977; August 26, 1977.

[S–1198–77; Filed 8–26–77; 4:52 pm]

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 10:30 a.m., Wednesday, August 31, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No. and Subject

General—1—Request for oral argument filed by American Radio Relay League, Inc., in the proceeding concerning marketing of external frequency amplifiers (Docket No. 21116).

General—2—Request for oral argument filed by American Radio Relay League, Inc., in the proceeding concerning type acceptance of equipment marketed for use in the Amateur Radio Service (Docket No. 21117).

General—3—International radiotelephone and radiotelegraph regulations for fishing vessels: Draft of (IMCO) Convention on Safety of Fishing Vessels (Docket No. 20122).

General—4—Zero-Based Budgeting—Commission-wide Priorities.

Common Carrier—1—Notice of Proposed Rule Making relating to amendment of Annual Report Forms M for telephone companies, O for wire-telegraph and ocean-cable carriers and R for radiotelegraph carriers (RM–2765).

Common Carrier—2—Request filed on June 21, 1977 by Carpenter Radio that the Commission furnish it hearing transcripts without charge (Docket No. 21256).

Cable Television—1—Petition for special relief filed by Lower Bucks Cablevision, Inc., operator of a cable television system serving discrete areas of Bristol Borough, Bristol Township and Middletown Township, Pennsylvania.

Cable Television—2—Application[s] for Certificate[s] of Compliance (CAC–6504–6509), filed by Mid-Hudson Cablevision, Inc., operator of existing cable systems at the Village and Town of Catskill, the Village and Town of Athens, City of Hudson, and Town of Greenport, New York.

Assignment of License and Transfer of Control—1—Application for consent to voluntary transfer of control of Westport Television, Inc., licensee of UHF station KBMA–TV, Kansas City, Missouri, from Benno C. Schmidt and BMA Properties, Inc., to Scripps-Howard Broadcasting Company (BTC–8303).

Renewal—1—Petition to deny, filed by Vincent L. Hoffart against the pending broadcast license renewal applications of Dena Pictures, Inc. and Alexander Broadcasting Co., d.b.a. Kaye-Smith Enterprises, for Stations WUBE and WUBE–FM, Cincinnati, Ohio (BR–278, BRH–471).

Complaints and Compliance—1—Petition for reconsideration, filed May 31, 1977, by Musical Heights, Inc., licensee of station WZYQ–FM, Braddock Heights, Maryland, of a Commission By Direction letter granting a short-term license renewal to radio station WZYQ–FM (BRH–2761).

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone 202–632–7260.

Issued: August 24, 1977; August 26, 1977.

[S–1205–77 Filed 8–26–77; 4:52 pm]

3

CIVIL AERONAUTICS BOARD.

Notice of addition to the September 1, 1977 meeting agenda.

TIME AND DATE: 10:00 a.m., September 1, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue, Washington, D.C. 20428.

SUBJECT: 11a. Board comments on Interstate Commerce Commission rulemaking, "Motor Transportation of Property Incidental to Transportation by Aircraft," No. MC–C–3437, and "Motor Transportation of Passengers Incidental to Transportation by Aircraft," No. MC–C–4000 (Memo No. 7380, OGC, BE, BOR)

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, ((202) 673–5068).

SUPPLEMENTARY INFORMATION: This item concerns Board comments that are to be submitted to the Interstate Commerce Commission on September 7, 1977. The only scheduled meeting of the Board before September 7, 1977, is September 1, 1977. Therefore, the following Board Members have voted that agency business requires the addition of item 11a. to the meeting agenda for the September 1, 1977 meeting and that no earlier announcement of the addition was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West

[S–1206–77 Filed 8–26–77; 4:52 pm]

federal register

WEDNESDAY, AUGUST 31, 1977

PART II



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

NATIONAL FLOOD INSURANCE PROGRAM

Final Flood Elevation Determinations for Various Communities

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2496]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Marysville, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Marysville, Calif. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Marysville, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Marysville are available for review at City Hall, Marysville, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–775–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Marysville.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Feather River	10th St.	71
	5th St.	70
Yuba River	Simpson Lane	72
	Southern Pacific RR.	71
	E St.	70
Jack Slough	Highway 70.	71
	Southern Pacific RR.	71

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

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24687 Filed 8-30-77;8:45 am]

[Docket No. FI-2715]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Novato, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Novato, Calif. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Novato, Calif.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Novato.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Novato are available for review at City Hall, Sherman and DeLong, Novato, Calif.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Arroyo Avichi	Novato Blvd.[1]	13
	Arthur Dr.[1]	37
	....do.[2]	39
Wilson Creek	Center Rd.[2]	40
	McClay Ave.[2]	57
Vineyard Creek	Center Rd.[1]	44
	Wilson Ave.[2]	61
	Trumbull Rd.	90
	Mill St.	108
Pacheco Creek	Northwestern Pacific RR.[1]	22
	....do.[2]	27
	Bolling Dr. (southern crossing).	71
	Bolling Dr. (northern crossing).	83
	Marin Valley Dr.[2]	80
	U.S. 101[1]	99
Novato Creek	Sonoma Valley branch, Northwestern Pacific RR. Bridge.	8
	State Highway 37.	8
	Northwestern Pacific RR.	10
	Old U.S. Highway 101 Bridge.	12
	Diablo Avenue Bridge.[2]	21
	Tamalpais Ave.[2]	29
	Grant Ave.	35
	Simmons Lane.	48
	South Novato Blvd.	74
	Sutro Ave.	87
Warner Creek	South Novato Blvd.[1]	14
	Diablo Ave.[1]	16
	Tamalpais Ave.[2]	25
	McClay Ave.[2]	37
Arroyo San Jose	Bel Marin Keys.	19
	Northwestern Pacific RR.	23
	Ignacio Blvd.[1]	28
	Alameda de la Loma.[2]	66
	Fairway Dr.[2]	86
	Capilano Dr.[2]	151
	St. Andrews Dr.[2]	189
Ignacio Creek	Ignacio Blvd. (eastern crossing).	63
	Ignacio Blvd. (western crossing).[2]	102
	Indian Way (eastern crossing).	129
	Indian Way (western crossing).	140

[1] Downstream.
[2] Upstream.

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

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

Issued: June 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24688 Filed 8-30-77;8:45 am]

[Docket No. FI-2577]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Alamosa County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in Alamosa, Colo. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for Alamosa County, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Alamosa County are available for review at Alamosa County Office Building, Alamosa, Colo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Alamosa County, Colo.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980 ,which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the Community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeal presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Rio Grande	D&RGW RR. Bridge.	7,537
	State Street Bridge	7,541

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

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24689 Filed 8-30-77;8:45 am]

[Docket No. FI-2875]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Commerce City, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Commerce City, Colo. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Commerce City, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Commerce City are available for review at City Hall, 5291 East 60th Avenue, Commerce City, Colo. 80022.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Commerce City.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sand Creek	Brighton Blvd.	5,147
	Chicago Burl & Quincy RR.	5,150
	Union Pacific RR.	5,150
	do.	5,151
	Chicago Burl & Quincy RR.	5,157
	Vasquez Blvd. (U.S. 6 and 85).	5,163
	Dahlia St.	5,169
	49th Dr.	5,214
	49th Ave.	5,222
	Quebec St.	5,230
South Platte River	I-270	5,115
	Northwestern Terminal RR.	5,120
	York St.	5,128
	Franklin St.	5,137

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

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24690 Filed 8-30-77;8:45 am]

[Docket No. FI-2576]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Steamboat Springs, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Town of Steamboat Springs, Colo. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Town of Steamboat Springs, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Steamboat Springs are available for review at Town Offices, Steamboat Springs, Colo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Steamboat Springs.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location [1]	Elevation in feet, national geodetic vertical datum
Yampa River	Stock Dr	6,676
	13th St. [2]	6,689
Soda Creek	Lincoln Ave. (U.S. 40).	6,700
	11th St [2]	6,708
	Pine St [2]	6,715
	Grove Pl. [2]	6,741
Butcherknife Creek.	Lincoln Ave	6,719
	Oak St	6,724
	Spruce St	6,754
Spring Creek	Lincoln Ave. (U.S. 40).	6,731
	Oak St	6,739
	Amethyst Dr	6,731
Fish Creek	U.S. Highway 40 [2]	6,761
Walton Creek	do	6,756
Burgess Creek	do [2]	6,757
	Sibley Rd	6,762
	Poma Rd	6,848
	Mount Werner Rd	6,962
	Storm Meadows Dr	7,038

[1] Downstream side of road.

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

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24691 Filed 8-30-77;8:45 am]

[Docket No. FI-2520]

PART 1917—APPEALS FROM FINAL FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Jacksonville, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Jacksonville, Fla. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Jacksonville, Fla.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Jacksonville.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) day has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for cood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Jacksonville are available for review at City Hall, 228 East Bay Street, Jacksonville, Fla.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
St. Johns River	I-295	6
	Fuller Warren Bridge	6
	Acosta Bridge	6
	Main Street Bridge	6
	Matthews Bridge	6
	Seaboard Coastline R.R. Bridge.	7
Intracoastal Waterway.	Beach Blvd	4
	Atlantic Blvd	5
Pablo Creek, Sawmill Slough.	Beach Blvd	40
Trout River	Kings Rd	11
	Seaboard Coastline R.R.	8
	New Kings Rd	7
	Lem Turner Rd	7
Ribault River, Six Mile Creek.	Kings Rd	12
	Southern R.R	9
	New Kings Rd. (U.S. 1).	8
Strawberry Creek	Merrill Rd	40
	Expressway—(90)	12
Portsburg Creek	Bellfort Rd	15
	Bowden Rd	11
	Beach Blvd	11
Hogan Creek	Broad St	10
	Pearl St	10
	Main St	9
	Newman St	9
	Duval St	9
McCoys Creek	Seaboard Coastline R.R.	10
	Stockton St	8
	Seaboard Coastline R.R.	7
	I-95	6
Southwest branch of McCoys Creek.	Post St	13
McGirts Creek	Seaboard Coastline R.R.	64
	Chaffee Rd	62
	Timuquana Rd	6
Cedar River	Seaboard Coastline R.R.	16
	Normandy Blvd	12
	Blanding Blvd	6
Wills Branch	Normandy Blvd	20
	Middleburg Rd	14
	Lane Ave	8
Julington Creek	Florida East Coast RR.	14
	Old St. Augustine Rd.	6
	Highway 13	6

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

Issued: June 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24692 Filed 8-30-77;8:45 am]

[Docket No. FI-2789]

PART 1917—APPEALS FROM FINAL FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Perry, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Perry, Ga.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Perry, Ga.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Perry.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Perry are available for review at City Hall, P.O. Drawer A, Perry, Ga.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Indian Creek	Interstate 75	293
	U.S. Highway 41	292
Bay Creek	Valley Dr.	297
Tributary 1	Main St.[1]	316
	do.[2]	311
	Tucker Rd.[1]	302
	do.[2]	292
Tributary 2	Perimeter Dr.	319
	Ball St.[1]	312
	do.[2]	309
Tributary 4	Central of Georgia R.R.[1]	328
	do.[2]	309
Tributary 5	Elko Rd.	287
Tributary 6	Tucker Rd.	346
	Satterfield Rd.	290

[1] Upstream side.
[2] Downstream side.

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

Issued: June 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24693 Filed 8-30-77;8:45 am]

[Docket No. FI–2824]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Valdosta, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Valdosta, Ga. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Valdosta, Ga.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Valdosta.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Valdosta are available for review at City Hall, Valdosta, Ga.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dukes Bay Canal, west of Patterson St.	St. Augustine Rd.	193
	Myddleton Rd.	192
	Georgia Southern & Florida RR.	192
	do.	191
	Bay St.	191
Dukes Bay Canal, east of Patterson St.	Cypress St.	206
	Georgia Southern & Florida RR.	205
	Hill Ave.	205
	Seaboard Coastline RR.	204
	Georgia Southern & Florida RR.	203
	Lake Park Rd.	193
	Troupe St.	193
	Lee St.	192
	Wisenbaker Lane	191
One Mile Branch	Lakeland Ave.	200
	Park Ave.	200
	Valloton Dr.	196
	Lee St.	195
	Ashley St.	193
	Iola Dr.	189
	Williams St.	188
	Patterson St.	180
	Oak St.	179
	Sustella Dr.	171
	Wainright Dr.	162
	Lankford Dr. or Melody Lane.	160
	Edgewood St.	157
	West Gordon St.	157
	Georgia Southern & Florida RR.	154
Two Mile Branch	Remiss Rd.	218
	Seymour St.	213
	University Dr.	199
	North Ashley St.	195
	Patterson St.	185
	Oak St.	181
	Berkley Dr.	156
	Jerry Jones Rd.	148
Sugar Creek	3d Ave.	190
	2d Ave.	188
	West St.	186
	Lamar St.	175
	Hightower St.	167
	Georgia Southern & Florida RR.	167
	Baytree Rd.	145
	Georgia Southern & Florida RR.	140
	Gornto Rd.	133
Withlacoochee River.	Georgia Southern & Florida RR.	133
	Interstate 75	133

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

Issued: June 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[Docket No. FI–2701]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Frenchtown, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of Frenchtown, Mich. These base flood elevations are the basis for the flood plain management measures that the commu-

nity is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Frenchtown, Mich.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Frenchtown.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Frenchtown are available for review at Frenchtown Township, 2744 Vivian Road, Monroe, Mich.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
River Basin	27,800 ft from mouth	600
	29,500 ft from mouth	602
	30,700 ft from mouth	604
	34,000 ft from mouth	605
Sandy Creek	North Dixie Highway	581
	Interstate 75	592
	Vivian Rd	593
	U.S. 25	599
Stony Creek	North Dixie Highway	578
	Interstate 75	585
	War Rd	595
	U.S. 24, U.S. 25	599
	C&O RR	605

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

Issued: June 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24695 Filed 8-30-77;8:45 am]

[Docket No. FI-2863]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Springfield, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Springfield, Nebr. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Springfield, Nebr.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Springfield are available for review at City Hall, Springfield, Nebr.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Springfield.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Springfield Creek	County Road Bridge (south of Main St.).	1,042
	Main Street Bridge	1,051
	County Road Bridge (north of Main St.).	1,058

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

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24696 Filed 8-30-77;8:45 am]

[Docket No. FI-2631]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Maurice River, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of Maurice River, N.J. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Maurice River, N.J.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Maurice River are available for review at Municipal Hall, Leesburg, N.J.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Maurice River.

This final rule is issued in accordance with Section 110 of the Flood Disaster

Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Manumuskin River.	Timber Bridge	62
	Mays Landing Rd.	61
	Old Mays Landing Rd.	60
	Route 49 Dam	33
	Camp Hollybrook Rd.	13
	Pennsylvania Reading Seashore Line RR.	9
	Delsea Dr.	9
Tuckahoe River	Dorothy Rd.	66
	Cumberland Ave.	54
	Route 49	27
Manantico Creek	Route 55	9
	Delsea Dr.	9
Muskee Creek	Route 548	9
	Delsea Dr.	9
Maurice River	Mauricetown Station	9
Little Mill Creek	Delsea Dr.	9
West Creek	Pepper Mill Rd.	9
Delaware Bay	Delsea Dr. and Whitney Point Rd.	9

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

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24697 Filed 8-30-77;8:45 am]

[Docket No. FI-2735]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Urbana, Steuben County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Town of Urbana, Steuben County, N.Y. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Town of Urbana, Steuben County, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Urbana, Steuben County, N.Y.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Urbana, Steuben County, N.Y., are available for review at the Curtis Museum Building Hammondsport, N.Y.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Keuka Inlet	Wheeler Ave. (extended).	724
	Vine St. (extended)	723
	Route No. 54A	722
Keuka Lake	Cross Rd. (extended)	721
	Silvernail Rd. (extended).	721
	Urbana Gulch Rd. (extended).	721
	Northern Corporate limit.	721

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

Issued: June 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24698 Filed 8-30-77;8:45 am]

[Docket No. FI-2338]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Gastonia, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Gastonia, N.C. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Gastonia, N.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Gastonia are available for review at City Hall, Gastonia, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Gastonia.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.)

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Duharts Circle	Redbud Dr.[1]	662
	Franklin Blvd.[1]	687
	Cox Rd.[1]	697
Tributary D-1	Monticello Dr.[1]	692
Tributary D-3	Franklin Blvd.[1]	673
Tributary D-4	Gardner Park Dr.[1]	685
Tributary D-4-1	Avondale Dr.	743
	Fairfax Dr.	755
Tributary D-7	Franklin Blvd.[1]	701
	Dunham Rd.	720
Tributary D-9	Remount Rd.[2]	721
Catawba Circle	Hoffman Rd.[1]	658
	South Marietta St.[1]	719
	Overhill St.[1]	759
Tributary C-5	Titman Rd.	657
Tributary C-7	Hudson Blvd.[1]	708
	Laurel Lane[1]	728
Tributary C-8	do.[1]	707
	Scotch Dr.[1]	730
Tributary C-10	Niblick Dr.	709
Tributary C-11	Efird Rd.	740
Tributary C-12	Osceola St.[1]	726
	Plymouth St.[1]	743
Tributary C-14	11th Ave.[1]	728
	10th Ave.[1]	729
Tributary C-15	Home Trail	746
Avon Circle	Garrison Blvd.[1]	728
	Maple Ave.	749
Tributary A-1	3d Ave.[1]	741
Crowders Circle	Linwood Rd.[1]	676
Tributary R-1	State Road 1132	670
	Chapel Grove Rd.	681
Tributary R-2	Wilwood Rd.[1] (extended).	670
Tributary R-4	Kings Mountain Highway.[1]	698
	Newcastle Rd.	
Tributary R-5	Wilkinson Blvd.[1]	690
Blackwood Circle	Davis Park Rd.[1]	681
	Old West Lane	708
	5th Ave.[1]	730
Tributary B-4	Lynhaven Dr.[1]	717
	Clyde St.[1]	742
Tributary B-5	Belmar Dr.	709
	Echo Lane	711
Tributary B-8	Sherman St.	741
	Hampton St.[1]	751
Long Circle	New Hope Rd.[1]	675
	U.S. Highway 321[1]	787
Tributary L-4	Robinson Clemmer Rd.	677
Tributary L-5	Modena St.[1]	690
Tributary L-6	I-85[2]	686
	Davidson Ave.[1]	711
Tributary L-8	Rankin Lake Rd.[1]	704
	Caldwell St.	713
	Harrison St.[1]	733
Tributary L-8-1	York St.	718
Tributary L-8-2	Morris St.	722
Tributary L-9	Tulip Dr.[1]	691
	Davidson St.[1]	726
Tributary L-9-1	Jenkens Rd.	752
Tributary L-9-2	Ware Ave.	737
Tributary L-11	State Rd. 1327[1]	707

[1] Downstream side of road.
[2] Upstream side of road.

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

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24699 Filed 8-30-77;8:45 am]

[Docket No. FI-2361]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Borough of Port Carbon, Schuylkill County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Borough of Port Carbon, Schuylkill County, Pa. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Borough of Port Carbon, Schuylkill County, Pa.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Port Carbon, Schuylkill County, Pa.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Port Carbon, Schuylkill County, Pa. are available for review at the Community Hall, First Street, Port Carbon.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Schuylkill River	Upstream corporate limits	645	30	250
	Pike St.	633	[1] 490	300
	Mill Creek confluence	633	[1] 400	340
	Route 209 and Coal St.	632	[1] 150	300
	Con Rail Bridge	629	[1] 90	10
	Downstream corporate limits	617	[1] 60	60
Mill Creek	Upstream corporate limits	644	30	250
	Potteville St.	637	110	550
	1st St. (extended)	633	230	1,020
	Washington St.	633	490	620
	Coal St.	633	590	720

[1] Corporate limit.

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

Issued: June 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24700 Filed 8-30-77;8:45 am]

[Docket No. FI-2384]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Springfield, Delaware County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of Springfield, Delaware County, Pa. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Springfield, Delaware County, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 220–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Springfield, Delaware County, Pa.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Springfield, Delaware County, Pa., are available for review at the Municipal Building lobby, 50 Powell Road, Springfield, Pa.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Darby Creek	Septa Lines R R	149		480
	State Route 1 bypass	154		20
	Burmont Rd	159		750
Crum Creek	Chester Rd	47	100	
	Wallingford Rd	76	80	
	Baltimore Pike	84	90	
	Paper Mill Rd	88	80	
	Beatty Rd	102	50	

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

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24701 Filed 8-30-77;8:45 am]

[Docket No. FI-2818]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Vinton, Roanoke County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Town of Vinton, Roanoke County, Va. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Town of Vinton, Roanoke County, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Vinton, Roanoke County, Va. are available for review at the Council Chambers, Town Hall, 227 South Pollard Street, Vinton.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 220-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Vinton, Roanoke County, Va.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum 1929
Roanoke River	Downstream corporate limit.	895.0
	Upstream corporate limit.	904.0
Tinker Creek	N&W R R	904.0
	Virginia Ave	911.0
	Wise Ave	914.3
	Upstream corporate limit.	918.3
Glade Creek	At mouth	911.3
	Vinton Mill Rd	913.0
	N&W R R	922.5
Wolf Creek	do	905.0
	Niagara Rd	906.5
	Virginia Route 634 bridge.	1,057.5
	Highway 24 (west lane).	1,057.5

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

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24702 Filed 8-30-77;8:45 am]

federal register

WEDNESDAY, AUGUST 31, 1977
PART III



DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

■

RIGHTS-OF-WAY

General Provisions

Title 50—Fish and Wildlife

CHAPTER I—FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 29—LAND USE MANAGEMENT

Rights-of-Way General Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to incorporate requirements of two acts passed since the initial publication of the regulations in 1969. These are the act to amend section 28 of the Mineral Leasing Act of 1920 (Pub. L. 93–153; 87 Stat. 576), and the National Wildlife Refuge System Administration Act Amendments Act of 1974 (Pub. L. 93–509; 88 Stat. 1603). The amendment to section 28 of the Mineral Leasing Act establishes special requirements for pipeline rights-of-way for oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom. The requirement in this law for reimbursement to the United States for costs incurred in processing applications, monitoring construction and terminating rights-of-way is extended to cover all rights-of-way requests over lands administered by the Fish and Wildlife Service. The National Wildlife Refuge System Administration Act Amendments Act establishes criteria for payment for rights-of-way. Previously, special requirements for electric power transmission line rights-of-way were included in the regulation by reference to 43 CFR 2851.1–1. These requirements are now written into the regulation. A new requirement for applicants to furnish environmental information so as to enable the Fish and Wildlife Service to comply with section 102(2)(C) of the National Environmental Policy Act of 1969 has been included. Other amendments have been included to clarify the regulation.

EFFECTIVE DATE: These regulations shall become effective on September 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard E. Corthell, Division of Realty, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202–343–6649).

SUPPLEMENTARY INFORMATION: On March 18, 1976, the Fish and Wildlife Service published in the FEDERAL REGISTER a notice and text of proposed miscellaneous amendments to Part 29, Subpart B, of Title 50, Code of Federal Regulations. Interested persons were given until April 19, 1976, to submit comments, suggestions, or objections to the proposed amendments. Fourteen comments were received and considered in the final rulemaking process.

Five of the comments objected to the method whereby the United States would recover costs for processing and monitoring easements or permits as being open ended and without limitation as to probable charges for the recovery of costs. Initially it was proposed to charge an application fee of $100, plus actual costs for processing over and above that amount, and to charge actual costs for monitoring the construction of facilities. Previously, on April 23, 1975, the Bureau of Land Management of the Department of the Interior, did publish regulations in 40 FR 17842 for the recovery of costs for processing applications and for monitoring the construction, operation, maintenance and termination of facilities on lands administered by the Bureau of Land Management. These regulations provide for a schedule of fees based on length and/or size, except that actual costs may be recovered when such costs exceed the scheduled amount plus the costs to keep actual cost records. They also provide for an estimate of costs in advance upon request. The proposed regulation in § 29.21–2(a) (2) and (3) has been changed to adopt the same schedule and method of recovery of costs as was published by the Bureau of Land Management.

Six comments objected to the requirement that applicants furnish an environmental assessment, primarily on the ground that duplication may be required of applicants when an environmental impact assessment may be available from a "lead agency." Also one comment pointed out the Regional Directors' responsibility to protect historic, architectural, archeological, and cultural resources. Accordingly, the proposed regulation § 29.21–2 (a) (4) has been changed to permit the Regional Director, at his discretion, to rely on an environmental impact statement and/or assessment prepared by a "lead agency," and to include citation of the various acts, regulations, and Executive Orders relating to the protection of historic, architectural, archeological, and cultural features.

One comment objected to the limitation of an easement or permit to 30 years for pipelines for the transmission of oil, natural gas synthetic liquid or gaseous fuels, or any refined product therefrom and to the limitation of the width of the right-of-way to 50 feet plus the width of the pipe when section 28 of the Mineral Leasing Act as amended (Pub. L. 93–153) provides for the right-of-way to also include related facilities. The 30-year limitation on rights-of-way is statutory, 30 U.S.C. 185(n). The proposed regulation, § 29.21–3(a), has been changed to include related facilities in the right-of-way width.

One comment expressed concern that the Regional Director, under the proposed regulation, would be authorized to impose additional stipulations and/or conditions on a holder after an easement or permit had been granted. The proposed regulation, § 29.21–4(b), has been clarified by making the stipulations and/or conditions applicable in the "right-of-way, easement, or permit document."

Two comments objected to the strict liability requirement in § 29.21–4(b)(7) of the proposed regulation. The regulation has been changed to provide that for lands under the exclusive jurisdiction of the United States, the holder, or his employees, contractors, or agents shall be liable to third parties for injuries incurred in connection with the easement or permit area. The regulation is further changed to provide, in the case of special hazards, a limitation of $1,000,000 for liability without fault for injury and damage to land of the United States.

Two comments express concern that the proposed regulation provided for occupancy by the Fish and Wildlife Service of rights-of-way, easement or permit areas not actually occupied by facilities. This is presently a requirement of 50 CFR 29.21–4(b)(13). However, we have changed the regulation to provide for occupancy and use by the Fish and Wildlife Service only "to the extent that it does not interfere with the full and safe utilization thereof by the holder."

Three comments expressed concern that the requirement in § 29.21–4(b)(14) of the proposed regulation would require a holder to modify or adapt a facility if such were found to be necessary by the Regional Director. This condition is included in the existing regulation in 50 CFR 29.21–4(b)(14). It was suggested that such modifications, if necessary, not unduly interfere with the continuity of energy transportation and delivery requirements. The proposed regulation has been modified to add a new sentence at the end stating: "Any such modifications will be planned and scheduled so as not to unduly interfere with or to have minimal effect upon continuity of energy transportation and delivery requirements."

Three comments expressed concern about the requirement for, and system of making, charges for rights-of-way, easement, and permits. This is a requirement of the present regulation in 50 CFR 29.21–7 (a) and (b) and the proposed change is primarily editorial in nature to include statutory requirements of Pub. L. 93–509. Four comments objected to a new § 29.21–7(c) which would authorize the Regional Director to require mitigation measures adjacent to or within the right-of-way, or replacement land, to make the proposed use compatible with the purposes for which the area was established. We believe this section is in the interest of industry. Otherwise, there may be instances where the Secretary or his designee (Regional Director) would be prohibited by law from granting an easement or permit. However, to make the purpose clear, the last sentence has been modified to read * * * "Such mitigation measures and/or the replacement of land are solely for the purpose of complying with the requirement of the National Wildlife Refuge System Administration Act that the use be compatible with the purpose for which the area was established and shall be in addition to the payment of fair market value."

One comment requested that gathering lines and associated structures used in the production of oil and gas under valid leases be excluded from the regulations. A new sentence has been added to the end of the proposed regulation § 29.21–9—"Gathering Lines and associated structures used solely in the production

of oil and gas under valid leases on the lands administered by the Fish and Wildlife Service are excepted from the provisions of § 29.21–9." An added provision has been included, § 29.21–9(a), that provides, in cases where pipelines, etc., will cross lands administered by more than one Federal agency and/or more than one Bureau or Office of the Department of the Interior, a single application shall be filed with the appropriate State Director of the Bureau of Land Management, Department of the Interior. This provision is statutory in Pub. L. 93–153.

A few other comments were received concerning certain regulatory requirements as they relate to pipelines, § 29.21–9(a)(2), 29.21–9(b), 29.21–9(c), and 29.21–9(d). The letter designations in these sections have been changed (a) to (b), (b) to (c), (c) to (d), and (d) to (e). These requirements are statutory pursuant to Pub. L. 93–153. Therefore, the proposed regulation cannot be changed as to those matters.

One comment suggested that the requirement for a bond in § 29.21–9(f) be limited as to time in some manner. This letter designation has been changed from (f) to (g) and the proposed regulation is changed by adding the following words at the end—"not to exceed the period of construction plus one year or longer period if necessary for the pipeline to stabilize."

Two comments obected to the authority of the Regional Director to suspend activity within the right-of-way or permit area if necessary to protect public health and safety or the environment prior to an administrative hearing. This provision is permitted by statute, 30 U.S.C. 185(o)(2). We interpret such a suspension to be exercised in an emergency and, as such, the Project Manager should have the authority to act in an emergency. The regulation in § 29.21–9(g), now (h), has been changed by substituting "Project Manager" for "Regional Director" in the first sentence and by adding the following two sentences at the end—"The Regional Director must make a determination and notify the holder in writing within 15 days from the date of the suspension as to whether the suspension should continue and list actions needed to terminate the suspension. Such suspension shall remain in effect for only so long as the emergency condition continues."

Two comments expressed concern that additional rights-of-way could be granted that may overlap rights-of-way previously granted without consulting with the holder. Section 29.21–9(h), now (i) has been changed by adding the following words at the end—"after giving notice to the holder and an opportunity to comment."

Four comments objected to the common carrier requirements in the proposed regulation in §§ 29.21–9(i), 29.21–9(i)(A), 29.21–9(ii)(B), and 29.21–9(iii). The numbering of the section is not clear and is therefore corrected as follows: Paragraph "(i)(A)" is changed to "(j)(2)(A)"; paragraph "(ii)(A)" to "(j)(3)(A)"; and paragraph "(iii)" to "(j)(4)." Since the requirements of § 29.21–9(i), now (j), are statutory pursuant to Pub. L. 93–153, no further change is made.

Several comments objected to §§ 29.21–9(j), (k), and (l) of the proposed regulation. These letter designations have been changed, (j) to (k), (k) to (l), and (l) to (m). Since the requirements are statutory pursuant to Pub. L. 93–153, no change is made.

Several comments objected to the hearings and appeals procedures in §§ 29.22, 29.22–1, 29.22–2, 29.22–3, and 29.22–4 as being narrow and restrictive and that except for certain specified instances the actions of the Regional Director could not be appealed. These sections are deleted and the old procedures in 50 CFR 29.22 are retained with editorial changes to bring it in line with current citations.

The Fish and Wildlife Service has prepared an environmental assessment concerning these regulations. Based on a review and evaluation of the information contained in the assessment, it has been determined that the proposed amendments to the general right-of-way regulations of 50 CFR, Chapter I, Part 29, Subpart B, do not constitute a major Federal action which would signficantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmetnal Policy Act of 1969, 42 U.S.C. 4332(2)(C). Therefore, the preparation of an environmental impact statement on this action is not required.

The Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

The primary author of this document is Richard E. Corthell, Division of Realty, Fish and Wildlife Service.

Accordingly, Title 50 CFR, Part 29, Subpart B, Chapter I is amended as follows:

Section 29.21 is amended by revising paragraph (h) and by adding new paragraph (i).

§ 29.21 Definitions.

* * * * *

(h) "Compatible" means that the requested right-of-way or use will not interfere with or detract from the purposes for which units of the National Wildlife Refuge System are established. The term "inconsistent" in section 28(b)(1) of the Mineral Leasing Act of 1920, as amended by Pub. L. 93–153, shall be deemed to mean a use that is "not compatible", as "compatible" is defined herein.

(i) "Department" means U.S. Department of the Interior unless otherwise specified.

Section 29.21–1 is amended by revising paragraphs (a) and (c) to read as follows:

§ 29.21–1 Purpose and scope.

* * * * *

(a) *National Wildlife Refuge System lands.* Applications for all forms of rights-of-way on or over such lands shall be submitted either under authority of Pub. L. 89–669 (80 Stat. 926; 16 U.S.C. 668dd), as amended, or for oil and gas pipelines under section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449; 30 U.S.C. 185) as amended by Pub. L. 93–153, following application procedures set out in § 29.21–2. No right-of-way will be approved unless it is determined by the Regional Director to be compatible. See section 29.21–8 for additional requirements applicable to rights-of-way for electric power transmission lines and section 29.21–9 for additional requirements applicable to rights-of-way for pipelines for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom.

* * * * *

(c) *Other lands outside the National Wildlife Refuge System.* Rights-of-way on or over other lands will be granted in accordance with controlling authorities cited in 43 CFR Part 2800, or for oil and gas pipelines under section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449; 30 U.S.C. 185) as amended by Pub. L. 93–153. See section 29.21–8 for additional requirements applicable to rights-of-way for electric power transmission lines and section 29.21–9 for additional requirements applicable to rights-of-way for pipelines for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any other refined product produced therefrom. Applications will be submitted in accordance with procedures set out in section 29.21–2.

Section 29.21–2 is amended by revising paragraph (a)(2), and by adding new paragraphs (a)(3), and (a)(4).

§ 29.21–2 Application procedures.

(a)(1) * * *

(2)(i) All applications filed pursuant to this subpart in the name of individuals, corporations, or associations must be accompanied by a nonreturnable application fee. No application fee will be required of (A) State or local governments or agencies or instrumentalities thereof except as to rights-of-way, easements, or permits under section 28 of the Mineral Leasing Act of 1920, as amended by Pub. L. 93–153, or (B) Federal Government agencies.

(ii) Application fees will be in accordance with the following schedule:

(A) For linear facilities (e.g., powerlines, pipelines, roads, etc.).

Length	*Payment*
Less than 5 miles....	$50 per mile or fraction thereof.
5 to 20 miles.....	$500.
20 miles and over....	$500 for each 20 miles or fraction thereof.

(B) For nonlinear facilities, $250 for each 40 acres or fraction thereof.

(C) Where an application includes both linear and nonlinear facilities, payment will be the aggregate of amounts under paragraphs (a)(2)(ii) (A) and (B) of this section.

(D) When an application is received, the Regional Director will estimate the

costs expected to be incurred in processing the application. If the estimated costs exceed the payments under paragraphs (a)(2)(ii) (A), (B), or (C) above by an amount greater than the cost of maintaining actual cost records, the Regional Director shall require the applicant to make periodic payments in advance of the incurrence of such costs by the United States except for the last payment which will reflect final reimbursement for actual costs of the United States in processing the application. Overpayments may be refunded or adjusted by the Regional Director as appropriate.

(E) The Regional Director shall, on request by an applicant or prospective applicant, give an estimate based on the best available cost information, of the costs which would be incurred by the United States in processing an application. However, reimbursement will not be limited to the estimate of the Regional Director if the actual costs exceed the estimate. Prospective applicants are encouraged to consult with the Regional Director in advance of filing an application in regard to probable costs and other requirements.

(3)(i) By accepting an easement or permit under this subpart, the holder agrees to reimburse the United States for reasonable costs incurred by the Fish and Wildlife Service in monitoring the construction, operation, maintenance, and termination of facilities within or adjacent to the easement or permit area. No reimbursement of monitoring costs will be required of (A) State or local governments or agencies or instrumentalities thereof except as to rights-of-way, easements, or permits granted under Section 28 of the Mineral Leasing Act of 1920 as amended by Pub. L. 93–153, or (B) Federal Government agencies.

(ii) Within 60 days of the issuance of an easement or permit the holder must submit a nonreturnable payment in accordance with the following:

(A) For linear facilities (e.g., powerlines, pipelines, roads, etc.),

Length	*Payment*
Less than 5 miles	$20 per mile or fraction thereof.
5 to 20 miles	$200.
20 miles and over	$200 for each 20 miles or fraction thereof.

(B) For nonlinear facilities, $100 for each 40 acres or fraction thereof.

(C) Where an easement or permit includes both linear and nonlinear facilities, payment will be the aggregate amounts under paragraphs (a)(3)(2)(ii) (A) and (B) of this section.

(D) When an easement or permit is granted the Regional Director shall estimate the costs, based on the best available cost information, expected to be incurred by the United States in monitoring holder activity. If the estimated costs exceed the payments under paragraphs (a)(3)(2)(ii), (A), (B), or (C) of this section by an amount which is greater than the cost of maintaining actual cost records for the monitoring process, the Regional Director shall require the holder to make periodic payments of the estimated reimbursable costs prior to the incurrence of such costs by the United States. Overpayments may be refunded or adjusted by the Regional Director as appropriate.

(E) Following the termination of an easement or permit, the former holder will be required to pay additional amounts to the extent the actual costs to the United States have exceeded the payments required by paragraphs (a)(3)(ii)(A), (B), and (C) of this section.

(4) All applications filed pursuant to this subpart must include a detailed environmental analysis which shall include information concerning the impact of the proposed use of the environment including the impact on air and water quality; scenic and esthetic features; historic, architectural, archeological, and cultural features; wildlife, fish and marine life, etc. The analysis shall include sufficient data so as to enable the Service to prepare an environmental assessment and/or impact statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and comply with the requirements of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469 et seq.), Executive Order 11593 "Protection and Enhancement of the Cultural Environment" of May 13, 1971 (36 FR 8921), and "Procedures for the Protection of Historic and Cultural Properties" (36 FR 800). Concerning the National Environmental Policy Act, the Regional Director may, at his discretion, rely on an environmental assessment or impact statement prepared by a "lead agency."

(b) * * *

(c) * * *

Section 29.21–3(a) is revised to read as follows:

§ 29.21–3 Nature of interest granted.

(a) Where the land administered by the Secretary is owned in fee by the United States and the proposed use is compatible with the objectives of the area, a permit or easement may be approved and granted by the Regional Director. Generally an easement or permit will be issued for a term of 50 years or so long as it is used for the purpose granted, or for a lesser term when considered appropriate. For rights-of-way granted under authority of Section 28 of the Mineral Leasing Act of 1920, as amended, for pipelines for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom, the grant may be for a term not to exceed 30 years and the right-of-way may not exceed 50 feet, plus the area occupied by the pipeline and its related facilities unless the Regional Director finds, and records the reasons for his finding, that, in his judgment, a wider right-of-way is necessary for operation and maintenance after construction, or to protect the environment or public safety. Related facilities include but are not limited to valves, pump stations, supporting structures, bridges, monitoring and communication devices, surge and storage tanks, terminals, etc. However, a temporary permit supplementing a right-of-way may be granted for additional land needed during construction, operation, maintenance, or termination of the pipeline, or to protect the natural environment or public safety.

* * * * *

Section 29.21–4 is amended by revising paragraphs (b), (b)(1), (b)(2), (b)(4)–(b)(7), (b)(9), (b)(10), and (b)(13)–(b)(15).

§ 29.21–4 Terms and conditions.

* * * * *

(b) An applicant, by accepting an easement or permit agrees to such terms and conditions as may be prescribed by the Regional Director in the granting document. Such terms and conditions shall include the following, unless waived in part by the Regional Director, and may include additional special stipulations at his discretion. See § 29.21–8 for special requirements for electric powerlines and § 29.21–9 for special requirements for oil and gas pipelines.

(1) To comply with State and Federal laws applicable to the project within which the easement or permit is granted, and to the lands which are included in the easement or permit area, and lawful existing regulations thereunder.

(2) To clear and keep clear the lands within the easement or permit area to the extent and in the manner directed by the project manager in charge; and to dispose of all vegetative and other material cut, uprooted, or otherwise accumulated during the construction and maintenance of the project in such a manner as to decrease the fire hazard and also in accordance with such instructions as the project manager may specify.

* * * * *

(4) To take such soil and resource conservation and protection measures, including weed control on the land covered by the easement or permit as the project manager in charge may request.

(5) To do everything reasonably within his power, both independently and on request of any duly authorized representative of the United States, to prevent and suppress fires on or near lands to be occupied under the easement or permit area, including making available such construction and maintenance forces as may be reasonably obtainable for the suppression of such fires.

(6) To rebuild and repair such roads, fences, structures, and trails as may be destroyed or injured by construction work and, upon request by the Regional Director, to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the easement or permit.

(7) To pay the United States the full value for all damages to the lands or other property of the United States caused by him or his employees, contractors, or agents of the contractors, and to indemnify the United States against any liability for damages to life, person, or property arising from the occupancy or use of the lands under the easement or permit, except where the easement or

permit is granted hereunder to a State or other governmental agency which has no legal power to assume such a liability with respect to damages caused by it to lands or property, such agency in lieu thereof agrees to repair all such damages. Where the easement of permit involves lands which are under the exclusive jurisdiction of the United States, the holder or his employees, contractors, or agents of the contractors, shall be liable to third parties for injuries incurred in connection with the easement or permit area. Grants of easements or permits involving special hazards will impose liability without fault for injury and damage to the land and property of the United States up to a specified maximum limit commensurate with the foreseeable risks or hazards presented. The amount of no-fault liability for each occurrence is hereby limited to no more than $1,000,000.

* * * * *

(9) That all or any part of the easement or permit granted may be suspended or terminated by the Regional Director for failure to comply with any or all terms and conditions of the grant, or for abandonment. A rebuttable presumption of abandonment is raised by deliberate failure of the holder to use for any continuous 2-year period the easement or permit for the purpose for which it was granted or renewed. In the event of noncompliance or abandonment, the Regional Director will notify in writing the holder of the easement or permit of his intention to suspend or terminate such grant 60 days from the date of the notice, stating the reasons therefor, unless prior to that time the holder completes such corrective actions as are specified in the notice. The Regional Director may grant an extension of time within which to complete corrective actions when, in his judgment, extenuating circumstances not within the holder's control such as adverse weather conditions, disturbance to wildlife during breeding periods or periods of peak concentration, or other compelling reasons warrant. Should the holder of a right-of-way issued under authority of the Mineral Leasing Act, as amended, fail to take corrective action within the 60-day period, the Regional Director will provide for an administrative proceeding pursuant to 5 U.S.C. 554, prior to a final Departmental decision to suspend or terminate the easement or permit. In the case of all other right-of-way holders, failure to take corrective action within the 60-day period will result in a determination by the Regional Director to suspend or terminate the easement or permit. No administrative proceeding shall be required where the easement or permit terminates under its terms.

(10) To restore the land to its original condition to the satisfaction of the Regional Director so far as it is reasonably possible to do so upon revocation and/or termination of the easement or permit, unless this requirement is waived in writing by the Regional Director. Termination also includes permits or easements that terminate under the terms of the grant.

* * * * *

(13) That the grant of the easement or permit shall be subject to the express condition that the exercise thereof will not unduly interfere with the management, administration, or disposal by the United States of the land affected thereby. The applicant agrees and consents to the occupancy and use by the United States, its grantees, permittees, or lessees of any part of the easement or permit area not actually occupied for the purpose of the granted rights to the extent that it does not interfere with the full and safe utilization thereof by the holder. The holder of an easement or permit also agrees that authorized representatives of the United States shall have the right of access to the easement or permit area for the purpose of making inspections and monitoring the construction, operation and maintenance of facilities.

(14) That the easement or permit herein granted shall be subject to the express covenant that any facility constructed thereon will be modified or adapted, if such is found by the Regional Director to be necessary, without liability or expense to the United States, so that such facility will not conflict with the use and occupancy of the land for any authorized works which may hereafter be constructed thereon under the authority of the United States. Any such modification will be planned and scheduled so as not to interfere unduly with or to have minimal effect upon continuity of energy and delivery requirements.

(15) That the easement or permit herein granted shall be for the specific use described and may not be construed to include the further right to authorize any other use within the easement or permit area unless approved in writing by the Regional Director.

Section 29.21–5 is revised as follows:

§ 29.21–5 Construction.

(a) If construction is not commenced within two (2) years after date of right-of-way grant, the right-of-way may be canceled by the Director of the U.S. Fish and Wildlife Service at his discretion.

(b) Proof of construction: Upon completion of construction, the applicant shall file a certification of completion with the Regional Director.

Section 29.21–6(b) is revised to read as follows:

§ 29.21–6 Disposal, transfer or termination of interest.

* * * * *

(b) *Transfer of easement or permit.* Any proposed transfer, by assignment, lease, operating agreement, or otherwise, of an easement or permit must be filed in triplicate with the Regional Director and must be supported by a stipulation that the transferee agrees to comply with and be bound by the terms and conditions of the original grant. A $25 nonreturnable service fee must accompany the proposal. No transfer will be recognized unless and until approved in writing by the Regional Director.

* * * * *

§ 29.21–7 is revised to read as follows:

§ 29.21–7 Payment required.

(a) Payment for use and occupancy of lands under the regulations of this subpart will be required and will be for fair market value as determined by appraisal by the Regional Director. At the discretion of the Regional Director, the payment may be a lump sum payment or an annual fair market rental payment, to be made in advance. If any Federal, State or local agency is exempted from such payment by and any other provision of Federal law, such agency shall otherwise compensate the Service by any other means agreeable to the Regional Director, including, but not limited to, making other land available or the loan of equipment or personnel, except that any such compensation shall relate to, and be consistent with the objectives of the National Wildlife Refuge System. The Regional Director may waive such requirement for compensation if he finds such requirement impracticable or unnecessary.

(b) When annual rental payments are used, such rates shall be reviewed by the Regional Director at any time not less than 5 years after the grant of the permit, right-of-way, or easement or the last revision of charges thereunder. The Regional Director will furnish a notice in writing to the holder of an easement or permit of intent to impose new charges to reflect fair market value commencing with the ensuing charge year. The revised charges will be effective unless the holder files an appeal in accordance with § 29.22.

(c) In instances where damage to a unit of the National Wildlife Refuge System will result, the Regional Director may require mitigation measures, as determined by him, within the easement or permit area or on adjacent Service land or replacement land to make the proposed use compatible with the purposes for which the unit of the system was established. Such mitigation measures, and/or the replacement of land, are solely for the purpose of complying with the requirement of the National Wildlife Refuge System Administrative Act that the use be compatible with the purpose for which the area was established and shall be in addition to the payment of fair market value.

Section 29.21–8 is revised to read as follows:

§ 29.21–8 Electric power transmission line rights-of-way.

By accepting a right-of-way for a power transmission line, the applicant thereby agrees and consents to comply with and be bound by the following terms and conditions, except those which the Secretary may waive in a particular case, in addition to those specified in Section 29.21–4(b).

(a) To protect in a workmanlike manner, at crossings and at places in prox-

imity to his transmission lines on the right-of-way authorized, in accordance with the rules prescribed in the National Electric Safety Code, all Government and other telephone, telegraph and power transmission lines from contact and all highways and railroads from obstruction and to maintain his transmission lines in such manner as not to menace life or property.

(b) Neither the privilege nor the right to occupy or use the lands for the purpose authorized shall relieve him of any legal liability for causing inductive or conductive interference between any project transmission line or other project works constructed, operated, or maintained by him on the servient lands, and any radio installation, telephone line, or other communication facilities now or hereafter constructed and operated by the United States or any agency thereof.

(c) Each application for authority to survey, locate, commence construction work, and maintain a facility for the generation of electric power and energy or for the transmission or distribution of electric power and energy of 66 kilovolts or higher under this subpart shall be referred by the Regional Director to the Secretary of the Interior to determine the relationship of the proposed facility to the power marketing program of the United States. Where the proposed facility will not conflict with the program of the United States, the Regional Director, upon notification to that effect, will proceed to act upon the application. In the case of necessary changes respecting the proposed location, construction, or utilization of the facility in order to eliminate conflicts with the power marketing program of the United States, the Regional Director shall obtain from the applicant written consent to, or compliance with, such requirements before taking further action on the application: *Provided, however,* That if increased cost to the applicant will result from changes to eliminate conflicts with the power marketing program of the United States, and it is determined that a right-of-way should be granted, such changes will be required upon equitable contract arrangements covering costs and other appropriate factors.

(d) The applicant shall make provision, or bear the reasonable cost (as may be determined by the Secretary) of making provision, for avoiding inductive or conductive interference between any transmission facility or other works constructed, operated, or maintained by it on the right-of-way authorized under the grant and any radio installation, telephone line, or other communication facilities existing when the right-of-way is authorized or any such installation, line or facility thereafter constructed or operated by the United States or any agency thereof. This provision shall not relieve the applicant from any responsibility or requirement which may be imposed by other lawful authority for avoiding or eliminating inductive or conductive interference.

(e) An applicant for a right-of-way for a transmission facility having a voltage of 66 kilovolts or more must, in addition to the requirements of § 29.21–2, execute and file with the application a stipulation agreeing to accept the right-of-way grant subject to the following conditions:

(1) In the event the United States, pursuant to law, acquires the applicant's transmission or other facilities constructed on or across such right-of-way the price to be paid by the United States shall not include or be affected by any value of the right-of-way granted to the applicant under authority of the regulations of this part.

(2) The Department of the Interior shall be allowed to utilize for the transmission of electric power and energy any surplus capacity of the transmission facility in excess of the capacity needed by the holder of the grant (subsequently referred to in this paragraph as "holder") for the transmission of electric power and energy in connection with the holder's operations, or to increase the capacity of the transmission facility at the Department's expense and to utilize the increased capacity for the transmission of electric power and energy. Utilization by the Department of surplus or increased capacity shall be subject to the following terms and conditions:

(i) When the Department desires to utilize surplus capacity throught to exist in the transmission facility, notification will be given to the holder and the holder shall furnish to the Department within 30 days a certificate stating whether the transmission facility has any surplus capacity not needed by the holder for the transmission of electric power and energy in connection with the holder's operations and, if so, the amount of such surplus capacity.

(ii) Where the certificate indicates that there is no surplus capacity or that the surplus capacity is less than that required by the Department, the authorized officer may call upon the holder to furnish additional information upon which its certification is based. Upon receipt of such additional information, the authorized officer shall determine, as a matter of fact, if surplus capacity is available and, if so, the amount of such surplus capacity.

(iii) In order to utilize any surplus capacity determined to be available, or any increased capacity provided by the Department at its own expense, the Department may interconnect its transmission facilities with the holder's transmission facility in a manner conforming to approved standards of practice for the interconnection of transmission circuits.

(iv) The expense of interconnection will be borne by the Department, and the Department will at all times provide and maintain adequate protective equipment to insure the normal and efficient operation of the holder's transmission facilities.

(v) After any interconnection is completed, the holder shall operate and maintain its transmission facilities in good condition, and, except in emergencies, shall maintain in a closed position all connections under the holder's control necessary to the transmission of the Department's power and energy over the holder's transmission facilities. The parties may by mutual consent open any switch where necessary or desirable for maintenance, repair or construction.

(vi) The transmission of electric power and energy by the Department over the holder's transmission facilities will be effected in such manner as will not interfere unreasonably with the holder's use of the transmission facilities in accordance with the holder's normal operating standards, except that the Department shall have the exclusive right to utilize any increased capacity of the transmission facility which has been provided at the Department's expense.

(vii) The holder will not be obligated to allow the transmission of electric power and energy by the Department to any person receiving service from the holder on the date of the filing of the application for a grant, other than statutory preference customers including agencies of the Federal Government.

(viii) The Department will pay to the holder an equitable share of the total monthly cost of that part of the holder's transmission facilities utilized by the Department for the transmission of electric power and energy, the payment to be an amount in dollars representing the same proportion of the total monthly cost of such part of the transmission facilities as the maximum amount in kilowatts of the power transmitted on a scheduled basis by the Department over the holder's transmission facilities bears to the total capacity in kilowatts of that portion of the transmission facilities. The total monthly cost will be determined in accordance with the system of accounts prescribed by the Federal Power Commission, exclusive of any investment by the Department in the part of the transmission facilities utilized by the Department.

(ix) If, at any time subsequent to a certification by the holder, or determination by the authorized officer, that surplus capacity is available for utilization by the Department, the holder needs for the transmission of electric power and energy in connection with its operations the whole or any part of the capacity of the transmission facility theretofore certified or determined as being surplus to its needs, the holder may request the authorized officer to modify or revoke the previous certification or determination by making application to the authorized officer not later than 36 months in advance of the holder's needs. Any modification or revocation of the certification or determination shall not affect the right of the Department to utilize facilities provided at its expense or available under a contract entered into by reason of the equitable contract arrangements provided for in this section.

(x) If the Department and the holder disagree as to the existence or amount of surplus capacity in carrying out the terms and conditions of this paragraph, the disagreement shall be decided by a board of three persons composed as fol-

lows: The holder and the authorized officer shall each appoint a member of the board and the two members shall appoint a third member. If the members appointed by the holder and the authorized officer are unable to agree on the designation of the third member, he shall be designated by the Chief Judge of the United States Court of Appeals of the circuit in which the major share of the facilities involved is located. The board shall determine the issue and its determination, by majority vote, shall be binding on the Department and the holder.

(xi) As used in this section, the term "transmission facility" includes (A) all types of facilities for the transmission of electric power and energy and facilities for the interconnection of such facilities, and (B) the entire transmission line and associated facilities, from substation or interconnection point to substation or interconnection point, of which the segment crossing the lands of the United States forms a part.

(xii) The terms and conditions prescribed in this paragraph may be modified at any time by means of a supplemental agreement negotiated between the holder and the Secretary of the Interior or his designee.

Section 29.21–9 is added as follows:

§ 29.21–9 Rights-of-way for pipelines for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom.

(a) Application procedure. Applications for pipelines and related facilities under this section are to be filed in accordance with § 29.21–2 of these regulations with the following exception:

When the right-of-way or proposed facility will occupy Federal land under the control of more than one Federal Agency and/or more than one Bureau or Office of the Department of the Interior, a single application shall be filed with the appropriate State Director of the Bureau of Land Management in accordance with regulations in 43 CFR Part 2800.

Any portion of the facility occupying land of the National Wildlife Refuge System will be subject to the provisions of these regulations.

(b) Right-of-way grants under this section will be subject to the special requirements of Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended, as set forth below. Gathering lines and associated structures used solely in the production of oil and gas under valid leases on the lands administered by the Fish and Wildlife Service are excepted from the provisions of § 29.21–9.

(1) *Pipeline safety.* Rights-of-way or permits granted under this section will include requirements that will protect the safety of workers and protect the public from sudden ruptures and slow degradation of the pipeline. An applicant must agree to design, construct, and operate all proposed facilities in accordance with the provisions of Parts 192 and/or 195 of Title 49 of the Code of Federal Regulations and in accordance with the Occupational Safety and Health Act of 1970, Pub. L. 91–596, including any amendments thereto.

(2) *Environmental protection.* An application for a right-of-way must contain environmental information required by section 29.21–2(a)(4) of this subpart. If the Regional Director determines that a proposed project will have a significant affect on the environment, there must also be furnished a plan of construction, operation, and rehabilitation of the proposed facilities. In addition to terms and conditions imposed under § 29.21–4, the Regional Director will impose such stipulations as may be required to assure: (i) restoration, revegetation and curtailment of erosion of the surface; (ii) that activities in connection with the right-of-way or permit will not violate applicable air and water quality standards or related facilities siting standards established by law; (iii) control or prevention of damage to the environment including damage to fish and wildlife habitat, public or private property, and public health and safety; and (iv) protection of the interests of individuals living in the general area of the right-of-way or permit who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes.

(c) *Disclosure.* If the applicant is a partnership, corporation, association, or other business entity it must disclose the identity of the participants in the entity. Such disclosure shall include where applicable (1) the name and address of each partner, (2) the name and address of each shareholder owning 3 percentum or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote, and (3) the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.

(d) *Technical and financial capability.* The Regional Director may grant or renew a right-of-way or permit under this section only when he is satisfied that the applicant has the technical and financial capability to construct, operate, maintain, and terminate the facility. At the discretion of the Regional Director, a financial statement may be required.

(e) *Reimbursement of costs.* In accordance with Section 29.21–2(a)(3) of this subpart, the holder of a right-of-way or permit must reimburse the Service for the cost incurred in monitoring the construction, operation, maintenance, and termination of any pipeline or related facilities as determined by the Regional Director.

(f) *Public hearing.* The Regional Director shall give notice to Federal, State, and local government agencies, and the public, and afford them the opportunity to comment on right-of-way applications under this section. A notice will be published in the FEDERAL REGISTER and a public hearing may be held where appropriate.

(g) *Bonding.* Where appropriate the Regional Director may require the holder of a right-of-way or permit to furnish a bond, or other security satisfactory to him, to secure all or any of the obligations imposed by the terms and conditions of the right-of-way or permit or by any rule or regulation, not to exceed the period of construction plus one year or a longer period if necessary for the pipeline to stabilize.

(h) *Suspension of right-of-way.* If the Project Manager determines that an immediate temporary suspension of activities within a right-of-way or permit area is necessary to protect public health and safety or the environment, he may issue an emergency suspension order to abate such activities prior to an administrative proceeding. The Regional Director must make a determination and notify the holder in writing within 15 days from the date of suspension as to whether the suspension should continue and list actions needed to terminate the suspension. Such suspension shall remain in effect for only so long as an emergency condition continues.

(i) Joint use of rights-of-way. Each right-of-way or permit shall reserve to the Regional Director the right to grant additional rights-of-way or permits for compatible uses on or adjacent to rights-of-way or permit areas granted under this section after giving notice to the holder and an opportunity to comment.

(j) *Common carriers.* (1) Pipelines and related facilities used for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom shall be constructed, operated, and maintained as common carriers.

(2)(i) The owners or operators of pipelines subject to this subpart shall accept, convey, transport, or purchase without discrimination all oil or gas delivered to the pipeline without regard to whether such oil or gas was produced on Federal or non-Federal lands. (ii) In the case of oil or gas produced from Federal lands or from the resources on the Federal lands in the vicinity of the pipeline, the Secretary may, after a full hearing with due notice thereof to the interested parties and a proper finding of facts, determine the proportionate amounts to be accepted, conveyed, transported or purchased.

(3)(i) The common carrier provisions of this section shall not apply to any natural gas pipeline operated by any person subject to regulation under the Natural Gas Act or by any public utility subject to regulation by a State or municipal regulatory agency having jurisdiction to regulate the rates and charges for the sale of natural gas to consumers within the State or municipality. (ii) Where natural gas not subject to State regulatory or conservation laws governing its purchase by pipelines is offered for sale, each such pipeline shall purchase, without discrimination, any such

natural gas produced in the vicinity of the pipeline.

(4) The Regional Director shall require, prior to granting or renewing a right-of-way, that the applicant submit and disclose all plans, contracts, agreements, or other information or material which he deems necessary to determine whether a right-of-way shall be granted or renewed and the terms and conditions which should be included in the right-of-way. Such information may include, but is not limited to: (i) conditions for, and agreements among owners or operators, regarding the addition of pumping facilities, looping, or otherwise increasing the pipeline or terminal's throughput capacity in response to actual or anticipated increases in demand; (ii) conditions for adding or abandoning intake, offtake, or storage points or facilities; and (iii) minimum shipment or purchase tenders.

(k) *Limitations on export.* Any domestically produced crude oil transported by pipeline over rights-of-way granted pursuant to Section 28 of the Mineral Leasing Act of 1920, except such crude oil which is either exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, or which is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and reenters the United States, shall be subject to all of the limitation and licensing requirements of the Export Administration Act of 1969.

(l) *State standards.* The Regional Director shall take into consideration, and to the extent practical comply with, applicable State standards for right-of-way construction, operation, and maintenance.

(m) *Congressional notification.* The Secretary shall notify the House and Senate Committees on Interior and Insular Affairs promptly upon receipt of an application for a right-of-way for a pipeline 24 inches or more in diameter, and no right-of-way for such a pipeline shall be granted until 60 days (not including days on which the House or Senate has adjourned for more than three days) after a notice of intention to grant the right-of-way together with the Secretary's detailed findings as to terms and conditions he proposes to impose, has been submitted to the Committees, unless each Committee by resolution waives the waiting period.

Section 29.22 is revised to read as follows:

§ 29.22 Hearing and appeals procedure.

An appeal may be taken from any final disposition of the Regional Director, to the Director, U.S. Fish and Wildlife Service and from the latter's decision to the Secretary of the Interior. Such appeals may be taken pursuant to 43 CFR Part 4, Subpart G.

Dated: August 16, 1977.

LYNN A. GREENWALT,
Director, Fish and Wildlife Service.

[FR Doc.77-25336 Filed 8-30-77;8:45 am]

federal register

WEDNESDAY, AUGUST 31, 1977

PART IV



INTERSTATE COMMERCE COMMISSION

■

CHICAGO & ILLINOIS MIDLAND RAILWAY CO. AND DENVER & RIO GRANDE WESTERN RAILROAD CO.

System Diagram Maps

INTERSTATE COMMERCE COMMISSION

[AB 198 (SDM)]

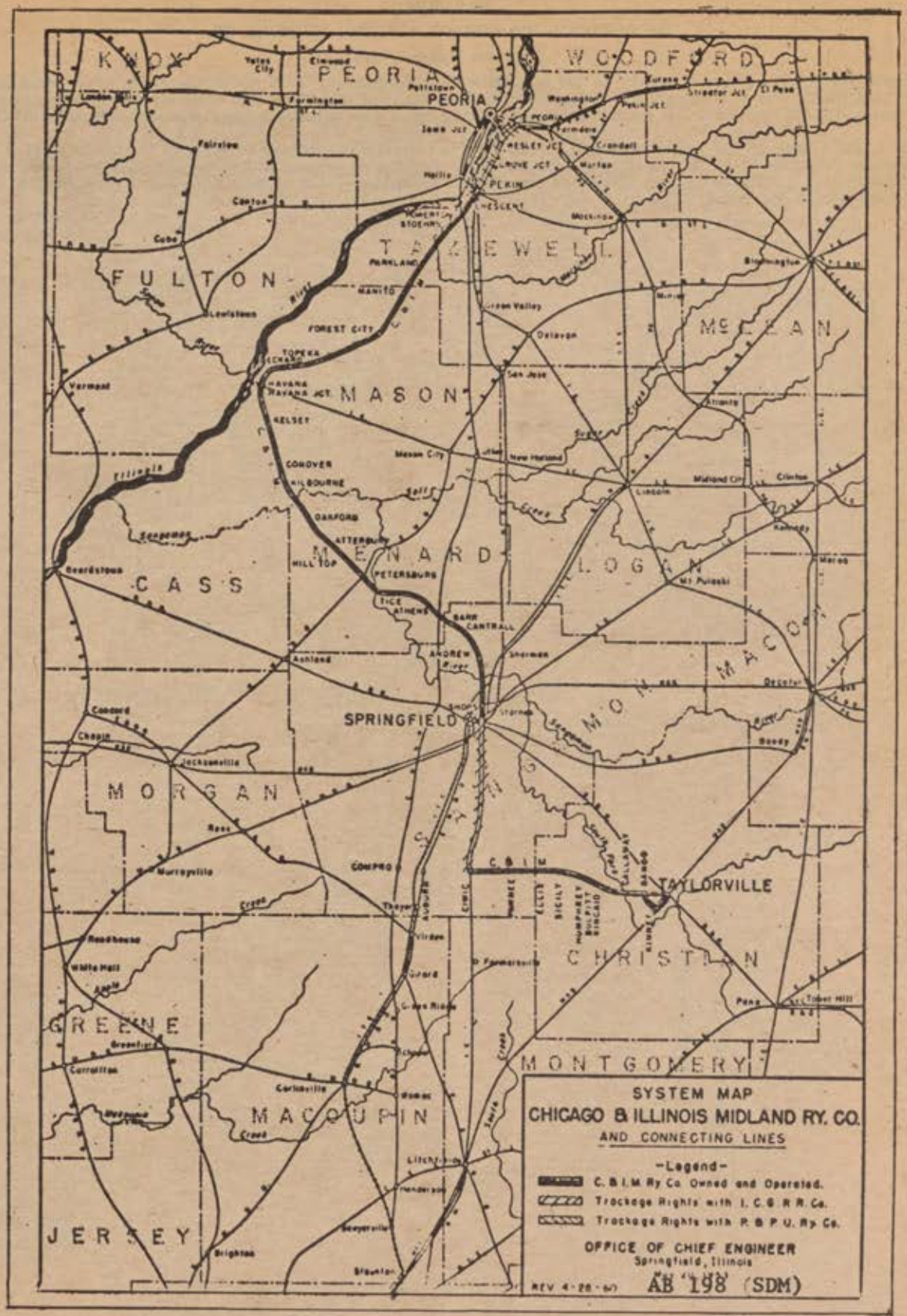
CHICAGO & ILLINOIS MIDLAND RAILWAY CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Chicago & Illinois Midland Railway Co., has filed with the Commission its color-coded system diagram map in docket No. AB 198 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 198 (SDM).

H. G. Homme, Jr.,
Acting Secretary.



[FR Doc.77-25023 Filed 8-30-77;8:45 am]

[AB 8 (SDM)]

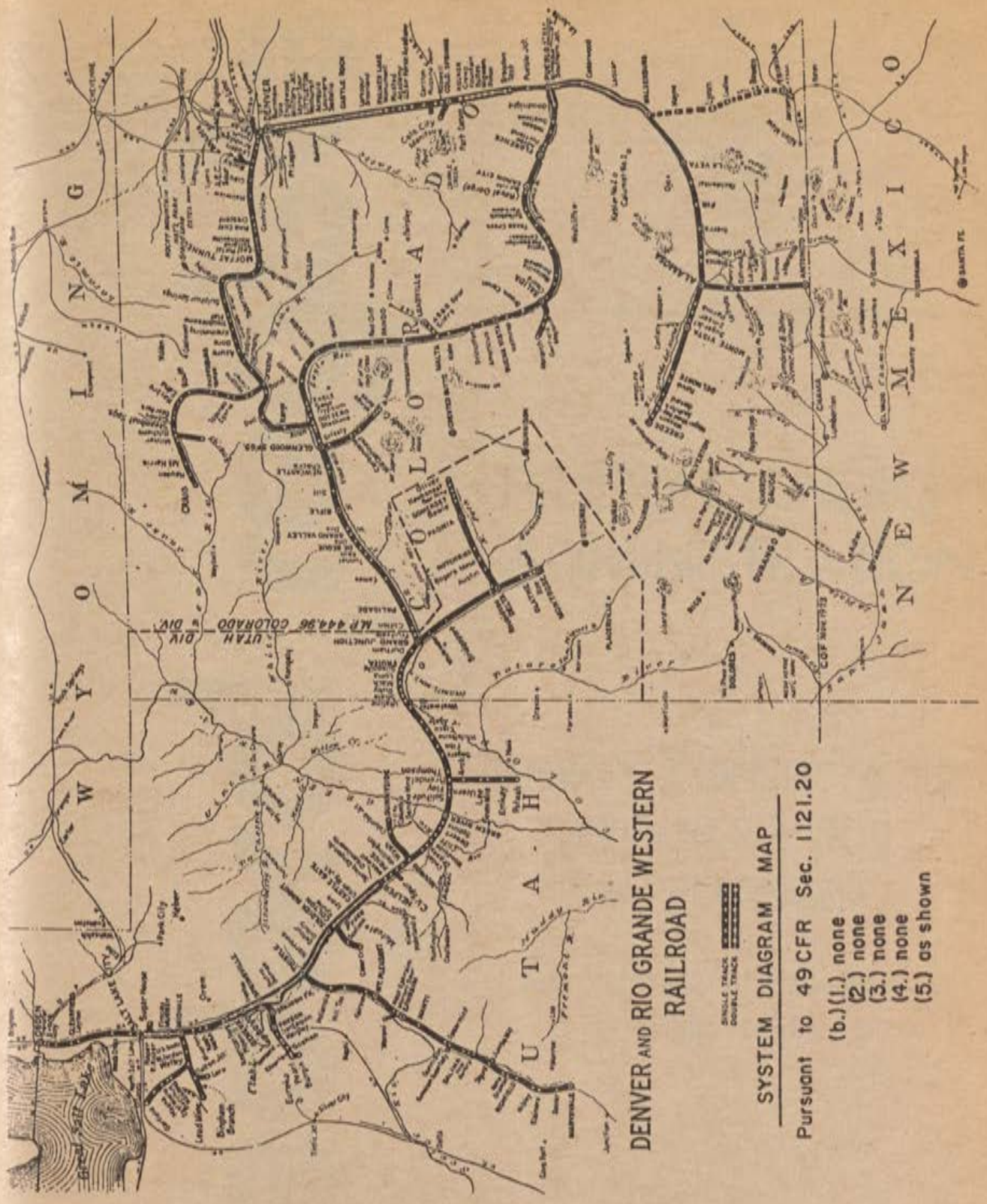
THE DENVER & RIO GRANDE WESTERN RAILROAD CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Denver & Rio Grande Western Railroad Co., has filed with the Commission its color-coded system diagram map in docket No. AB 8 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 8 (SDM).

H. G. Homme, Jr.,
Acting Secretary.



[FR Doc.77-25024 Filed 8-30-77;8:45 am]

federal register

WEDNESDAY, AUGUST 31, 1977

PART V

FEDERAL ENERGY ADMINISTRATION

■

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Notice of Proposed Rulemaking and Public Hearing

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Notice of Proposed Rulemaking and Public Hearing

AGENCY: Federal Energy Administration.

ACTION: Proposed rule.

SUMMARY: The Federal Energy Administration hereby proposes to amend its regulations in order to prescribe test procedures for vented home heating equipment under the Energy Policy and Conservation Act. The Act requires that standard methods for testing vented home heating equipment a class within the type "home heating equipment not including furnaces," be prescribed as part of the energy conservation program for appliances. The intended effect of this proposal is to implement the Act's requirements for the solicitation of public comments before the test procedures are prescribed. The Federal Energy Administration is hereby also scheduling a further public hearing on the proposed energy efficiency improvement target for home heating equipment, not including furnaces.

DATES: Comments by October 25, 1977, 4:30 p.m.; requests to speak by October 21, 1977, 4:30 p.m.; statements by November 1, 1977, 4:30 p.m.; hearing for proposed test procedures to be held on November 2, 1977, at 9:30 a.m., and for proposed energy efficiency improvement target on November 2, 1977, at 1:30 p.m.

ADDRESSES: Requests to speak at the hearings to: Executive Communications, Room 3317, Federal Energy Administration, Box OQ (for the proposed test procedures) or Box NU (for the proposed target), Washington, D.C. 20461. Oral Statements to: Regulations Management, Room 2214, Federal Energy Administration, 2000 M Street NW., Washington, D.C. 20461.

HEARINGS HELD AT: Federal Energy Administration, Room 2105, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

James A. Smith (Program Office), Old Post Office Building, Room 307, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461 (202–566–4635).

Robert C. Gilette (Hearing Procedures), 2000 M Street NW., Room 222A, Washington, D.C. 20461 (202–566–5201).

Jim Merna (Media Relations), 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461 (202–566–9833).

Laurence J. Hyman (Office of the General Counsel), 12th and Pennsylvania Avenue NW., Room 7146, Washington, D.C. 20461 (202–566–9750).

SUPPLEMENTARY INFORMATION:

A. *Background.*

The Federal Energy Administration (FEA) proposes to amend Chapter II of title 10, Code of Federal Regulations, in order to prescribe test procedures for vented home heating equipment, a class within the product type "home heating equipment, not including furnaces," pursuant to section 323 (42 U.S.C. 6293) of the Energy Policy and Conservation Act (Act) (Pub. L. 94–163). The adoption of test procedures does not mean that actual testing must be conducted. The procedures merely establish standard methods for testing when testing is otherwise required by the Act itself or by regulations implementing other parts of the program. For example, the Federal Trade Commission (FTC) may require that all or part of the test procedure be conducted in exercising its appliance energy efficiency labeling authority regarding a particular appliance type.

By notice issued May 10, 1976 (41 FR 19977, May 14, 1976), FEA proposed to establish Part 430, entitled "Energy Conservation Program for Appliances," in Chapter II of Title 10 of the Code of Federal Regulations. That notice proposed a Subpart A to Part 430, containing general program provisions, and a Subpart C, containing proposed energy efficiency improvement targets. By notice issued July 22, 1976 (41 FR 31237, July 27, 1976), FEA proposed an amendment to proposed Part 430 to add a Subpart B which would contain the appliance test procedures required to be prescribed by section 323 of the Act. Subparts A and B were established by notice issued on May 24, 1977 (42 FR 36648, July 15, 1977) withdrawing the original proposal of Subpart C and reproposing a new Subpart C containing proposed energy efficiency improvement targets for the products listed in 1–10 of section 322(a) of the Act. Energy efficiency improvement targets for the products listed in 11 and 12 of section 322(a) were proposed by separate notice (42 FR 40701, August 11, 1977).

Proposed test procedures for each product listed in 1–10 of section 322(a) of the Act were published prior to the hearing on the proposed energy efficiency improvement target for each product with the exception of vented home heating equipment. Because FEA believes that reference to proposed test procedures can facilitate public comment on the proposed targets, FEA has, by recent FEDERAL REGISTER notice (42 FR 42361, August 23, 1977), extended the deadline for written comment on the improvement target for home heating equipment (not including furnaces) to October 25, 1977 and has announced the holding of an additional hearing. This hearing, to be held at the time and place specified above, supplements the hearing on the home heating equipment (not including furnaces) improvement target held on August 19, 1977.

The notice issued on May 24, 1977 included final test procedures for room air conditioners. By notice issued March 17, 1977 (42 FR 15423, March 22, 1977) FEA proposed test procedures for dishwashers. This notice also included certain program definitions which have not yet been finalized. Proposed test procedures for water heaters, television receivers, refrigerators and refrigerator-freezers, freezers and clothes dryers were issued on April 21, 1977 (42 FR 21576 et seq., April 27, 1977). Proposed test procedures for unvented home heating equipment were issued on May 4, 1977 (42 FR 23860, May 11, 1977), and proposed test procedures for automatic and semi-automatic clothes washers were issued on May 11, 1977 (42 FR 25329, May 17, 1977), including a determination that test procedures cannot be developed for any other class of clothes washers. Proposed test procedures for humidifiers and dehumidifiers were issued on May 25, 1977 (42 FR 27941, et seq., June 1, 1977). Proposed test procedures for central air conditioners were issued on June 7, 1977 (42 FR 30401, June 14, 1977), and were followed by proposed test procedures for conventional ranges, cooking tops and ovens, as well as microwave ovens, which were issued on June 9, 1977 (42 FR 30627, June 16, 1977). The latter notice included a determination to delay the publication of test procedures for any other class of the type "kitchen ranges and ovens." The proposed test procedures for furnaces were issued on July 28, 1977 (42 FR 40826, August 11, 1977). By this notice, FEA is proposing test procedures for vented home heating equipment.

Section 323(a)(2) of the Act requires FEA to direct the National Bureau of Standards (NBS) to develop, for specifically named types of covered products, test procedures for the determination of the estimated annual operating costs and at least one other useful measure of energy consumption which FEA determines is likely to assist consumers in making purchasing decisions. Pursuant to the Act, FEA directed NBS to develop test procedures for FEA's use in prescribing test procedures under the Act. As part of this undertaking, NBS evaluated existing test procedures for measuring energy consumption of vented home heating equipment.

Current testing and rating requirements for vented home heating equipment are described in a number of standards, including: American National Standards Institute (ANSI) Z21.48–1976 for gas fueled gravity and fan type floor furnaces; ANSI Z21.49–1975 for gas fueled gravity and fan type vented wall furnaces; Z21.11.1–1976 for gas fueled vented room direct vent wall furnaces; Underwriters Laboratory (UL) 729–1974 for oil fueled floor furnaces; and UL 730–1974 for oil fueled wall furnaces. These standards measure the steady state efficiency of vented home heating equipment but do not account for any part load or seasonal performance effects. In order to estimate the seasonal efficiency and annual operating cost of fossil fuel vented home heating equipment, it is

necessary to account for the various heating system losses under cyclic or part load operating conditions and for the effect of combustion and draft control air on infiltration. The test procedures and calculation methods formulated by NBS and proposed herein today, account for these factors.

Under the requirements of section 32 of the Federal Energy Administration Act of 1974 (15 U.S.C. 761 et. seq.), as amended by section 9 of the Federal Energy Administration Authorization Act of 1977 (Pub. L. 95–70), the Administrator must name in the notice of rulemaking any non-governmental organization which promulgated commercial standards contained in, authorized by, or required to be used by, a proposed rule. Additionally, the Administrator must ascertain the extent to which the named organization is structured, in membership and in standards-development procedures, to allow for public participation and representation, and render a determination as to whether or not the organization achieves the degree of public participation called for by section 32 (b) of the Act.

Following recommendations made by NBS, the FEA has incorporated commercial standards promulgated by the following organizations in this proposed rulemaking: American National Standards Institute, American Society for Testing and Materials, and Underwriters Laboratory. An additional standard, American Wire Gauge, which was developed by the now defunct Brown and Sharpe Company, has also been incorporated. None of these orgalizations had memberships, at the time of the promulgation of the standards, which were sufficiently balanced as to allow effective representation of all interested persons within the meaning of section 32(b). In this regard, the Administrator has determined that these organizations do not provide for the full range of public participation that section 32(b) sets forth.

In this rulemaking, FEA is providing interested persons an opportunity to comment on the appropriateness of these standards as used in the vented home heating equipment test procedure. Comments are specifically requested on any specific changes the person commenting believes are necessary to make the standards appropriate for the purposes of testing vented home heating equipment.

Today's proposal adds to § 430.2 a definition of "vented home heating equipment" and amends the definition in § 430.2 of "Basic Model" by adding a subparagraph (15) applying specifically to vented home heating equipment. In addition, § 430.2 contains definitions promulgated or proposed previously (42 FR 15423, March 22, 1977) some of which are applicable to the test procedures for vented home heating equipment. Comments on these definitions are timely as provided below.

B. *Measures of Energy Consumption.*

The Act requires FEA to prescribe test procedures for the determination of estimated annual operating costs and at least one other useful measure of energy consumption which the Administrator determines is likely to assist consumers in making purchasing decisions. The estimated annual operating cost for vented home heating equipment in proposed § 430.22(o) is based upon the average annual energy consumption of the vented home heating equipment and the representative average unit cost of energy.

NBS has developed a method of calculating a typical annual cost of operation for vented home heating equipment which takes into account the annual fuel utilization efficiency, the heating load hours, the residence design heat loss, the auxiliary electrical energy used by circulating air fan motors, powered burner motors, and the pilot input rate if applicable.

Also proposed in § 430.22(o) are test procedures regarding the estimated annual operating cost by geographic region of the United States, since energy consumption and annual operating cost of vented home heating equipment are directly related to geographic location. Annual cost of operation by geographic location may be useful for consumers in making purchasing decisions with respect to vented home heating equipment in addition to the single national average value applicable to any specific unit under proposed § 430.22(o). Also proposed in § 430.22(o) are test procedures for calculating annual operating costs for several standardized design heating requirements for each region in order to facilitate the comparison of operating costs of different sizes of vented home heating equipment.

The proposed test procedures for regional costs will incorporate a map of the continental United States with regional "heating load hours" for adjusting the representative average use cycle (typical annual usage) of vented home heating equipment by geographic location. These regional values of "heating load hours" are based on the average number of degree days and the outdoor design temperature for each region.

An additional proposed measure of energy consumption in § 430.22(o) that is likely to assist consumers in making purchasing decisions is the fuel utilization efficiency. This efficiency is the ratio of the heater's annual output of useful energy to the annual fuel energy input of the heater multiplied by 100. The test procedures are designed to measure the fuel utilization efficiency at a part load operating condition in order to account for both on-cycle energy losses and off-cycle energy losses. Both types of losses can be influenced by the design characteristics and features of the heating equipment.

On-cycle losses include:

(1) Energy contained in the combustion gases which are discharged outdoors through the flue;

(2) The loss of heated room air used for combustion at the burner and for dilution of hot combustion gases through the integral draft diverter or barometric draft regulator.

Off-cycle losses include:

(1) The loss of heat stored in the metal of the heat exchanger when the burner and circulating warm air blower shuts off;

(2) The loss of heated room air which escapes through the open heater stack pipe to the outdoors;

(3) Fuel input to a continuously burning gas pilot.

FEA recognizes that there may be additional useful measures of energy consumption for vented home heating equipment other than the measures described above. Accordingly, today's proposal, in proposed § 430.22(o), provides for the addition of other useful measures which the Administrator determines are likely to assist consumers in making purchasing decisions. These measures, however, must be derived from the application of the uniform test methods proposed today as Appendix O to Subpart B. Vented home heating equipment manufacturers would, if required, only have to perform different computations with the data generated by the existing test methods contained in Appendix O.

C. *Laboratory Methodology.*

The proposed test procedures are based upon the heat loss method, in which the sensible and latent heat losses through the stack are determined. Since these losses will depend upon such factors as load, cycling rate, chimney height, oversizing, the type of draft control device, the infiltration characteristics of a residence and the weather profile, it is desirable to measure in the laboratory quantities which characterize the performance of a vented heater under standardized laboratory test conditions and then to calculate its performance under typical field conditions. This has the advantage of simplifying the amount of experimental laboratory data required and thereby reducing the costs of testing.

The test procedures require measurement of the steady-state performance of a vented heater in order to calculate a steady-state efficiency. For vented heaters without integral draft diverters, this is accomplished by measuring the steady-state flue gas temperature and the concentration by volume of carbon dioxide in the flue gas. For vented heaters utilizing integral draft diverters, the steady-state performance is determined by measuring the steady-state stack gas temperature and the concentration by volume of carbon dioxide in the dry stack gas. This latter method is employed because of the difficulty in accurately measuring flue gas temperatures and concentrations of carbon dioxide in units with integral draft diverters.

The test procedures account for cyclic effects by measuring flue gas temperatures during warm-up from a cold start (for gas fueled heaters) and during cool-down from steady-state operation. As noted above, actual flue gas temperature measurements on vented heaters with integral draft diverters are difficult to make. However, for purposes of accounting for transient effects, it was determined that flue gas temperatures could be measured by blocking the integral draft diverter relief opening, replacing

the 5 foot stack with a 2 foot length of pipe, and measuring the temperature and CO_2 concentration of the flue gas. The flue gas temperature profiles are determined by making two discrete flue gas temperature measurements during warm-up and three discrete measurements during cool-down. The use of discrete warm-up and cool-down temperature measurements reduces the amount of data required and greatly simplifies the process of data reduction. The times at which these discrete flue gas temperature measurements are made were chosen to minimize the errors involved in calculating the on-cycle losses.

In addition to the above mentioned tests, certain factors, which describe the flow rates through the flue and stack during the on and off-periods, are assigned according to the type of equipment under test. The factor S/F, which is the ratio of stack gas mass flow rate to flue gas mass flow rate under steady-state operation and at an average outdoor temperature of 42° F (5.56° C), is used to estimate the infiltration losses during both the on and off-cycles. By assigning values which are based upon field data, the need to simulate field conditions in the laboratory (e.g., a high chimney, a low outdoor temperature, a typical barometric draft regulator setting, etc.) is avoided. A factor D_F represents the ratio of the gas mass flow rate through the flue during the off-cycle to the gas mass flow rate through the flue during the on-cycle at identical temperatures. A similar quantity, D_S, is the ratio of the stack gas mass flow rates during the on-period to the stack gas mass flow rate during the off-period at identical temperatures. The values of D_F and D_S depend upon whether the system being tested employs a stack damper and/or a power burner. If a unit is equipped with a stack damper, its effectiveness is determined by measuring the amount of stack area which the damper blocks during the off-cycle. Vented heaters using power burners may employ an assigned power burner factor of D_F=0.30 or measure D_F directly by employing a tracer gas to determine the mass flow rate in the flue while the power burner is off.

Wherever possible the test methods recommended herein have been based upon existing consensus standards and procedures presently employed by manufacturers to evaluate the performance of vented home heating equipment. This was done to reduce the amount of duplicate testing required and to obtain a set of performance tests which would be within the capabilities of the entire home heating industry.

A step-by-step calculation procedure for determining fuel utilization efficiency based upon an average U.S. weather pattern is given in sections 4.1 and 4.2 for gas and oil fueled vented heaters. This efficiency factor is used to estimate the annual cost of operation in different climatic regions and an average operating cost for the country. The technical background, assumptions and equations which form the basis for the fuel utilization efficiency calculation and annual operating cost calculation are contained in Appendix A of the NBS test procedure review document. A worksheet is illustrated which may be used to keep track of the experimental data and the various step-by-step calculations.

Assigned values of the factors S/F, D_F and/or D_S are given in Tables 1 and 2. The factor ϕ is the fraction of combustion and draft control air which contributes to additional residential infiltration. NBS has determined this factor typically equals 0.70 for vented heaters using indoor air. The quantity $(1 + \alpha)$ is the ratio of the heater's steady-state output to the design heating requirement of a typical residence and is set equal to 1.70 for the purpose of calculating a fuel utilization efficiency and an average national operating cost.

The steady-state latent and sensible heat losses and the steady-state efficiency, η_{ss}, are also calculated in section 4.1. The flue-gas and stack-gas temperature profiles, corresponding to warm-up from a cold start and cool-down from steady-state operation, are then approximated by simple exponential functions having the form

$$(ae^{-t/\tau}+b).$$

The parameters in these functions

τ_{ON}, τ_{OFF}, $\theta_{F,0,X}$, $\psi_{F,0,X}$, $\psi_{F,\infty,X}$, $\psi_{S,0,X}$, and

$$\psi_{S,\infty,X}$$

are determined from the warm-up, cool-down and steady-state flue temperature measurements and are corrected for the effect of cycling to obtain the flue-gas and stack-gas temperature-vs-time profiles which would exist if the unit were operating in the field at a heating load factor equal to 22.5 percent. For units designed to use outdoor air for combustion and draft control, a further adjustment to these profiles are made using a correction factor C, to account for the fact that the air used to combustion has an average temperature of 42° F (5.56° C).

The flue-gas and stack-gas temperature-vs-time profiles are employed, along with the factors describing the on- and off-cycle air flow rates, to calculate the dynamic system losses $L_{S,on}$, $L_{S,off}$, $L_{I,on}$, and $L_{I,off}$ at the average heating load factor and the average outdoor temperature of 22.5 percent and 42° F (5.56° C), respectively. These losses, together with the latent heat loss, jacket loss on outdoor units, and the pilot light energy loss during the nonheating season, are then used to calculate an annual fuel utilization efficiency, $EFFY_A$.

D. *Representative Average Use Cycle.*

Section 323(b)(2) (42 U.S.C. 6293(b)(2)) of the Act provides that test procedures for determining estimated annual operating costs of any covered product shall be calculated from measurements of energy use in a representative average-use cycle (as determined by the Administrator) and from representative average unit costs (as provided by the Administrator) needed to operate such product during such cycle. FEA has determined that the representative average-use cycle for vented home heating equipment is 2,080 heating load hours per year. This determination is based upon an NBS recommendation to FEA. The NBS recommendation is included in the NBS test procedure review document which is available for inspection as provided for later in this notice.

The average use cycle of 2,080 heating load hours for vented heaters was derived in an analysis performed by NBS which considered outdoor temperature data extending over a 25 year period at locations in each of the 48 states in the continental United States and the District of Columbia. In addition, the number of housing units in each state using gas or oil as the primary fuel for heating as reported in the 1970 U.S. Census, was also used in the analysis.

Using the number of housing units by state as a weighting factor, and the average outdoor design temperature at each location, a national average outdoor design temperature was calculated to be 5° F. A similar computation was performed using average annual heating degree day values for each state resulting in a national average of 5,200 heating degree days. The average annual heating load hours was then calculated by multiplying the average number of degree days by 24 and dividing that result by the temperature difference between 65° F and the average outdoor design temperature; the result being 2,080 heating load hours per year.

FEA has developed representative average unit costs of energy needed to calculate the annual operating cost for the representative average use cycle. This information was provided by notice issued July 11, 1977 (42 FR 36549, July 15, 1977).

E. *Number of Units to be Tested.*

Proposed § 430.23(o) would provide for sampling of each basic model to be tested when testing of vented home heating equipment is required by the Act or by program regulations of agencies responsible for administering the Act. This provision is intended both to provide an acceptable level of assurance that test results are applicable to any entire basic model for which testing is required and to minimize the testing burden on manufacturers. FEA believes that the sampling approach proposed today will enable consumers to make meaningful comparisons of information appearing on appliance labels, and also will meet the requirements of section 323(b) of the Act that test procedures not be unduly burdensome to conduct.

Under proposed § 430.23 (o), a sample of sufficient size of each basic model would be tested to assure that, for each measure of energy consumption described in § 430.22(o), there is a 95 percent probability that the mean of the values of these measures of the sample is within 5 percent of the true mean of these measures of the basic model. The size of the sample of a particular basic model will depend upon the following factors:

(1) the level of confidence required (set at 95 percent in the proposed regulations);

(2) the maximum allowable difference between the sample mean and the mean of the basic model (expressed in the proposal as a percent of the true mean and set at 5 percent); and

(3) the relationship of the mean and standard deviation of the basic model.

The relationship of the mean and standard deviation of the basic model can be determined from data available to manufacturers. With this information and using standard statistical techniques, manufacturers can determine the number of units required to be tested. In any case, at least 1 unit of each basic model must be tested. Sample units would be selected randomly from the production stream.

Manufacturers and other interested persons are encouraged to comment on the sampling approach. Manufacturers are especially encouraged to submit any data which relates to the size of the samples which the provision would require to be tested. Comments alleging that the sampling provision is burdensome should include a full discussion of the facts upon which such allegation is based.

F. *Request for Particular Comments.* While FEA is soliciting comments on all aspects of the proposed test procedures for vented heaters, FEA is particularly interested in receiving comments on the following subjects:

1. Other useful measures of energy consumption or data on typical consumer usage of vented home heating equipment in addition to those proposed today.

2. Definitions already promulgated or proposed in § 430.2 which may affect the testing of vented home heating equipment. Comments with respect to such definitions are timely until the close of the written record as specified below.

In addition to the definition of basic model for vented home heating equipments, the following definitions are proposed today: vented home heating equipment; vented wall furnace; vented floor furnace; vented room heater; and direct vent system.

The following definitions previously proposed in § 430.2 (41 FR 19377) are hereby withdrawn: vented gas and oil fired room heater; vented circulator; fan type vented circulator; and vented overhead heater.

G. *Comment Procedure.*

1. *Written Comment.* Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposed test procedures for vented home heating equipment or the proposed target hearing set forth in this notice to Executive Communications, Room 3317, Federal Energy Administration, Box OQ, (proposed test procedure) or Box NU (proposed target), Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA with the designation "Vented Home Heating Equipment—Proposed Test Procedures" or "Home Heating Equipment—Proposed Target," respectively. Fifteen copies should be submitted. Comments received by October 25, 1977, before 4:30 p.m., and all other relevant informaion, will be considered by FEA before final action is taken on the proposed test procedures.

Any information or data considered confidential by the person furnishing it must be so identified in writing, and only one copy of the information need be submitted. FEA reserves the right to determine the confidential status of the information or data and treat it according to its determination.

2. *Public Hearings.* (a) *Request procedure.* The time and place of these public hearings are indicated at the beginning of this preamble. The hearings will be continued, if necessary, on November 3, 1977.

FEA invites any person who has an interest in the proposed rulemaking issued today, or who is a representative of a group or class of persons that has an interest, to make a written request for an opportunity to make an oral presentation. Such a request should be directed to the address indicated at the beginning of this preamble and must be received before 4:30 p.m., on October 21, 1977. Such a request may be hand delivered to such address, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. A request should be labeled both on the document and on the envelope "Venter Home Heating Equipment—Proposed Test Procedures" or "Home Heating Equipment—Proposed Target", respectively.

The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of a group or class of persons that has such an interest; and give a concise summary of the proposed oral presentation and a telephone number where she or he may be contacted through November 2, 1977.

FEA will notify each person selected to appear at the hearing before 4:30 p.m., October 26, 1977. Each person selected to be heard must submit 50 copies of her or his statement to the address and by the date given in the beginning of this preamble. In the event any person wishing to testify cannot meet the 50 copy requirment, alternative arrangements can be made with the Office of Regulations Management in advance of the hearing by so indicating in the letter requesting an oral presentation or by calling the Office of Regulations Management at 202–254–3345.

(b) *Conduct of Hearings.* FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by FEA with respect to the subject matter of the hearings will be based on all information available to FEA. At the conclusion of all initial oral statements at each hearing, each person who has made an oral statement will be given the opportunity if she or he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearings to Executive Communications, FEA, before 4:30 p.m., October 25, 1977. FEA will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The presiding officer, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of each hearing will be made and the entire record of each hearing, including the transcript, will be retained by FEA and made available for inspection at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter. A copy of NBS's recommendations concerning test procedures for vented home heating equipment, and technical and economic papers relating to the proposed efficiency improvement target will be made available for inspection at the FEA Freedom of Information Office.

H. *Environmental and Inflationary Review.*

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974 (Pub. L. 93–275), a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator has no comments.

The National Environmental Policy Act of 1969 requires FEA to assess the environmental impacts of any proposal by the Agency for "major Federal actions significantly affecting the quality of the human environment." Since test procedures under the conservation program for appliances will be used only to standardize the measurement of energy usage and will not affect the quantity or distribution of energy usage, FEA has determined that the action of prescribing test procedures, by itself, will not result in any environmental impacts. On this basis, FEA has determined that, with

respect to prescribing test procedures under the conservation program for appliances, no environmental impact statement is required.

The proposal has been reviewed in accordance with Executive Order 11821 as amended by Executive Order 11949, and OMB Circular No. A-107 and has been determined not to be a major proposal requiring evaluation of its economic impact as provided for therein.

(Energy Policy and Conservation Act, Pub. L. 94-163, as amended by Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended by Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, it is proposed to amend Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., August 22, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

1. Section 430.2 is amended by adding a subparagraph (15) as part of the definition of "basic model" and by adding the definitions of "vented home heating equipment," "vented wall furnace," "vented floor furnace," "vented room heater" and, "direct vent system," to read as follows:

§ 430.2 Definitions.

* * * * *

"Basic model" means all units of a given type of covered product manufactured by one manufacturer and:

* * * * *

(15) With respect to furnaces, having the same primary energy source and essentially identical functional physical and electric characteristics.

* * * * *

"Vented home heating equipment" or "vented heater" means a class of home heating equipment, not including furnaces, designed to furnish warmed air to the living space of a residence, directly from the device without duct connections (except that boots not to exceed 10 inches beyond the casing may be permitted) and includes: vented wall furnace, vented floor furnace, and vented room heater.

"Vented wall furnace" means a self-contained vented heater complete with grilles or the equivalent, designed for incorporation in or permanent attachment to the structure of a residence and furnishing heated air circulated by gravity or by a fan directly into the space to be heated through openings in a casing.

"Vented floor furnace" means a self-contained vented heater suspended from the floor of the space being heated, taking air for combustion from outside this space. The vented floor furnace supplies heated air circulated by gravity or by a fan directly into the space to be heated through openings in the casing.

"Vented room heater" means a self-contained, free standing, nonrecessed, vented heater for furnishing warmed air to the space in which it is installed. The vented room heater supplies heated air circulated by gravity or by a fan directly into the space to be heated through openings in the casing without duct connections.

"Direct vent system" means a system consisting of a vented heater and combustion air and flue gas connections between the vented heater and the outside atmosphere, and constructed so that all air for combustion is obtained from the outside atmosphere and all flue gases are discharged to the outside atmosphere.

2. Section 430.22 is amended by adding paragraph (o), to read as follows:

§ 430.22 Test Procedures for Measures of Energy Consumption.

* * * * *

(o) *Vented home heating equipment.* (1) The estimated annual operating cost for vented home heating equipment shall be the sum of: (i) the product of the average annual fuel energy consumption in Btu's per year, determined according to 4.7 of Appendix O of this subpart, and the representative average unit cost in dollars per Btu for gas or oil, as appropriate as provided by the Administrator plus (ii) the product of the average annual auxiliary electric energy consumption in kilowatt-hours per year, determined according to 4.8 of Appendix O of this subpart, and the representative average unit cost in dollars per kilowatt-hour as provided by the Administrator, the resulting sum then being rounded off to the nearest dollar per year.

(2) The annual fuel utilization efficiency for vented home heating equipment, expressed in percent, shall be the ratio of annual output of useful energy delivered to the heated space to the annual fuel energy input to the vented heater determined according to 4.1.33 of Appendix O of this subpart.

(3) The estimated regional annual operating costs for vented home heating equipment computed for minimum and maximum standardized design heating requirements shall be the sum of: (i) the product of the regional annual fuel energy consumption for the minimum or maximum standardized design heating requirement, as appropriate, in Btu's per year for gas or oil vented heaters determined according to 4.16 or 4.17 of Appendix O of this subpart, and the representative average unit cost in dollars per Btu for gas or oil, as appropriate, as provided by the Administrator plus (B) the product of the regional annual auxiliary electrical energy consumption in kilowatt-hours per year determined according to 4.18 or 4.19, as appropriate, of Appendix O of this subpart, and the representative average unit cost in dollars per kilowatt-hour as provided by the Administrator, the resulting sum then being rounded off to the nearest dollar per year.

(4) The estimated regional annual operating cost for vented home heating equipment shall be the sum of: (i) the product of the regional annual fuel energy consumption in Btu's per year determined according to 4.10 of Appendix O of this subpart, and the representative average unit cost in dollars per Btu for gas or oil, as appropriate, as provided by the Administrator plus (ii) the product of the regional auxiliary electrical energy consumption in kilowatt-hours per year, determined according to 4.11 of Appendix O of this subpart, and the representative average unit cost in dollars per kilowatt-hour as provided by the Administrator, the resulting sum then being rounded off to the nearest dollar per year.

(5) Other useful measures of energy consumption for vented home heating equipment shall be those measures of energy consumption which the Administrator determines are likely to assist consumers in making purchasing decisions and which are derived from the application of Appendix O of this subpart.

3. Section 430.23 is amended by adding a paragraph (o) to read as follows:

§ 430.23 Units to be tested.

* * * * *

(o) *Vented home heating equipment.* (1) When testing of vented home heating equipment is required for a measure or measures of energy consumption described in § 430.22(o) of this subpart, a sample of sufficient size of each basic model shall be tested to ensure that, for each such measure of energy consumption, there is a 95 percent probability that the mean of the sample is within 5 percent of the true mean of such measures of the basic model, except that a minimum of 1 unit of each basic model shall be tested.

(2) The sample selected for paragraph (o)(1) of this section shall be a simple random sample drawn from the production stream of the basic model being tested.

(3) A basic model having dual voltage ratings shall be separately tested at each design voltage such that the requirements of paragraph (o)(1) of this section is satisfied at each rating.

* * * * *

APPENDIX O—UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF VENTED HOME HEATING EQUIPMENT

1.0 DEFINITIONS.

1.1 "Steady-state conditions for vented home heating equipment" means equilibrium conditions in the flue or stack gas as indicated by temperature changes of not more than plus or minus 5° F (2.8° C) in three successive temperature readings taken 15 minutes apart.

1.2 "Flue gases" means reaction products resulting from the combustion of a fuel with the oxygen of the air, including the inerts and any excess air.

1.3 "Excess air" means air which passes through the combustion chamber and the vented heater flues in excess of that which is theoretically required for complete combustion.

1.4 "Flue" means a conduit between the flue outlet of a vented heater through which the flue gases pass prior to the point of draft relief.

1.5 "Flue outlet" means the opening provided in a vented heater for the exhaust of the flue gases from the combustion chamber.

1.6 "Flue losses" means the sum of sensible and latent heat losses above room temperature (70° F) of the flue gases leaving a vented heater.

1.7 "Stack" means the portion of the exhaust system downstream of the barometric draft regulator or integral draft diverter.

1.8 "Stack gases" means the flue gases combined with dilution air that enters at the barometric draft regulator or integral draft diverter.

1.9 "Barometric draft regulator" means a mechanical device designed to maintain a constant draft in a vented heater.

1.10 "Air shutter" means an adjustable device for varying the size of the primary air inlet(s) to the combustion chamber.

1.11 "Power burner" means a burner which supplies either gas or air or both at pressures exceeding, for gas, the line pressure, and for air, atmospheric pressure, or a burner which depends on the draft induced by a fan for proper operation.

1.12 "Vent limiter" means a device which limits the flow of air from the atmospheric diaphragm chamber of a gas pressure regulator to the atmosphere. A vent limiter may be a limiting orifice or other limiting device.

1.13 "Exhaust air intake terminal" means a device which is located on the outside of a building and is connected to a vented heater by a system of vents. It is composed of an air intake terminal through which the air for combustion is taken from the outside atmosphere, and a vent terminal from which flue gases are discharged.

1.14 "Induced draft" means a method of drawing air into the combustion chamber by mechanical means.

1.15 "Plenum" means an air compartment, that is attached to, or is an integral part of, a vented heater and which is designed to either distribute the heated air after it leaves the heat exchanger in the case of a supply plenum, or collects the air which enters the return inlet in the case of a return plenum.

1.16 "Heat input" (Q_{in}) means the rate of energy supplied in a fuel to a vented heater, operating under steady state conditions, expressed in Btu's per hour. It includes any input energy to the pilot light and is obtained by multiplying the measured rate of fuel consumption by the measured higher heating value of the fuel.

1.17 "Higher heating value" (HHV) means the heat produced per unit of fuel when complete combustion takes place at constant pressure and the products of combustion are cooled to the initial temperature of the fuel and air and the water vapor formed during combustion is condensed. The higher heating value is usually expressed in Btu's per cubic foot for gaseous fuel, or Btu's per gallon for liquid fuel.

1.18 "Integral draft diverter" means a device which is an integral part of a vented heater, which is designed to (1) provide for the exhaust of the products of combustion in the event of no draft, back draft, or stoppage beyond the draft diverter, (2) prevent a back draft from entering the vented heater, (3) neutralize the effect of stack action of the chimney or gas vent upon the operation of a vent heater.

1.19 "Vent damper" means a device intended for installation in the exhaust system of a vented heater, and which is designed to open the exhaust system when the vented heater is in operation and to close off the exhaust system when the vented heater is in a stand-by condition.

1.20 "Vent pipe" means passages and conduits in a direct vent system through which gases pass from the combustion chamber to the outdoor air.

1.21 "Infiltration parameter" means that portion of unconditioned outside air drawn into the heated space as a consequence of loss of conditioned air through the exhaust system of a vented heater.

1.22 "Vaporizing type oil burner" means a device consisting of an oil vaporizing bowl or other receptacle into which liquid fuel oil may be fed in controllable quantities; the heat of combustion being used to vaporize the fuel, with provision for admitting air and mixing it with the oil vapor in combustible proportions.

1.23 "Air tube" means a tube which carries combustion air from the fan to the burner nozzle, for combustion.

2.0 TESTING CONDITIONS.

2.1 *Installation of Test Unit.*

2.1.1 Vented Wall Furnaces (including direct vent systems). Gas fueled vented wall furnaces shall be installed for test as specified in Sections 2.1.3 and 2.1.4 of ANSI Z21.49-1975. Gas fueled wall furnaces with direct vent systems shall be installed for test as described in 2.1.2 and 2.1.4 of ANSI Z21.44-1973. Oil fueled vented wall furnaces shall be installed as specified in UL-730-1974, Section 33. Oil fueled vented wall furnaces with direct vent systems shall be installed as specified in UL-730-1974, section 34.

2.1.2 Vented Floor Furnaces. Vented floor furnaces shall be installed for test as specified in Sections 35.1 through 35.5 of UL standard 729-1974.

2.1.3 Vented Room Heaters. Installation shall be made in accordance with manufacturer's instructions.

2.2 *Flue and Stack Requirements.*

2.2.1 Gas fueled vented home heating equipment employing integral draft diverters.

For the steady state performance test described below, gas fueled vented home heating equipment employing integral draft diverters with vertically discharging outlets shall have attached to and vertically above the outlet, a stack having a diameter the same size as the outlet and shall be covered with insulation having an R value of not less than 7 (°F-HR-Ft²/Btu) and an outer layer of aluminum foil. The stack shall extend not less than 5 feet nor more than five feet six inches above the highest point of the outlet. Vented heaters having a horizontally discharging outlet shall have attached an insulated 90 degree elbow, the same size as the outlet, and sufficient vertical insulated black iron pipe so that the pipe outlet is not less than five feet nor more than five feet six inches above the highest point of the heater outlet. A horizontal section of pipe may be used on the floor furnace between the diverter and the elbow if necessary to clear any framing used in the installation. The length of this section of pipe shall be the minimum needed. The stack and elbow shall be covered with insulation having an R value of not less than 7 (°F-HR-Ft²/Btu) and an outer layer of aluminum foil.

The tests for measuring flue gas temperatures during warmup and cooldown, and for the steady state test of section 3.1.1.3, shall be conducted by replacing the five to five feet six inch pipe of the previous paragraph with a two foot vertical pipe. The pipe shall be covered with insulation having an R value of not less than 7 (°F-HR-Ft²/Btu) and an outer layer of aluminum foil.

2.2.2 Gas fueled vented home heating equipment which does not employ integral draft diverters. Gas fueled vented home heating equipment which does not employ integral draft diverters shall have a two foot long insulated pipe attached to the vertically discharging flue outlet for the steady state test and the tests to measure flue temperatures during warm-up and cooldown. For units having a horizontally discharging outlet, an elbow and a two foot long vertical insulated pipe shall be attached to the outlet. All insulation shall have an R value not less than 7 (°F-HR-FT²/Btu) and an outer layer of aluminum foil.

2.2.3 Oil Fueled Vented Home Heating Equipment. Flue connections for oil fueled vented floor furnaces shall be specified in Section 35 of UL-729-1974, Section 34.10 through 34.18 of UL-730-1974 for oil fueled vented wall furnaces and Sections 36.2 and 36.3 of UL-896-1973 for vented room heaters.

There shall be no opening on the oil heater between the heater and the point where the flue gas sample is to be taken or the flue gas temperature is to be measured. If a barometric draft regulator is incorporated in the heater, it shall be sealed during all tests.

2.2.4 Direct Vent Systems. The exhaust/air intake system supplied by the manufacturer shall be in place during all tests. A vented heater employing a direct vent system shall not be connected to a chimney or induced draft source, but shall depend for venting of the gas solely on the provision for venting incorporated in the heater and the exhaust/air intake system supplied with it. On units which are not designed to preheat the incoming air, the first 18 inches of vent pipe downstream of the heater outlet shall be insulated with a layer of insulation having an R value of 7 (°F-HR-FT²/Btu) and the insulation material covered by a layer of aluminum foil.

2.3 *Fuel Supply.*

2.3.1 Natural Gas. For a vented heater utilizing natural gas, maintain the gas supply to the unit under test at a normal inlet test pressure immediately ahead of all controls at 7 to 10 inches water column. The regulator outlet pressure at normal test pressure shall be approximately that recommended by the manufacturer. Use natural gas having a specific gravity of approximately 0.6 and a higher heating value within ±5% of 1025 Btu per standard cubic foot. Determine the actual higher heating value in Btu's per standard cubic foot for the natural gas to be used in the test with an error no greater than one percent.

2.3.2 Propane Gas. For a vented heater utilizing propane gas, maintain the gas supply to the unit under test at a normal inlet pressure of 11 to 13 inches water column and a specific gravity of 1.55. The regulator outlet pressure at normal test pressure shall be approximately that recommended by the manufacturer. Use propane having a specific gravity of approximately 1.55 and a higher heating value within ±5% of 2500 Btu's per standard cubic foot. Determine the actual higher heating value in Btu's per standard cubic foot for the propane to be used in the test with an error no greater than one percent.

2.3.3 Other Test Gas. The characteristics of other test gases shall be maintained as described in Section 2.2, Table VII, of ANSI Standard Z21.11.1-1974. Their measured higher heating value shall be within ±5% of the values specified in the above ANSI standard.

2.3.4 Oil Supply. For a vented heater utilizing fuel oil, the fuel oil type used shall be No. 1 fuel oil for vaporizing type burners and as specified by the manufacturer for mechanical atomizing type burners. The No. 1 fuel oil viscosity shall be as specified in UL-730-1974, Section 36.9. The specification of other fuel oils shall be as defined in ANSI Z11.203-1970.

The higher heating value of the test fuel oil shall be measured with an error no greater than one percent.

2.3.5 Electrical Supply. For an auxiliary electric component of a vented heater, maintain the electrical supply to the test unit within one percent of the nameplate voltage for the entire portion of the test cycle. If a voltage range is used for nameplate voltage, maintain the electrical supply within one percent of the center of the nameplate voltage range.

2.4 *Burner Adjustments.*

2.4.1 Gas Burner Adjustments. Burners of gas fueled vented heaters shall be adjusted to their maximum Btu ratings at normal test pressure. All such adjustments shall be within ±2 percent of the hourly Btu rating specified by the manufacturer as measured after 15 minutes of operation starting with all parts of the furnace at room temperature. The primary air shutters shall be set for proper combustion, or as determined by manufacturer's recommendation, and the burner input flow rate shall be corrected to standard conditions of 60° F and 30 inches mercury barometric pressure.

If a vent limiting means is provided on a gas pressure regulator, it shall be in place during all tests.

2.4.2 Oil Burner Adjustments. The burners of oil fueled vented heaters shall be adjusted to give the best CO_2 reading and a hourly Btu input, during the steady-state performance test described below, which is within plus or minus 2 percent of the heater manufacturer's specified normal hourly Btu input rating. Smoke in the flue shall not exceed a No. 2 smoke during the steady-state performance test as measured by the procedure in ANSI Standard Z11.182-1965 (R1971) (ASTM D 2156-65 (1970)). The averge draft over the fire and in the flue during the steady-state performance test shall be that recommended by the manufacturer and draft fluctuations shall not exceed 0.005 inches of water gauge. No additional adjustments to the burner shall be made during the required series of performance tests. The instruments and measuring apparatus for this test are described in Section 6.3 of ANSI Standard Z01.1-1972.

2.5 *Circulating Air Adjustments.*

2.5.1 Forced Air Vented Wall Furnaces (including direct vent systems). During tests the air flow through the heater shall be as specified by the manufacturer and the heater shall be operated with the outlet air temperature between 80°F and 130°F above room temperature. If adjustable air discharge registers are provided, they shall be adjusted so as to provide the maximum possible air restriction. Air discharge temperature shall be measured as specified in Section 2.14 of ANSI Z21.49-1975.

2.5.2 Fan Type Vented Room Heaters and Floor Furnaces. During tests on fan type furnaces and heaters, the air flow through the heater shall be as specified by the manufacturer.

2.6 *Thermocouple Installation.*

2.6.1 Gas Fueled Vented Home Heating Equipment (not including direct vent systems). For units employing an integral draft diverter, install nine thermocouples in a horizontal plane in the five foot length stack at 4 feet 6 inches above the highest point of the heater outlet.

Install one thermocouple in the center of the stack. Install eight thermocouples along imaginary lines intersecting at right angles in this horizontal plane at points one third and two thirds of the distance between the center of the stack and the stack wall.

For those tests requiring a 2 foot length of pipe install one thermocouple in the center of the 2 foot length of insulated flue pipe at the midpoint (i.e., one foot of from the end).

For units which do not employ an integral draft diverter, install nine thermocouples in a horizontal plane 12 inches from the outlet of the 2 foot length of insulated pipe. Install one thermocouple in the center of the pipe and eight thermocouples along imaginary lines intersecting at right angles in this horizontal plane at points one third and two thirds of the distance between the center of the pipe and the pipe wall.

Use bead-type thermocouples having wire size not greater than No. 24 American Wire Gauge (AWG).

Thermocouples whall be installed for measuring conditioned warm air in the numbers and locations decribed in ANSI Z21.49-1975, section 2.14. The temperature of the inlet air shall be established by means of a single No. 24 AWG bead-type thermocouple, suitably shielded from direct radiation and located in the center for the plane of each inlet air opening.

2.6.2 Oil Fueled Vented Home Heating Equipment (not including direct vent systems). Thermocouples shall be installed as described in Section 37.16 of UL 896 "Oil Burning Stoves" for vented room heaters or Section 36.11 of UL 729 for oil fueled vented floor furnaces. or 35.11 or UL 73 for oil fueled vented wall furnaces.

2.6.3 Vented Wall Furnaces with Direct Vent Systems. For vented heaters that are designed to preheat combustion air, install nine thermocouples along two imaginary lines intersecting at right angles inside the vent pipe in a plane parallel to and one inch (25.4mm) from the outlet of the vent pipe. The lines shall be oriented so that they will divide the internal area into quadrants. One thermocouple shall be located at the intersection of the two lines. Eight thermocouples shall be located in sets of two along each line at points one third and two thirds of the distances from the intersection to the periphery. Use beadtype thermocouples not larger than 24 AWG, at the specified locations.

For units not designed to preheat combustion air, locate the nine thermocouples in a plane one foot from the outlet of the heater and in the configuration described above.

2.7 *Combustion Measurement Instrumentation.* The samples of stack and flue gases for vented heaters shall be analyzed to determine the concentration by volume of carbon dioxide present in the dry gas with instrumentation which will result in a reading having an accuracy of ±3 percent.

2.8 *Energy Flow Instrumentation.* Install one or more energy flow instruments to measure the quantity of gas flow or fuel oil supplied to the vented heater, and electrical energy, if appropriate, with an error no greater than one percent.

2.9 *Room Ambient Temperature.* Maintain the test room at an ambient air temperature between 65°F and 75°F. Use the procedure outlined in section 2.1.14 of ANSI Standard Z21.47-1973 to measure room temperature.

2.10 *Equipment Used to Measure Mass Flow Rate in Flue and Stack.* The tracer gas chosen for this task should have a density which is approximately equal to the density of air. It shall be of different chemical species or different concentration from the flue or stack gas to be measured and shall be unreactive with the environment to be encountered. Instrumentation used to measure the concentration of tracer gas may be either the batch or continuous type with an accuracy of ±2% of the value of the concentration measured.

3.0 TESTING AND MEASUREMENTS.

3.1 *Steady-State Testing*

3.1.1 Gas Fueled Vented Home Heating Equipment (not included direct vent systems).

3.1.1.1 Stack Gas Temperature and CO_2 Measurements. The vented heater shall be set up as specified in sections 2.1, 2.2, and 2.3. Begin the steady-state performance test by operating the burner and the circulating air blower with the adjustments specified in 2.4 and 2.5 until a steady-state temperature is attained in the stack gas as measured by the center thermocouple located in the 5 foot stack as specified in 2.6.1 for units employing integral draft diverters.

On units employing integral draft diverters, record the steady-state stack gas temperature ($T_{F,ss,x}$). Measure a sample of dry stack gasses for CO_2, ($Xco_{2,x}$) in the plane of measurement used for measuring flue gas temperature in accordance with ANSI Z21-48-1976, section 2.1.2., Z21-49-1975 section 2.1.2., Z21-11-1976 section 2.8, and Z21-44-1973 section 2.1.1. Measure heat input rate (Q_{in}) including the pilot input and the electrical power input at steady-state conditions and record.

The steady-state heat input rate (Q_{in}) including pilot gas shall be determined by multiplying the measured higher heating value of the test gas by the steady-state gas input rate corrected to standard conditions of 60° F and 30 inches of mercury. Measure gas input temperature and pressure at the meter and the barometric pressure. Correct the metered gas flow rate to standard conditions of 60° F and 30 inches mercury.

Measure the steady-state electric power to the circulating air blower (BE) and to the power burner (PE) on units so equipped and record the data.

3.1.1.2 Flue Gas Temperature and CO_2 Measurements. After the above test measurements have been completed on units employing integral draft diverters, the 5 to 5½ foot long black iron pipe used in the steady state test shall be removed, the draft diverter relief opening shall be blocked and a 2 foot length of pipe installed as described in section 2.2.1. A single bead-type thermocouple not larger than No. 24 AWG shall be located in the center of the flue pipe and 12 inches from its top. After equilibrium conditions are again achieved, as indicated by changes in the flue gas temperature of not more than 5° F (2.8° C) between readings 15 minutes apart, the steady-state flue gas temperature ($T_{F,ss}$) shall be measured using this single thermocouple and a sample of the flue gases shall be taken in the same plane of measurement. The sample of the flue gases shall be analyzed to determine the concentration by volume of CO_2 ($Xco_{2,F}$) present in the dry flue gas.

On units not employing an integral draft diverter, the steady-state flue gas temperature shall be measured in the 2 foot long flue pipe as described in Section 2.6 and a sample of the flue gas shall be taken in the plane of measurement. The sample of flue gases shall be analyzed to determine the concentration of CO_2, ($Xco_{2,F}$), present in the dry flue gas.

3.1.2 Vented Wall Furnaces with Direct Vent Systems. The vented heater shall be set up and adjusted as specified in sections 2.1, 2.2.4, 2.3, 2.4, 2.5 and 2.6. Flue temperature ($T_{F,ss}$) and CO_2 ($Xco_{2,F}$) measurements shall be performed at steady-state conditions as prescribed in 3.1.1. with the following exception:

Temperature measurements shall be made at a location which is determined by the design provisions of the vented heater for preheating the incoming air as prescribed in section 2.6.3 for thermocouple location.

3.1.3 Oil Fueled Vented Home Heating Equipment (not including direct vent systems). The vented heater shall be set up and adjusted as specified in sections 2.1, 2.2.3 and 2.3.4. Begin the steady-state performance test by operating the burner and the circulating air blower with the adjustments specified by 2.4.2 and 2.5.1. When steady-state temperature ($T_{F,ss}$) is attained in the flue gas, measure the average flue gas temperature and measure CO_2 ($Xco_{2,F}$) in a sample of the flue gas at the location described in figure 37.4 of UL Std. 896. There shall be no opening between the heater and the point where the flue gas sample is to be measured. If a barometric draft regulator is incorporated in the heater, it shall be sealed during all tests.

Measure and record the steady-state heat input rate (Q_{in}). Measure steady-state electrical power to the air blower (BE) and to the power burner (PE) and record these data.

3.2 *Flue Temperature Measurements—Cool Down Test.*

3.2.1 Vented Home Heating Equipment (not including direct vent systems). After steady-state testing is completed, all units shall have the main burner turned off and the flue gas temperature measured at 1.5 ($T_{F,OFF(1.5)}$) and 2.0 ($T_{F,OFF(4)}$) minutes after the burner shuts off. Units employing stack dampers shall have the damper control by-passed so that the damper remains open during the cool down test. During this off-period the indoor air circulating blower shall be made to operate during the first three minutes of the off period and shall then be turned off unless the vented heater employs a single motor to drive a power burner and an indoor air circulating blower in which case both shall be turned off together. The main burner(s) shall remain off until equilibrium conditions are attained, as indicated by temperature changes in the flue gas of not more than 3° F (2.8° C) between readings 15 minutes apart. For units employing a continuously burning pilot light, a third flue gas temperature measurement shall then be made to determine the off-period minimum flue gas temperature ($T_{F,OFF(\infty)}$). For units not employing a continuously burning pilot light, $T_{F,OFF(\infty)}$ is assumed to equal 70° F (21.1°C). During this cool down test, the energy input rate to the pilot light (Q_p), if the unit is so equipped, shall also be measured to within an accuracy of ±3%. Record all measured values.

3.2.2 Vented Home Heating Equipment with Direct Vent Systems. After steady-state testing has been completed, turn the main burner off and measure the flue gas temperature at 1.5 ($T_{F,OFF(1.5)}$) and 2.0 ($T_{F,OFF(4)}$) minutes after the burner is shut off using nine bead-type thermocouples, not larger than 24 AWG, in the locations prescribed in section 2.6.3. During this off-period, the indoor air circulating blower shall be made to operate during the first 3 minutes of the off-period and shall then be shut off unless the vented heater employs a single motor to drive a power burner and an indoor air circulating blower, in which case both shall be turned off. The main burner(s) shall remain off until equilibrium conditions are attained, as indicated by changes in the flue gas temperature of not more than 3° F (2.8°C) between readings 15 minutes apart. For units employing a continuously burning pilot light, a third flue gas temperature measurement shall then be made to determine the off-period minimum flue gas temperature ($T_{F,OFF(\infty)}$). For units not employing a continuously burning pilot light ($T_{F,OFF,(\infty)}$) is assumed to equal 70° F (21.1° C). During this cool down test, the energy input rate to the pilot light (Q_p), if the unit is so equipped, shall also be measured to within an accuracy of ±3%. Record all measured values. If a vented heater with a direct vent system employs an automatic stack damper, it shall be closed during this cool down test.

3.3 *Flue Gas Temperature Measurements Heat Up Test for Vented Home Heating Equipment.* After equilibrium conditions are achieved following the cooldown test and the required measurements performed, the vented heater shall be turned on and the flue gas temperature measured at the locations specified in section 3.2 of this Appendix, at 0.5 ($T_{F,ON(.5)}$) and 2.5 ($T_{F,ON(2.5)}$) minutes after the main burner(s) comes on. The indoor air circulating fan shall remain off during the first 1.5 minutes of this warm up test and shall then be turned on unless the vented heater employs a single motor to drive a power burner and an indoor air circulating blower, in which case both shall be started together. Record the measured temperatures. Vaporizing type oil burners need not have this test performed.

3.4 *Jacket Loss Measurement.* A jacket loss test is specified only for vented floor furnaces. Measure the jacket loss (L_J) in accordance with the ANSI standard Z21.48-1976 Section 2.12, and record the total jacket loss and the ambient room temperature during the test.

3.5 *Measurement for Determining Effectiveness of Automatic Stack Damper.* The effectiveness of an automatic stack damper (D_e), in vented heaters so equipped, shall be determined by measuring the cross sectional area of the stack (A_S), the net area of the damper plate (A_D) (the area of the damper plate minus the area of any holes in the plate), and the angle Ω which is the angle the damper plate makes when closed with a plane perpendicular to the axis of the stack. The equation in section 4.2 is then employed to calculate D_e.

3.6 *Measurement for Determining D_F for Systems Equipped with Power Burners.* On power burner systems not employing automatic stack dampers or power burner systems with a stack damper and an integral draft diverter, the flue gas temperature during the off-period ($T_{F,OFF}$) may be measured during the cool-down test described in section 3.2. The procedures to be used for measuring ($T_{F,OFF}$) are described below.

On systems equipped with both power burners and stack dampers, and not employing an integral draft diverter, D_F (the ratio of the rate of flue gas mass flow through the vented heater during the off-period to the rate of flue gas mass flow through the vented heater during the on-period) shall be measured during a separate cool-down test. This separate cool-down test shall be conducted after the warm-up test described in Section 3.3 for determining the on-period flue gas temperature. It shall be conducted by letting the unit run after the warm-up test is completed until steady-state conditions are reached, as indicated by temperature changes in the flue gas or not more than plus or minus 5° F (2.8° C) between readings 15 minutes apart, and then shutting the unit off with the stack damper controls by-passed or adjusted so that the stack damper remains open during the resulting cool-down period. If a draft was maintained in the flue during the steady state performance test described in Section 3.1 the same draft (within ±0.01 inches of water gauge of the average value measure during the steady-state tests) shall be maintained during this cool-down period.

The flue gas mass flow rate during the off-period ($m_{F,OFF}$) may be measured at a specific off-period flue gas temperature and then corrected to obtain its value at a flue gas temperature at steady-state ($T_{F,SS}$), using the procedure described below.

Within one minute after the unit is shut off to start the cool down test for determining D_F, begin feeding a tracer gas into the combustion chamber at a constant flow rate of V_T, and at a point which will allow for the best possible mixing with the air flowing through the chamber. On units equipped with an oil fueled power burner, the best location for injecting this tracer gas is through a hole drilled in the air tube. The value of V_T shall be periodically measured with an instantaneously reading flow meter having an accuracy of ±3 percent of the quantity measured and shall be less than 1 percent of the air flow rate through the vented heater. If a combustible tracer gas is used, there should be a delay period between the time the unit is shut off and the time the tracer gas is first injected to prevent ignition of the tracer gas.

Between 5 and 6 minutes after the unit is shut off to start the cool-down test, the percent volumetric concentration of tracer gas, C_T, in the flue gas and the flue gas temperature, $T_{F,OFF}$, shall be measured in the center of the flue pipe on the vented heater side of the draft regulator and not more than 12 inches from the heater flue-gas outlet. In addition, the barometric pressure, P_B, shall also be determined. A single bead-type thermocouple, not larger than No. 24 AWG, shall be used to make the temperature measurement. The concentration of tracer gas shall be obtained using an instrument which will result in an accuracy of ±2 percent in the value of C_T measured and may be either a batch or continuous reading type instrument. If the sampling arrangement for the instrument results in a delay time between the drawing of a sample and its analysis, this delay should be taken into account so that the temperature measurement and the measurement of tracer gas concentration coincide.

The rate of the flue gas mass flow through the vented heater and the factors D_F, D_T, and D_S are calculated by the equations in sections 4.3.1, 4.3.2 and 4.3.3 of this Appendix.

4.0 CALCULATION OF DERIVED RESULTS FROM TEST MEASUREMENTS.

4.1 *Annual Fuel Utilization Efficiency for Gas or Oil Vented Home Heating Equipment.* The following calculations are to be performed to determine the annual fuel utilization efficiency of gas or oil vented home heating equipment. Figure 10 provides an illustration of a worksheet which may be used to tabulate the results of test measurements and calculations.

4.1.1 System number. Determine the system number for the type of vented heater being tested in accordance with Table 1 or 2.

4.1.2 Ratio of combustion air mass flow rate to stoichiometric air mass flow rate. Determine the ratio of combustion air mass flow rate to stoichiometric air, mass flow rate, $R_{T,F}$, from Figure 1 for the test fuel, by using the value of dry flue gas CO_2 concentration, $Xco_{2,F}$, determined in accordance with section 3.1 of this Appendix.

4.1.3 Ratio of combustion and relief air mass flow rate to stoichiometric air mass flow rate. For systems 1, 2, 5, or 6, employing an integral draft diverter, determine the ratio of the sum of combustion and relief air mass flow rate to stoichiometric air mass flow rate $R_{T,S}$, from Figure 1 for the type of test fuel, by using the value of dry stack gas CO_2 concentration, $Xco_{2,S}$, determined in accordance with section 3.1 of this Appendix.

4.1.4 Average sensible heat loss at full-load steady state operation. For systems 1, 2, 5, or 6, employing an integral draft diverter, determine the average sensible heat loss at full-load steady-state operation, $L_{S,SS,A}$, expressed as a percent, from Figure 2 using the value of $R_{T,S}$ determined in 4.1.3, the type of test fuel, and $\Delta T_{S,SS}$, where

$$\Delta T_{S,SS} = T_{S,SS,X} - 70,$$

where

$T_{S,SS,X}$ = measured stack gas temperature at full-load steady-state operation determined in accordance with section 3.1 of this Appendix, in degrees Fahrenheit

70 = assumed indoor average conditioned air temperature, in degrees Fahrenheit

For systems 3, 4, or, 7 through 12, determine the average sensible heat loss at full-load steady-state operation, $L_{S,SS,A}$, expressed as a percent; from Figure 2 using the value of $R_{T,F}$ determined in 4.1.2, the type of test fuel, and $\Delta T_{F,SS}$,

where

$$\Delta T_{F,SS} = T_{F,SS} - 70$$

where

$T_{F,SS}$ = flue gas temperature at full-load steady-state operation determined in accordance with section 3.1 of this Appendix, in degrees Fahrenheit

70 = as defined above

4.1.5 Steady-state efficiency. Calculate the steady-state efficiency (excluding jacket loss), η_{SS}, expressed in percent and defined as

$$\eta_{SS} = 100 - L_{L,A} - L_{S,SS,A}$$

where

$L_{L,A}$ = average latent heat loss of the test fuel determined in accordance with Table 3, in percent

$L_{S,SS,A}$ = as defined in 4.1.4.

4.1.6 Average ratio of stack gas mass flow rate to flue gas mass flow rate at full-load steady-state operation. Determine the average ratio of stack gas mass flow rate to flue gas mass flow rate at full-load steady-state operation, $S/_F$, from Table 1 or 2 for the system number to be tested.

4.1.7 Equivalent field stack gas temperature at full-load steady-state operation. Calculate the equivalent field stack gas temperature at full-load steady-state operation, $T_{S,SS}$, expressed in degrees Fahrenheit and defined as:

$$T_{S,SS} = \frac{1}{S/_F}\,[T_{F,SS} - 70] + 70,$$

where

$T_{F,SS}$ as defined in 4.1.4

70 as defined in 4.1.4

$S/_F$ as defined in 4.1.6

4.1.8 On-cycle time constant. Calculate the on-cycle time constant, τ_{on}, expressed in minutes and defined as

$$\tau_{on}=\frac{t_2-t_1}{\ln\left[\frac{T_{F,\,SS}-T_{F,\,on}(t_1)}{T_{F,\,SS}-T_{F,\,on}(t_2)}\right]}$$

where

t_1 =0.5 minutes
t_2 =2.5 minutes
$T_{F,\,on}(t_1)$ =flue gas temperature measured at time (t_1) from a cold start-up of the system burner determined in accordance with section 3.3 of this Appendix, in degrees Fahrenheit
$T_{F,\,on}(t_2)$ =flue gas temperature measured at the time (t_2) from a cold start-up of the system burner determined in accordance with section 3.3 of this Appendix, in degrees Fahrenheit
$T_{F,\,SS}$ =as defined in 4.1.4

For vaporizing type oil burners, $\tau_{on}=0$.

4.1.9 Effective gas temperature difference at start-up. Calculate the effective flue gas temperature difference at start-up of the system burner, $\Theta_{F,O,X}$, expressed in degrees Fahrenheit and defined as:

$$\Theta_{F,\,O,\,X}=[T_{F,\,SS}-T_{F,\,on}(t_1)]\,e^{\frac{t_1}{\tau_{on}}}$$

where:

$T_{F,SS}$ as defined in 4.1.4
$T_{F,on}(t_1)$ as defined in 4.1.8
t_1 as defined in 4.1.8
$_{on}$ as defined in 4.1.8

For vaporizing type oil burners, $\Theta_{F,\,O,\,X}=0$.

4.1.10 Off-cycle time constant. Calculate the off-cycle time constant, τ_{off}, expressed in minutes and defined as

$$\tau_{OFF}=\frac{t_4-t_3}{\ln\left[\frac{T_{F,\,OFF}(t_3)-T_{F,\,OFF}(\infty)}{T_{F,\,OFF}(t_4)-T_{F,\,OFF}(\infty)}\right]}$$

where

t_3=1.5 minutes
t_4=9.0 minutes
$T_{F,\,OFF}(t_3)$=flue gas temperature measured at time (t_3) after shut-down from steady-state operation of the system burner determined in accordance with section 3.2 of this Appendix, in degree Fahrenheit
$T_{F,\,OFF}(t_4)$=flue gas temperature measured at time (t_4) after shut-down from steady-state operation of the system burner determined in accordance with section 3.2 of this Appendix, in degree Fahrenheit.

4.1.11 Effective flue gas temperature difference at shut-down. Calculate the effective flue gas temperature difference at shut-down of the system burner, $\Psi_{F,\,O,\,X}$, expressed in degrees Fahrenheit and defined as:

$$\Psi_{F,\,O,\,X}=T_{F,\,OFF}(t_3)-T_{F,\,OFF}(\infty)\,e^{\frac{t_3}{\tau_{OFF}}}$$

where

$T_{F,\,OFF}(t_3)$ as defined in 4.1.10
$T_{F,\,off}(\infty)$ as defined in 4.1.10
t_3 as defined in 4.1.10
τ_{off} as defined in 4.1.10

4.1.12 Minimum flue gas temperature difference above room temperature. Calculate the minimum flue gas temperature difference above room temperature, $\Psi_{F,\,\infty,\,X}$, expressed in Fahrenheit and defined as:

$$\Psi_{F,\,\infty,\,X}=T_{F,\,OFF}(\infty)-70,$$

where

$T_{F,\,OFF}(\infty)$ as defined in 4.1.10
70 as defined in 4.1.4

4.1.13 Minimum stack gas temperature difference above room temperature. Calculate the minimum stack gas temperature difference above room temperature, $\Psi_{S,\,\infty,\,X}$ expressed in degrees Fahrenheit and defined as:

For systems numbered 1-4

$$\Psi_{S,\,\infty,\,X}=\frac{(D_F)\,(\Psi_{F,\,\infty,\,X})}{(S/_F)\,(D_S)}$$

where

D_F=off-cycle flue gas draft factor selected from Table 1, for units with power burners where D_F is measured, determined in accordance with section 4.4.2 of this Appendix, in degrees Fahrenheit.
D_S=off-cycle stack gas draft factor selected from Table 1, or, for units with power burners where D_F is measured, determined in accordance with section 4.4.3 of this Appendix, in degrees Fahrenheit.
$S/_F$=as defined in 4.1.6
$\Psi_{F,\,\infty,\,X}$=as defined in 4.1.52

for systems numbered 5-8:

$$\Psi_{S,\,\infty,\,X}=\Psi_{F,\,\infty,\,X}$$

where

$\Psi_{F,\,\infty,\,X}$ as defined in 4.1.12

4.1.14 Effective stack gas temperature difference at shut-down. Calculate the effective stack gas temperature difference at shut-down, $\Psi_{S,O,X}$ expressed in degrees Fahrenheit and defined as:

for systems numbered 1-4:

$$\Psi_{S,\,O,\,X}=\frac{(D_F)\,(\Psi_{F,\,O,\,X})}{(S/_F)\,(D_S)}$$

where

D_F as defined in 4.1.13
$\Psi_{F,O,X}$ as defined in 4.1.11
$S/_F$ as defined in 4.1.13
D_S as defined in 4.1.13

for systems numbered 5-8:

$$\Psi_{S,\,O,\,X}=\Psi_{F,\,O,\,X}$$

where

$\Psi_{F,\,O,\,X}$ as defined in 4.1.11

4.1.15 Correction factors for direct vent systems. Calculate a correction factor which corrects for the use of outdoor air for combustion instead of air at room temperature, C_S, defined as

$$C_S=1+\frac{(70-42)\,\eta_{SS}}{(T_{F,\,SS}-70)\,100}$$

where

42 =average outdoor temperature corresponding to 5200 degree day location, in degrees Fahrenheit
η_{SS} as defined in 4.1.5
T_F as defined in 4.1.4
70 as defined in 4.1.4

The correction factor which corrects for the effect of outdoor air passing through the heat exchanger during the off-period, C'_S, defined as:

$$C'_S=1.22$$

4.1.16 Multiplication factor for sensible heat loss during burner on-cycle. Calculate a multiplication factor for sensible heat loss during burner on-cycle, $K_{S,on}$, defined as:

$$K_{S,\,on}=\frac{100\,C_P[1+(R_{T,F})\,(A/_F)]}{HHV_A}$$

Where

C_P=0.24 Btu per pound-degree Fahrenheit, specific heat of air as defined in 4.1.2
$R_{T,F}$
$A/_F$=stoichiometric air/fuel ratio determined in accordance with Table 3
HHV_A=average higher heating value of the test fuel determined in accordance with Table 3, in Btu's per pound.

4.1.17 Multiplication factor for sensible heat loss during burner off-cycle. Calculate a multiplication factor for sensible heat loss during burner off-cycle, $K_{S,OFF}$, defined as:

for systems numbered 1-4:

$$K_{S,\,OFF}=\frac{(T_{F,\,SS}+460)^{1.19}\,(D_F)\,(K_{S,\,on})}{(T_{F,\,SS}-70)^{0.55}}$$

where

460=conversion factor to convert degrees Fahrenheit to degrees Rankine
$T_{F,SS}$ as defined in 4.1.4
70 as defined in 4.1.4
D_F as defined in 4.1.13
$K_{S,on}$ as defined in 4.1.16

for systems numbered 5-8:

$$K_{S,\,OFF}=\frac{(T_{S,\,SS}+460)^{1.19}\,(D_S)\,(S/_F)\,(K_{S,\,on})}{(T_{S,\,SS}-42)^{0.56}}$$

where

$T_{S,SS}$ as defined in 4.1.7
D_S as defined in 4.1.13
$S/_F$ as defined in 4.1.6
$K_{S,on}$ as defined in 4.1.16
460 as defined in 4.1.17
42 as defined in 4.1.15

for systems numbered 9-12:

$$K_{S,\,OFF}=\frac{(T_{S,\,SS}+460)^{1.19}\,(D_F)\,(K_{S,\,on})}{(T_{S,\,SS}-42)^{0.56}}$$

where

$T_{S,SS}$ as defined in 4.1.7
D_F as defined in 4.1.13
$K_{S,on}$ as defined in 4.1.16
460 as defined in 4.1.17
42 as defined in 4.1.15

4.1.18 Multiplication factor for infiltration loss during burner on-cycle. Calculate a multiplication factor for infiltration loss during burner on-cycle, $K_{I,on}$, defined as:

for systems numbered 1-18:

$$K_{I,\,on}=(\Phi)\,(S/_F)\,(K_{S,\,on})$$

where

Φ =0.7 infiltration parameter
$S/_F$ as defined in 4.1.6
$K_{S,on}$ as defined in 4.1.16

4.1.19 Multiplication factor for infiltration loss during burner off-cycle. Calculate a multiplication factor for infiltration loss during burner off-cycle $K_{I,OFF}$, defined as:

for systems numbered 1-8:

$$K_{I,\,OFF}=\frac{(T_{S,\,SS}+460)^{1.19}\,(K_{I,\,on})\,(D_S)}{T_{S,\,SS}-42)^{0.56}}$$

where

$T_{S,SS}$ as defined in 4.1.7
460 as defined in 4.1.17
42 as defined in 4.1.15
$K_{I,on}$ as defined in 4.1.18
D_S as defined in 4.1.13

4.1.20 Ratio of average burner on-time per cycle to on-cycle time constant. Calculate the ratio of average burner on-time per cycle to on-cycle time constant, T_{on}/τ_{on}, defined as:

$$\frac{t_{on}}{\tau_{on}}$$

where

t_{on}=3.87 minutes, the average burner on-time per cycle, based on 5 cycles per hour at half load.
τ_{on}=as defined in 4.1.8

4.1.21 Ratio of average burner off-time per cycle to off-cycle time constant. Calculate the ratio of average burner off-time per cycle to off-cycle time constant, T_{off}/τ_{off}, defined as:

$$\frac{t_{off}}{\tau_{off}}$$

where

t_{off}=13.3 minutes, the average burner off-time per cycle, based on 5 cycles per hour at half load.
τ_{off}=as defined in 4.1.10

4.1.22 Effective flue gas temperature difference at burner start-up, corrected for burner cycling effect. Calculate the effective flue gas temperature difference at burner start-up, corrected for burner cycling effect, $\Theta_{F,O}$, expressed in degrees Fahrenheit and defined as:

when

$$(t_{on}/\tau_{on})\leq(t_{off}/\tau_{off})$$

for systems numbered 1-8:

$$\Theta_{F,\,O}=\Theta_{F,\,O,\,X}$$

for systems numbered 9-12:

$$\Theta_{F,\,O}=(C_S)\,(\Theta_{F,\,O,\,X})$$

when

$$(t_{on}/\tau_{on})>(t_{off}/\tau_{off});$$

for systems numbered 1-8:

$$\Theta_{F,\,O}=\Theta_{F,\,O,\,X}\left(1-e^{-\frac{t_{off}}{\tau_{off}}}\right)$$

for systems numbered 9-12:

$$\Theta_{F,\,O}=(C_S)\,(\Theta_{F,\,O,\,X}\left(1-e^{-\frac{t_{off}}{\tau_{off}}}\right)$$

where

t_{on}/τ_{on}) as defined in 4.1.20
t_{off}/τ_{off} as defined in 4.1.21
$\Theta_{F,O,X}$ as defined in 4.1.9
C_S as defined in 4.1.15

4.1.23 Effective flue gas temperature difference at burner shut-down, corrected for burner cycling effect. Calculate the effective flue gas temperature difference at burner shut-down, corrected for burner cycling effect, $\Psi_{F,O}$,

when

$$(t_{on}/\tau_{on}\leq(t_{off}/\tau_{off});$$

for systems numbered 1-8:

$$\Psi_{F,\,O}=(\Psi_{F,\,O,\,X})\left(1-e^{-\frac{t_{on}}{\tau_{on}}}\right)$$

for systems numbered 9-12:

$$\Psi_{F,O}=(C'_S)\,(\Psi_{F,\,O,\,X})\left(1-e^{-\frac{t_{on}}{\tau_{on}}}\right)$$

where

$$(t_{on}/\tau_{on})\;(t_{off}/\tau_{off})$$

for systems numbered 1-8:

$$\Psi_{F,\,O}=\Psi_{F,\,O,\,X}$$

for systems numbered 9-12:

$$\Psi_{F,\,O}=(C'_S)\,(\Psi_{F,\,O,\,X})$$

where
t_{on}/τ_{on} as defined in 4.1.20
t_{off}/τ_{off} as defined in 4.1.21
$\Psi_{F,O,X}$ as defined in 4.1.11
C'_S as defined in 4.1.15

4.1.24 Effective minimum flue gas temperature difference above room temperature, corrected for burner cycling effect. Calculate the effective minimum flue gas temperature difference above room temperature, $\Psi_{F,\infty}$, corrected for burner cycling effect, expressed in degrees Fahrenheit and defined as:

for systems numbered 1-8:

$$\Psi_{F,\infty}=\Psi_{F,\infty,X}$$

for systems numbered 9-12:

$$\Psi_{F,\infty}=(C_S)(\Psi_{F,\infty,X})$$

where
C'_S as defined in 4.1.15
$\Psi_{F,\infty,X}$ as defined in 4.1.12

4.1.25 Effective stack gas temperature difference at burner shut-down, corrected for burner cycling effect. Calculate the effective stack gas temperature difference at burner shut-down, corrected for burner cycling effect, $\Psi_{S,O}$, expressed in degrees Fahrenheit and defined as:

when

$$(t_{on}/\tau_{on})\leq(t_{off}/\tau_{off})$$

for systems numbered 1-8:

$$\Psi_{S,O}=\Psi_{S,O,X}\left(1-e^{-\frac{t_{on}}{\tau_{on}}}\right)$$

when

$$(t_{on}/\tau_{on})\leq(t_{off}/\tau_{off})$$

For systems numbered 1-8:

$$\Psi_{S,O}=\Psi_{S,O,X}\left(1-e^{-\frac{t_{on}}{\tau_{on}}}\right)$$

when

$$t_{on}/\tau_{on}>(t_{off}/\tau_{off})$$

for systems numbered 1-8:

$$\Psi_{S,O}=\Psi_{S,O,X}$$

when
t_{on}/τ_{on} as defined in 4.1.20
t_{off}/τ_{off} as defined in 4.1.21
$\Psi_{S,O,X}$ as defined in 4.1.14

4.1.26 Off-cycle sensible heat loss integration factors. For systems numbered 1-4, determine off-cycle sensible heat loss integration factors, $F3$ and $F4$, from Figures 3 and 4, respectively, using values of $\Psi_{F,O}$ defined in section 4.2.23, and t_{off}/τ_{off} defined in section 4.1.21.

For systems numbered 5-12, determine, off-cycle sensible heat loss integration factors, $F5$ and $F6$, from Figures 5 and 6, respectively, using values of $\Psi_{F,O}$ defined in section 4.1.23, and t_{off}/τ_{off} defined in section 4.1.21.

4.1.27 Off-cycle infiltration heat loss integration factors. For systems numbered 1-8, determined off-cycle infiltration heat loss integration factors, $F7$ and $F8$, from Figures 7 and 8, respectively, using values of $\Psi_{S,O}$ defined in section 4.1.25, and t_{off}/τ_{off} defined in section 4.1.21.

4.1.28 On-cycle sensible heat loss. Calculate the on-cycle sensible heat loss of the system, $L_{S,ON}$, expressed in percent and defined:

for systems numbered 1-8:

$$L_{S,ON}=L_{S,SS}-(K_{S,ON})(\Theta_{F,O})\left(\frac{1}{t_{on}/\tau_{on}}\right)\left(1-e^{-\frac{t_{on}}{\tau_{on}}}\right),$$

for systems numbered 9-12:

$$L_{S,ON}=(C_S)(L_{S,SS,A})-(K_{S,ON})(\Theta_{F,O})\left(\frac{1}{t_{on}/\tau_{on}}\right)\left(1-e^{-\frac{t_{on}}{\tau_{on}}}\right)$$

where
C_S as defined in 4.1.15
$L_{S,SS,A}$ as defined in 4.1.4
$K_{S,ON}$ as defined in 4.1.16
$\Theta_{F,O}$ as defined in 4.1.22
t_{on}/τ_{on} as defined in 4.1.20

4.1.29 Off-cycle sensible heat loss. Calculate the off-cycle sensible heat loss of the system, $L_{S,OFF}$, expressed in percent and defined as:

for systems numbered 1-4:

$$L_{S,OFF}=(K_{S,OFF})\left(\frac{t_{off}}{t_{on}}\right)(F3)+(\Psi_{F,\infty})(F4),$$

for systems numbered 5-12:

$$L_{S,OFF}=(K_{S,OFF})\left(\frac{t_{off}}{t_{on}}\right)(F5)+(\Psi_{F,\infty})(F6),$$

where
$K_{S,OFF}$ as defined in 4.1.17
t_{off} as defined in 4.1.21
t_{on} as defined in 4.1.20
$F3$, $F4$, $F5$, and $F6$ as defined in 4.1.26
$\Psi_{F,\infty}$ as defined in 4.1.24

4.1.30 On-cycle infiltration heat loss. Calculate the on-cycle infiltration heat loss of the system, $L_{I,ON}$, expressed in percent and defined as:

for systems numbered 1-8:

$$L_{I,ON}=K_{I,ON}\ (70-42),$$

where
$K_{I,ON}$ as defined in 4.1.18
70 as defined in 4.1.4
42 as defined in 4.1.15

for systems numbered 9-12:

$$L_{I,ON}=0$$

4.1.31 Off-cycle infiltration heat loss. Calculate the off-cycle infiltration heat loss of the system $L_{I,OFF}$, expressed in percent and defined as:

for systems numbered 1-8:

$$L_{I,OFF}=K_{I,OFF}\ (70-42)\left(\frac{t_{off}}{t_{on}}\right)(F7)+(\Psi_{S,\infty,X})\ (F8)$$

where
$K_{I,OFF}$ as defined in 4.1.19
70 as defined in 4.1.4
42 as defined in 4.1.15
t_{off} as defined in 4.1.21
t_{on} as defined in 4.1.27
$F7$, $F8$ as defined in 4.1.27
$\Psi_{S,\infty,X}$ as defined in 4.1.13

for systems numbered 9-12:

$$L_{I,OFF}=0$$

4.1.32 Part-load fuel utilization efficiency. Calculate the part-load fuel utilization efficiency, expressed in percent and defined as:

for indoor units—

$$\eta_u=100-L_{L,A}-\left[\frac{t_{on}}{t_{on}+\frac{Q_P}{Q_{IN}}\ (t_{off})}\right]\times[L_{S,ON}+L_{S,OFF}+L_{I,ON}+L_{I,OFF}],$$

for vented floor furnaces

$$\eta_u=100-L_{L,A}-C_j(L_j)-\left[\frac{t_{on}}{t_{on}+\left(\frac{Q_P}{Q_{IN}}\right)\ (t_{off})}\right]\times[L_{S,ON}+L_{S,OFF}+L_{I,ON}+L_{I,OFF}]$$

where
C_j =3.3 for vented floor furnaces
Q_P =pilot flame fuel input rate determined in accordance with section 3.2 of this Appendix, in Btu's per hour
Q_{IN} =full-load input rate (including pilot flame fuel input rate) determined in accordance with section 3.1 of this Appendix, in Btu's per hour
L_j =jacket loss determined in accordance with section 3.4 of this Appendix, in percent
$L_{L,A}$ as defined in 4.1.5
t_{on} as defined in 4.1.20
t_{off} as defined in 4.1.21
$L_{S,ON}$ as defined in 4.1.28
$L_{S,OFF}$ as defined in 4.1.29
$L_{I,ON}$ as defined in 4.1.30
$L_{I,OFF}$ as defined in 4.1.31

4.1.33 Annual fuel utilization efficiency. Calculate the annual fuel utilization efficiency, $EFFY_A$, defined as: where

$$EFFY_A=\frac{(\eta_{SS})(\eta_u)(5200)}{(\eta_{SS})(5200)+(2.5)(\eta_u)\left(\frac{Q_P}{Q_{IN}}\right)(1.7)(4600)}$$

where
5200=the average number of annual heating degree days for the United States
4600=the average number of non heating season hours per year that the energy to the pilot light is assumed wasted
1.7 =average vented heater sizing factor
η_{SS} =as defined in 4.1.5
η_u =as defined in 4.1.32
Q_P =as defined in 4.1.32
Q_{IN} =as defined in 4.1.32

4.2 *Additional Requirements for Vented Home Heating Equipment Utilizing a Stack (or Flue) Damper.* Calculate the stack (or flue) damper effectiveness, D_s, defined as:

when $A_D\cos\Omega>0.50\ A_S$:

$$D_s=\frac{2.24\left[1-\frac{A_D\cos\Omega}{A_S}\right]}{\sqrt{1-\left[1-\frac{A_D\cos\Omega}{A_S}\right]^2}}$$

when $A_D\cos\Omega\leq 0.50\ A_S$:
$D_D=1$,
where
A_S=cross sectional area of the stack determined in accordance with section 3.5 of this Appendix, in square inches
A_D=net area of the damper plate determined in accordance with section 3.5 of this Appendix, in square inches
Ω=the angle the damper plate makes when closed with a plane perpendicular to the axis of the stack

4.3 *Additional Requirements for Vented Home Heating Equipment Utilizing Indoor Air for Combustion and Draft Control.* For units obtaining combustion air and draft control air from inside the residence, the appropriate factor describing the ration of on-cycle stack flow to on-cycle flue flow (S/F), the ratio of off-cycle flue flow to on-cycle flue flow at identical temperatures (D_F), and the ratio of off-cycle stack flow to on-cycle stack flow at iedntical temperatures (D_S) shall be determined from Table 2.

4.3.1 Optional procedure for determination of D_F for vented home heating equipment employing a power burner. Calculate the ration (D_F) of the rate of flue gas mass flow through the vented heater during the off period, $m_{F,OFF}$ ($T_{F,SS}$), to the rate of flue gas mass flow during the on-period, $m_{F,SS}$ ($T_{F,SS}$), and defined as:

$$D_F=\frac{\dot{m}_{F,\ OFF}\ (T_{F,\ SS})}{\dot{m}_{F,\ SS}\ (T_{F,\ SS})},$$

where

$$\dot{m}_{F,OFF}\ (T_{F,\ SS})=\dot{m}_{F,\ OFF}\ (T_{F,\ OFF})\times\left[\frac{T_{F,\ SS}-42}{T_{F,\ OFF}-42}\right]^{0.58}\left[\frac{T_{F,\ OFF}+460}{T_{F,\ SS}+460}\right]^{1.19}$$

where
$T_{F,SS}$ as defined in 4.1.4
$T_{F,OFF}$=flue gas temperature during the off-period measured in accordance with section 3.6 of this Appendix, in degrees Fahrenheit

$$\dot{m}_{F,\ OFF}\ (T_{F,\ OFF})=\frac{100\dot{V}_T}{C_T}\ q_F,$$

where
V_T=flow rate of tracer gas through the vented heater measured in accordance with section 3.6 of this Appendix, in cubic-feet per minute
C_T=concentration by volume of tracer gas present in the flue gas sample measured in accordance with section 3.6 of this Appendix, in percent
$q_F=\frac{1.325\ P_B}{460+T_{F,OFF}}$

where
$T_{F,OFF}$ as defined above
P_B =barometric pressure measured in accordance with section 3.6 of this Appendix, in inches of mercury

$$m_{F,\ SS}\ (T_{F,\ SS})=\left[(R_{T,F})\ \frac{A}{F}+1\right]\frac{Q_{in}}{HHV_A},$$

where
$R_{T,F}$ as defined in 4.1.2
A/F as defined in 4.1.16
Q_{in} as defined in 4.1.32
HHV_A as defined in 4.1.16

4.3.2 Optional procedure for determination of off-cycle draft factor for flue gas flow for vented home heating equipment employing a power burner. Calculate the off-cycle draft factor for flue gas flow, D_F, defined as:

for systems numbered 2, 4, or 10: $D_F=(D_P)$

for system number 12: $D_F=(D_P)\ (D_s)$,

where
D_P as defined in 4.3.1
D_s as defined in 4.2

4.3.3 Optional procedure for determination of off-cycle draft factor for stack gas flow for vented home heating equipment employing a power burner. Calculate the off-cycle draft factor for stack gas flow, D_S, defined as:

for system number 2: $D_S=D_P=0.55$

for system number 4: $D_S=D_P=.40$

for system number 8: $D_S=(D_P)\ (D_s)$

where
D_P as defined in 4.3.1
D_s as defined in 4.2

4.4 *Additional Requirements for Vented Home Heating Equipment Utilizing a Direct Vent System.* For vented heaters utilizing a direct vent system or intended for outdoor installation, the appropriate S/F factor and D_P factor shall be determined from Table 2. If a unit is equipped with a power burner, D_P, may be calculated using the value of D_P determined in section 4.3.1 of this section.

4.5 *Additional Requirements for Vented Home Heating Equipment which Modulate or Vary Fuel Input without Controlling Excess Combustion Air.* A vented heater which is equipped with a mechanism for reducing the rate of fuel input but does not provide a means for controlling excess combustion air, shall be tested at its maximum firing rate in accordance with test procedures in section 3. These test results shall be used to calculate a seasonal efficiency and an annual operating cost which is based upon a single fixed fuel input rate.

4.6 *National Average Number of Burner Operating Hours.* Calculate the average number of burner operating hours, BOH, defined as:

$BOH = (A)\ (2080)$ (design heating requirement) $- B$,

where
2080 = national average annual heating load hours design heating requirement

$$= \frac{(Q_{1n})(0.5)}{1000}$$

0.5 = approximate value for the ratio of steady state efficiency to 100 times the average heater sizing factor.
1000 = conversion factor to convert Btu's per hour to kilo-Btu's per hour
Q_{IN} = as defined in 4.1.32

$$A = \frac{100{,}000}{(341{,}300)\ (PE + yBE) + (Q_{1n} - Q_P)\ \eta_u}$$

$B = (0.0416)\ (Q_P)\ (\eta_u)\ (A)$
PE = power burner electrical energy input rate at full-load steady-state operation determined in accordance with section 3.1 of this Appendix, in kilowatts.
BE = circulating-air blower (or circulating water pump electrical energy input rate at full-load steady-state operation determined in accordance with section 3.1 of this Appendix, in kilowatts
y = 1.00 for vented heaters employing a single motor to drive a power burner and air circulating fan or blower, (i.e., the ratio of average blower or pump on-time to average burner on-time) and 1.38 for all other vented heaters.
Q_{IN} = as defined in 4.1.32
Q_P = as defined in 4.1.32
η_u = as defined in 4.1.32

4.7 *Average Annual Fuel Energy Consumption for Vented Home Heating Equipment.* Calculate the average annual fuel energy consumption for vented heaters, E_F, expressed in Btu's per year, and defined as:

$$E_F = (Q - Q_{INP})\ (BOH) + (8760)\ (Q_P),$$

where
Q_{IN} as defined in 4.1.32
Q_P as defined in 4.1.32
BOH as defined in 4.6
8760 as defined in 4.1.33

4.8 *Average Annual Auxiliary Electrical Energy Consumption for Vented Home Heating Equipment.* Calculate the average annual auxiliary electrical energy consumption, E_{AE}, expressed in kilowatt-hours per year and defined as:

$$E_{AE} = (PE + y\ BE)\ (BOH)$$

where
PE as defined in 4.6
BE as defined in 4.6
y as defined in 4.6
BOH as defined in 4.6

4.9 *Average Number of Burner Operating Hours in Different Geographic Regions of the United States.* Calculate the average number of burner operating hours by geographic region of the United States, BOH_R, defined as:

$BOH_R = (A)\ (HLH)$ (design heating requirement) $- B$,

where
A as defined in 4.6
HLH = heating load hours for a specific geographic region determined in accordance with the heating load hour map in Figure 9

Design heating requirement = as defined in 4.6

$$B = \frac{(2)(HLH)(A)(Q_P)(\eta_u)}{100{,}000},$$

where
100,000 = Factor that accounts for percent and KBTU.
(2) = ratio of average length of heating season to heating load hours.
HLH = as defined above
A as defined in 4.6
Q_P as defined in 4.1.32
u as defined in 4.1.32

4.10 *Average Annual Fuel Energy Consumption for Vented Home Heating Equipment by Geographic Region of the United States.* Calculate the average annual fuel energy consumption by geographic region of the United States, $E_{F,\ R}$, expressed in Btu's per year, and defined as:

$$E_{F,\ R} = (Q_{IN} - Q_P)\ (BOH_R) + (8760)\ (Q_P),$$

where
Q_{1n} as defined in 4.1.32
Q_P as defined in 4.1.32
BOH_R as defined in 4.9
8760 as defined in 4.1.33

4.11 *Average Annual Auxiliary Electrical Energy Consumption for Vented Home Heating Equipment in Different Geographic Regions of the United States.* Calculate the average annual auxiliary electrical energy consumption for different geographic regions of the United States, $E_{AE,\ R}$, expressed in kilowatt-hours per year and defined as:

$$E_{AE,\ R} = (PE + y\ BE)\ (BOH_R),$$

where
PE as defined in 4.6
BE as defined in 4.6
Y as defined in 4.6
BOH_R as defined in 4.9

4.12. *Minimum Standardized Design Heating Requirement.* Calculate the minimum standardized design heating requirement, DHR_{MIN}, expressed in Btu's per-hour for which a regional annual operating cost could be computed, defined as:

$$DHR_{MIN} = \frac{(\eta_{ss})\ (Q_{1n})}{200}$$

4.13 *Maximum Standardized Design Heating Requirement.* Calculate the maximum standardized design heating requirement, DHR_{MAX}, expressed in Btu's per-hour, for which a regional annual operating cost could be computed, defined as:

$$DHR_{MAX} = \frac{(\eta_{ss})\ (Q_{1n})}{110}$$

4.14 *Average Number of Burner Operating Hours by Geographic Region of the United States for the Minimum Standardized Design Heating Requirement.* Calculate the average number of burner operating hours by geographic region of the United States for the minimum standardized design heating requirement, $BOH_{R\text{-}MIN}$, defined as:

$$BOH_{R\text{-}MIN} = A(HLH)\ (DHR_{MIN}) - B$$

where
A as defined in 4.6.
HLH as defined in 4.9
DHR_{MIN} as defined in 4.12
B as denfied in 4.9

4.15 *Average Number of Burner Operating Hours by Geographic Region of the United States for the Maximum Standardized Design Heating Requirement.* Calculate the average number of burner operating hours by geographic region of the United States for the maximum standardized design heating requirement, $BOH_{R\text{-}MAX}$, defined as:

$$BOH_{R\text{-}MAX} = A(HLH)\ (DHR_{MAX}) - B,$$

where
A as defined in 4.6
HLH as defined in 4.9
DHR_{MAX} as defined in 4.13
B as defined in 4.9

4.16 *Average Annual Fuel Energy Consumption for Vented Home Heating Equipment by Geographic Region of the United States for the Minimum Standardized Design Heating Requirement.* Calculate the average annual fuel energy consumption by geographic region of the United States for the minimum standardized design heating requirement, $E_{F,\ R\text{-}MIN}$ expressed in Btu's per year and defined as:

$$E_{R,\ R\text{-}MIN} = (Q_{1n} - Q_P)\ (BOH_{R\text{-}MIN}) + (8760)\ (Q_P),$$

where
Q_{1n} as defined in 4.1.32
Q_P as defined in 4.1.32
$BOH_{R\text{-}MIN}$ as defined in 4.14
8760 as defined in 4.1.33

4.17 *Average Annual Fuel Energy Consumption for Vented Home Heating Equipment by Geographic Region of the United States for the Maximum Standardized Design Heating Requirement.* Calculate the average annual fuel energy consumption by geographic region of the United States for the maximum design heating requirement, $E_{F,\ R\text{-}MAX}$ expressed in Btu's per year and defined as:

$$E_{F,\ R\text{-}MAX} = (Q_{IN} - Q_P)\ (BOH_{R\text{-}MAX}) + (8760)\ (Q_P),$$

where
Q_{IN} as defined in 4.1.32
Q_P as defined in 4.1.32
$BOH_{R\text{-}MAX}$ as defined in 4.15
8760 as defined in 4.1.33

4.18 *Average Annual Auxiliary Electrical Energy Consumption for Vent Home Heating Equipment by Geographic Region of the Minimum Standardized Design Heating Requirement.* Calculate the average annual auxiliary electrical energy consumption by geographic region of the United States for the minimum standardized design heating requirement, $E_{AE,R\text{-}MIN}$, expressed in kilowatt-hours per year and defined as:

$$E_{AE,\ R\text{-}MIN} = (PE + y\ BE)\ (BOH_{R\text{-}MIN}),$$

where
PE as defined in 4.6
Y as defined in 4.6
BE as defined in 4.6
$BOH_{R\text{-}MIN}$ as defined in 4.9

4.19 *Average Annual Auxiliary Electrical Energy Consumption for Vented Home Heating Equipment by Geographic Region of the United States for the Maximum Standardized Design Heating Requirement.* Calculate the average annual auxiliary electrical energy consumption by geographic region of the United States for the maximum standardized design heating requirement, $E_{AE,R-MAX} = (PE + y\ BE)\ (BOH_{R-MAX})$.
where
PE as defined in 4.6
y as defined in 4.6
BE as defined in 4.6
$BOH_{R\text{-}MAX}$ as defined in 4.15

TABLE 1.—*Factors describing air flow rate for gas and oil-fueled vented home heating equipment utilizing indoor air for combustion and draft control*

Type of Burner	Units without a stack damper but with								Units with a stack damper and							
	Integral draft diverter				Barometric draft regulator				Integral draft diverter				Barometric draft regulator			
	System No.	S/F	D_F	D_S	System No.	S/F	D_F	D_S	System No.	S/F	D_F	D_S	System No.	S/F	D_F	D_S
Vaporizing	1	2.4	1.0	1.0	3	1.4	1.0	1.0	5	2.4	.....	D_s	7	1.4	.....	D_s
Power	2	2.4	.3	.85	4	1.4	.30	.70	6	2.4	.....	D_s	8	1.4	.....	0.30 X

NOTE.—The above factors were developed by the National Bureau of Standards and are based upon information in the public literature, laboratory and computer simulation studies conducted at NBS, and laboratory and field data obtained by several research firms under contract to NBS and FEA.

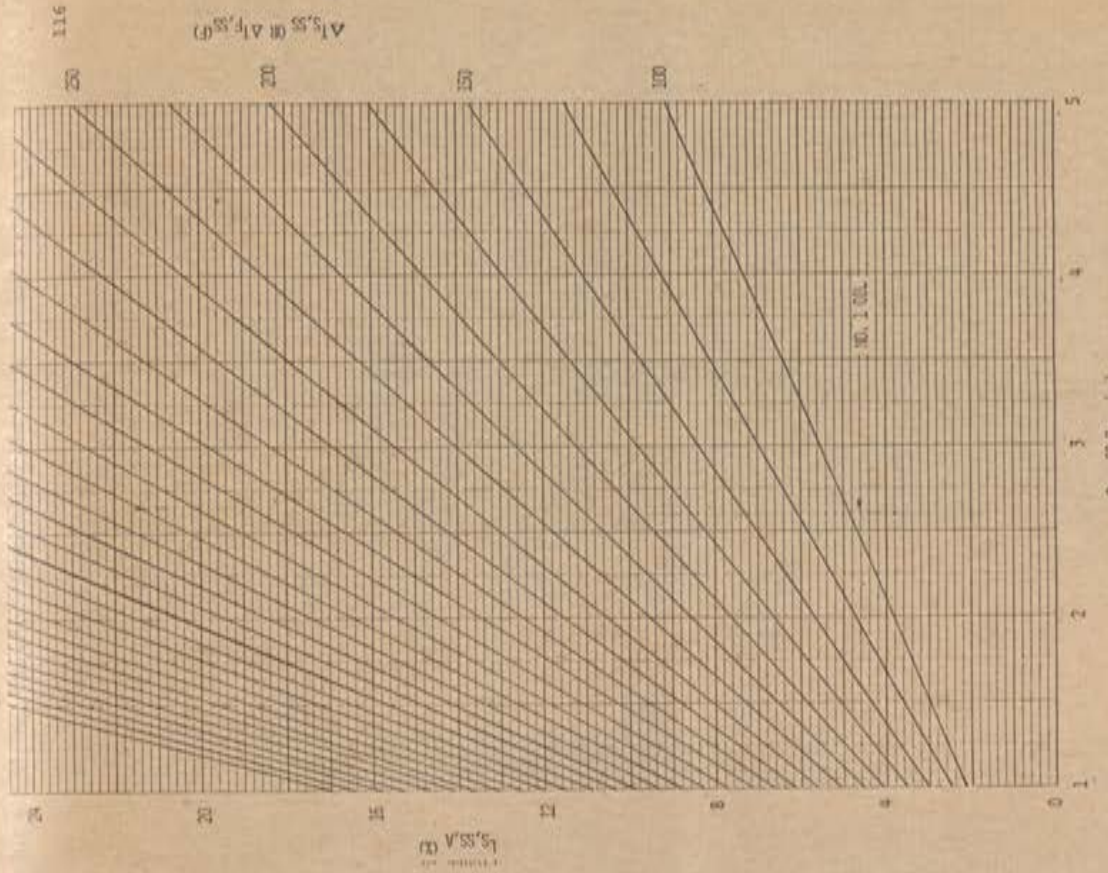
TABLE 2.—*Factors describing air flow rates for Gas or oil-fueled vented floor furnaces or home heating equipment with a direct vent system*

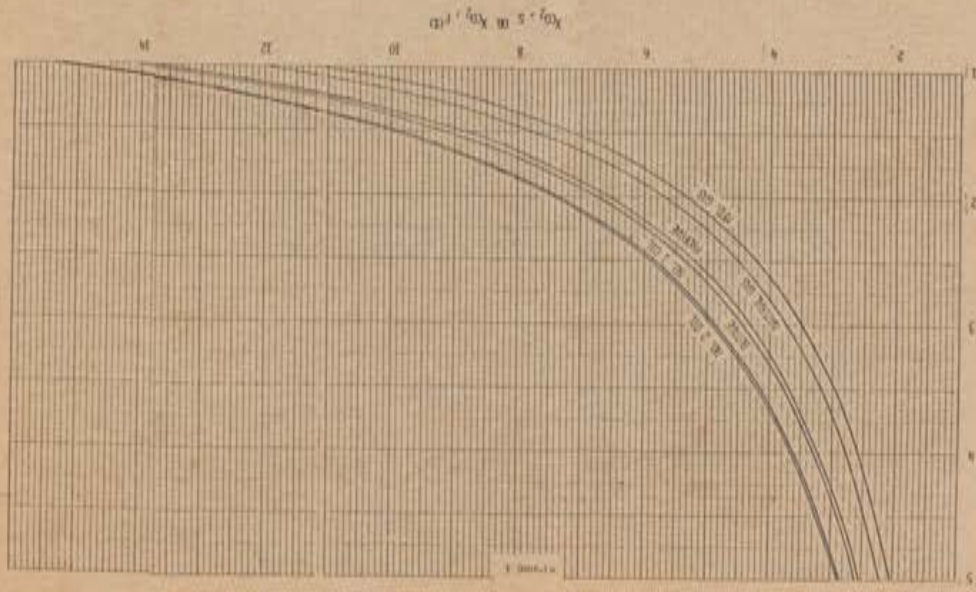
Type of burner	Units without a stack or flue damper		Outdoor units with a flue damper or indoor units with a stack damper		Type of draft	S/F
	System No.	D_F	System No.	D_F		
Vaporizing	9	1.00	11	D_s	None	1
Power	10	.30	12	$0.30xD_s$	Barometric draft regulator	1.4
					Integral draft diverter	2.4

NOTE.—The above factors were developed by the National Bureau of Standards and are based upon information in the public literature, laboratory and computer simulation studies conducted at NBS, and laboratory and field data obtained by several research firms under contract to NBS and FEA.

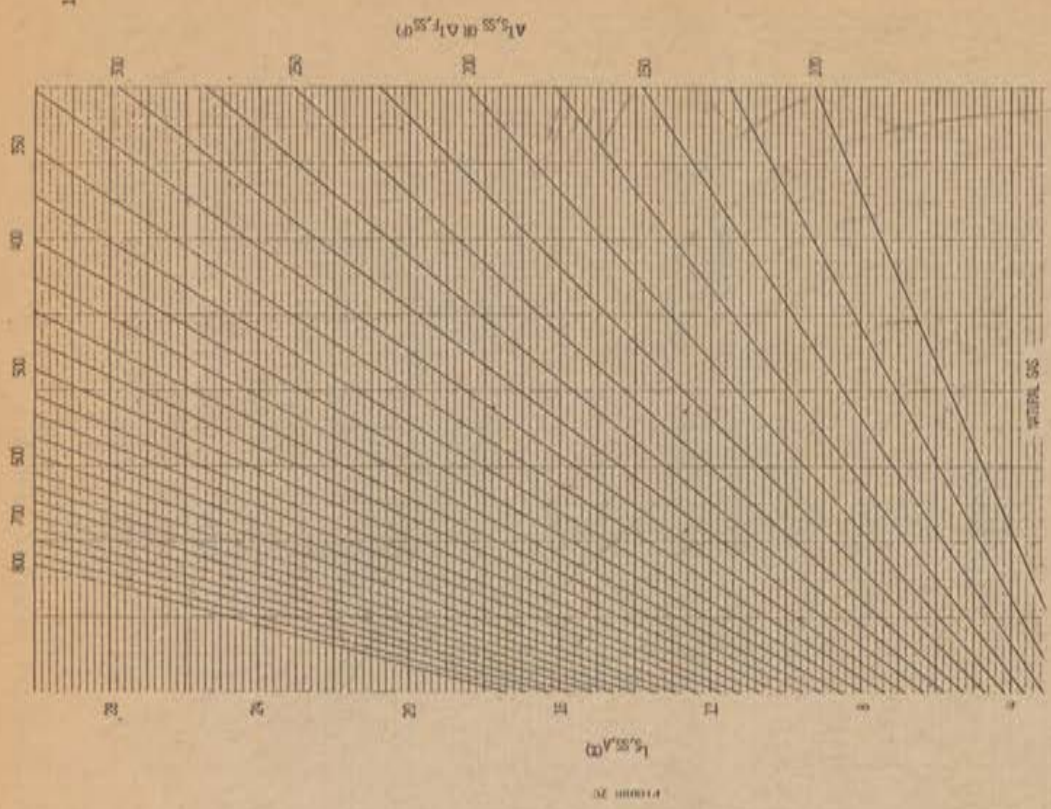
TABLE 3.—*Values of higher heating value (HHV), Stoichiometric air/fuel ratio (A/F), and latent heat loss ($L_{L,A}$) for typical fuels*

Fuels	HHV_A (British thermal unit per pound)	A/F(..)	$L_{L,A}$ (percent)
No. 1 oil	19,800	14.58	6.55
No. 2 oil	19,500	14.51	6.50
Natural gas	21,800	16.04	9.01
Manufactured gas	18,500	11.83	10.16
Propane	21,500	15.60	8.00
Butane	20,800	15.38	7.30

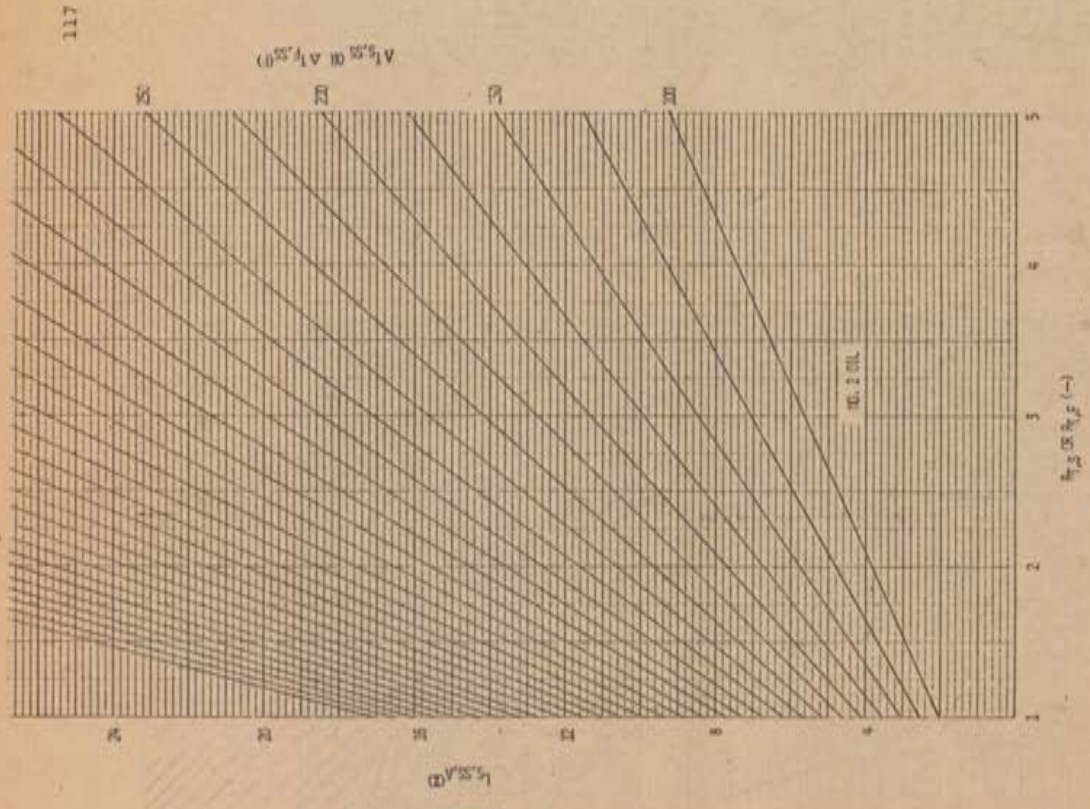


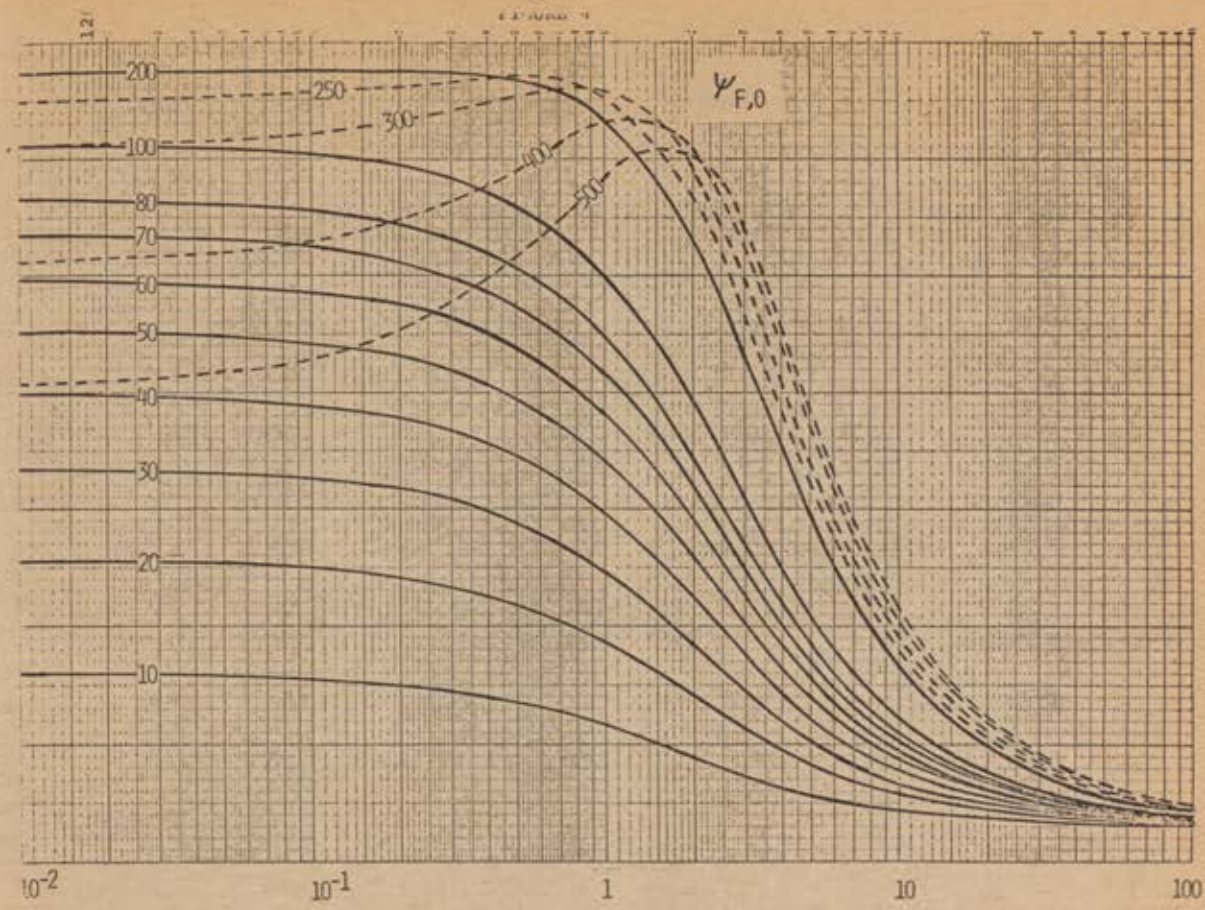


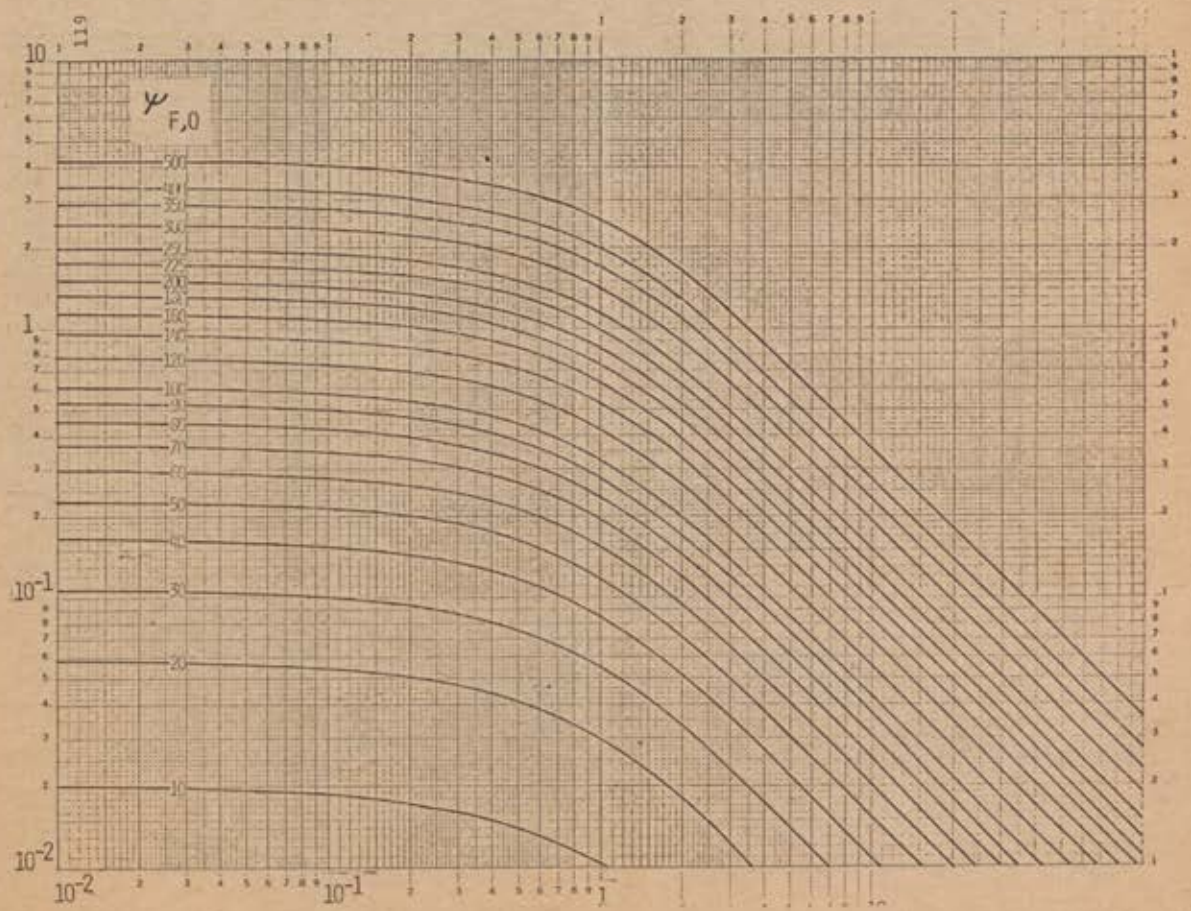
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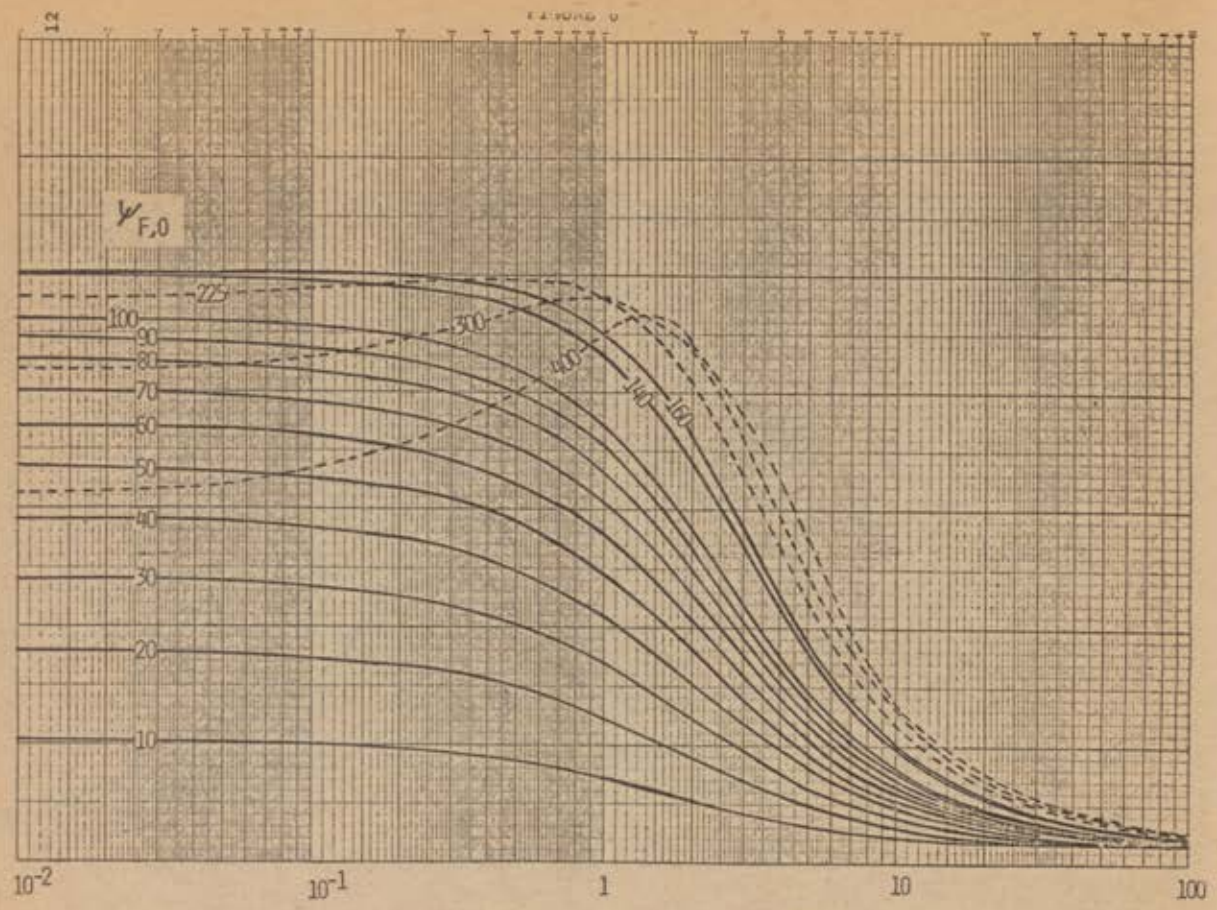


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$\psi_{F,0}$
200
250
300
400
500
100
80
70
60
50
40
30
20
10
10^{-2}
10^{-1}
1
10
100


$\psi_{F,0}$
10
1
10^{-1}
10^{-2}
10^{-2}
10^{-1}
1


$\Psi_{F,0}$
225
100
90
80
70
60
50
40
30
20
10
300
400
140
100
10^{-2}
10^{-1}
1
10
100

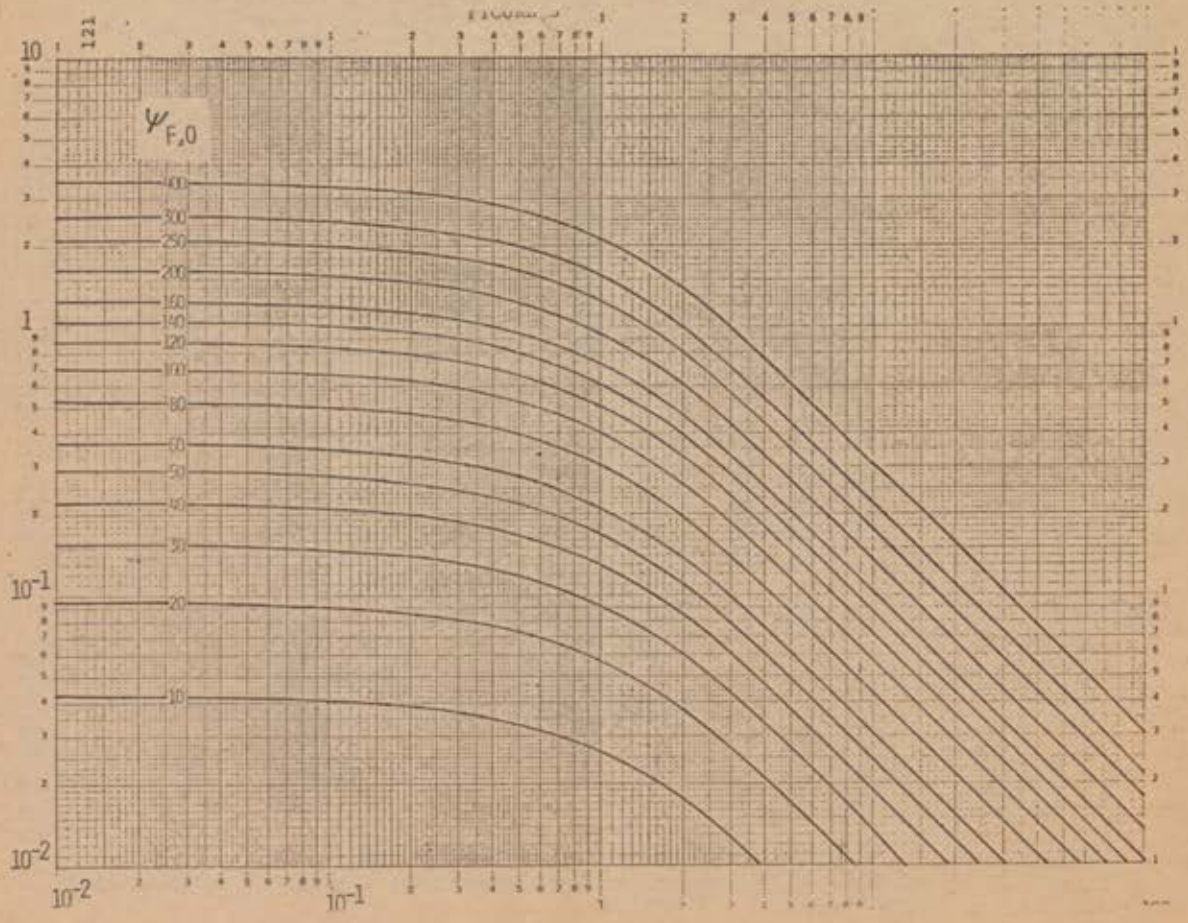

$\Psi_{F,0}$
400
300
250
200
160
140
120
100
80
60
50
40
30
20
10
10
1
10^{-1}
10^{-2}
10^{-2}
10^{-1}

FIGURE 8

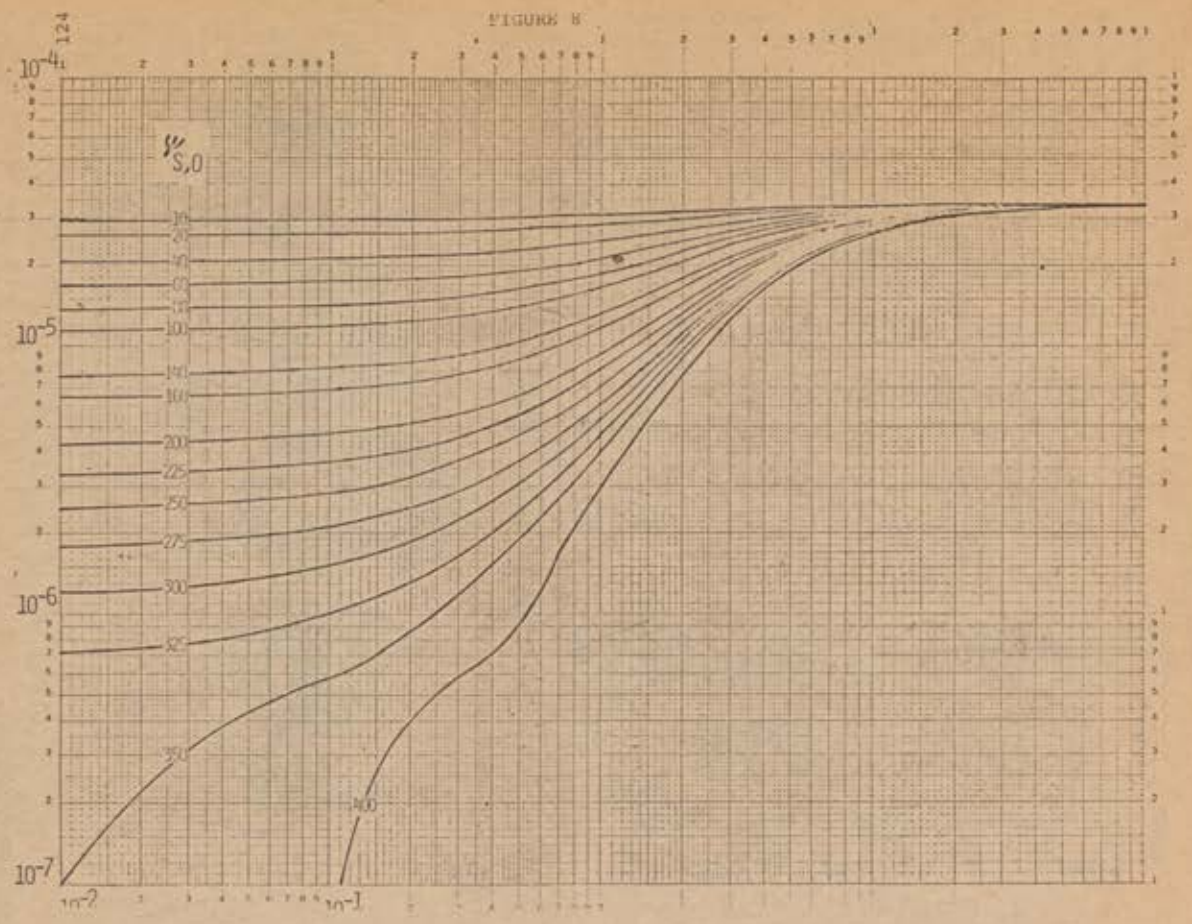


FIGURE 7

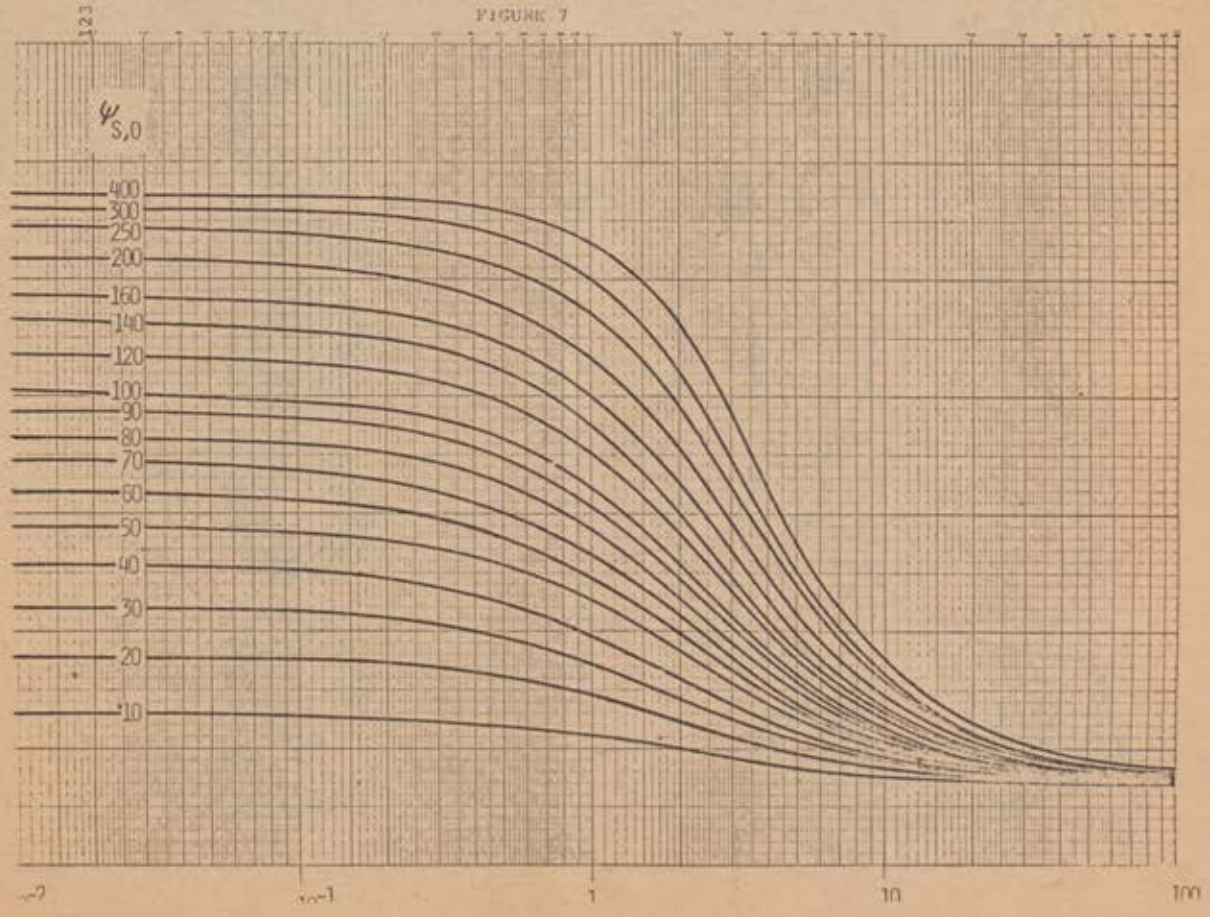
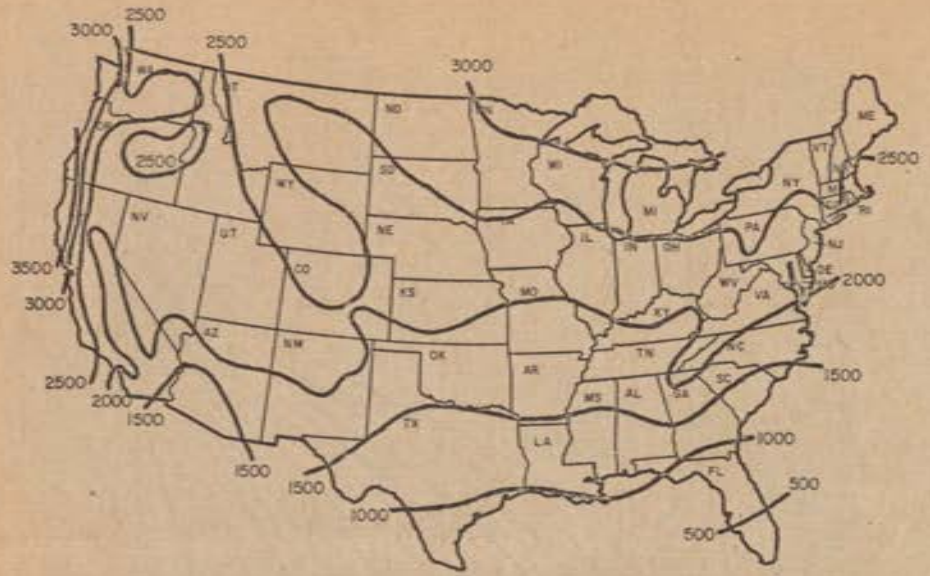


FIGURE 9



This map is reasonably accurate for most parts of the United States but is necessarily highly generalized, and consequently not too accurate in mountainous regions, particularly in the Rockies.

FIGURE 10

WORK SHEET FOR FURNACE/BOILER SYSTEM

Measured Quantities and System Characteristic Constants

1	2	3	4	5	6	7	8
SYSF (-)	TFSEL (-)	HRV Btu/lb.	Q_{IN} Btu/hr.	Q_F Btu/hr.	PE kW	BE kW	$\lambda_{CO_2,E}$ %

9	10	11	12	13	14	15	16
$T_{S,SS,X}$ F	$\lambda_{CO_2,F}$ %	$T_{F,SS}$ F	$t_{F,ON}(t_1)$ F	$t_{F,ON}(t_2)$ F	$t_{F,OFF}(t_3)$ F	$t_{F,OFF}(t_4)$ F	$T_{F,OFF}(t_5)$ F

17	18	19	20	21	22
L_2 (-)	S/T (-)	D_F (-)	D_S (-)	ϕ (-)	α (-)

Derived System Parameters

23	24	25	26	27	28	29	30
FF (-)	HRV A Btu/lb.	A/F (-)	$L_{L,X}$ %	L_L %	$R_{T,F}$ (-)	$L_{S,SS}$ %	η_{SS} %

31	32	33	34	35	36	37	38
$T_{S,SS}$ F	T_{ON} minutes	$\Delta T_{F,O,X}$ F	T_{OFF} minutes	$U_{F,O,X}$ %	$T_{I,=,X}$ F	$U_{S,=,X}$ %	$T_{S,O,X}$ F

39	40	41	42	43
C_S (-)	$K_{S,ON}$ (Z)/F	$K_{S,OFF}$ (Z)/F$^{0.37}$	$K_{I,ON}$ (Z)/F	$K_{I,OFF}$ (Z)/F$^{0.37}$

Calculation of System Losses and Annual Fuel Utilization Efficiency

44	45	46	47	48	49	50	51
T_{OA} F	t_{ON} minutes	t_{OFF} minutes	t_{ON}/T_{ON} (-)	t_{OFF}/T_{OFF} (-)	$\delta_{F,O}$ F	$\delta_{F,=}$ F	$U_{F,=}$ %

52	53	54	55	56	57	58	59
$\delta_{S,O}$ F	$\delta_{S,=}$ F	F3 $R^{0.37}$	F4 $R^{-0.63}$	F5 $R^{0.37}$	F6 $R^{-0.63}$	F7 $R^{-0.63}$	F8 $R^{-1.63}$

60	61	62	63	64	65	66	67
$L_{S,ON}$ %	$L_{S,OFF}$ %	$L_{I,ON}$ %	$L_{I,OFF}$ %	η_Q %	DD °F-days	HR hours	$EFFY_A$ %

[FR Doc.77-24955 Filed 8-30-77;8:45 am]

federal register

WEDNESDAY, AUGUST 31, 1977

PART VI

FEDERAL DEPOSIT INSURANCE CORPORATION

■

PRIVACY ACT OF 1974

Systems of Records

FEDERAL DEPOSIT INSURANCE CORPORATION

[26887]

PRIVACY ACT OF 1974

Notice of New Systems and Changes to Existing Systems of Records

Pursuant to the requirements of the Privacy Act of 1974, 5 U.S.C. 552a(e)(4), 88 Stat. 1896, 1899–1900, the Federal Deposit Insurance Corporation ("FDIC") published, on October 6, 1975, final notice of thirteen systems of records maintained by the FDIC (40 FR 46288). On December 3, 1975, the FDIC published notice of one additional system of records, thereby increasing its total number of systems to fourteen (40 FR 56479).

Since that time, the FDIC has discovered various needed changes in its systems of records. Therefore, on April 12, 1977, notice was published in the Federal Register (42 FR 19209) by the FDIC proposing to adopt two new systems of records, to withdraw one existing system of records, to adopt new routine uses for existing systems of records, and to revise the format of some existing systems of records. Interested parties were given the opportunity to submit, not later than May 12, 1977, data, views, and recommendations regarding the proposed notices. No unfavorable comments were received.

The FDIC's changes and amendments are numerous and, therefore, to avoid a piecemeal approach that may be confusing to the public, the FDIC is republishing its entire systems of records. Although no substantive changes have occurred to many of the systems, the format and wording have been revised in many instances. These changes are intended to clarify and more accurately reflect the information pertaining to the various systems.

Besides structural changes to the existing systems, the FDIC has found that one system, the "Employee Confidential Statements of Employment and Financial Interests," is encompassed by the Civil Service Commission's published notice of its systems of records (See 41 FR 42158). In order to avoid duplication and the resulting confusion to the public, this system is, therefore, being withdrawn from the FDIC's published notice of systems of records.

The FDIC also is publishing two new systems of records. The first new system is the "Medical Records and Emergency Contact Information System." This system was inadvertently overlooked when the FDIC originally published its systems of records. The system contains information compiled in the course of an FDIC employee's visit to the nurse's station of the Health Unit for medical aid. The information contained in this system is accessed only by the nurse and her substitute, and is maintained in order to aid the nurse in prescribing medical treatment.

The second system is titled the "Municipal Securities Principals and Representatives System." For many years participants in the offer and sale of municipal securities were exempted from regulation under the securities laws. In 1975, Congress changed this with the addition of a new Section 15B of the Securities Exchange Act of 1934 (15 U.S.C. 786-4). The amendments established a Municipal Securities Rulemaking Board ("MSRB"), and vested it with authority to promulgate rules for the municipal securities industry. However, the MSRB does not have authority to enforce its rules. This authority is distributed among several agencies, and the FDIC is responsible for enforcing compliance by insured State-chartered banks that are not members of the Federal Reserve System, and any subsidiaries, departments or divisions thereof, which are municipal securities dealers. 15 U.S.C. 78r. Under the amendments to the Securities Exchange Act, the MSRB is directed to promulgate rules regarding persons associated with municipal securities dealers as either municipal securities principals or representatives. Pursuant to this directive, the MSRB requires each municipal securities dealer to obtain certain background information on the individuals who are currently, or are seeking to be, associated with the dealer. The FDIC proposes to require each dealer, which is under FDIC supervision, to file with the FDIC a form explaining the background information for each person associated with the dealer as a municipal securities principal or representative. The "Municipal Securities Principals and Representatives System" will be the result of the data collection. In addition to using this system for its own enforcement, the FDIC, along with the Comptroller of the Currency and the Board of Governors for the Federal Reserve System for their respectively supervised dealers, would forward the information to the National Association of Securities Dealers ("NASD") for computer processing. The NASD currently maintains data on personnel in the securities industry, and it is expected that portions of disciplinary and qualification data supplied by the bank regulatory agencies will be interfaced with the existing NASD securities personnel data bank. Under this arrangement, the FDIC would have access to disciplinary, qualification and employment information on individuals who have moved between banking institutions or between banking institutions and general securities firms or nonbank municipal securities dealers. Access to such information would assist the FDIC in determining if a person is qualified to act as a municipal securities principal or representative. The FDIC also would provide a municipal securities dealer, for which the FDIC is the appropriate regulatory agency, with any disqualifying information contained in the system about a person seeking to be associated with the dealer as a principal or representative.

In addition to these new systems, there are two new routine uses for information contained in certain of the existing FDIC systems of records. The first of these will allow disclosure to the Civil Service Commission of personnel related records necessary to fulfill its program management responsibilities. In order to permit this disclosure, it is necessary for the Corporation to amend the routine use of each of its personnel related systems to provide for transmission to the Commission of personnel information necessary for its governmentwide studies of personnel management. The second new use will allow disclosure to a Congressional office in response to any inquiry from that office regarding the individual initiating that inquiry. This routine use is in order to assure that the Corporation's notices do not have the effect of denying individuals the benefit of Congressional assistance which they may request. It will be permitted only where the individual has initiated the inquiry in question.

A few technical corrections have been made to the systems of records as proposed on April 12, 1977. These proposed systems, with the corrections, are adopted as set forth below and are effective August 31, 1977.

By Order of the Board of Directors, June 27, 1977.

Alan R. Miller,
Executive Secretary.

[SEAL]

Systems of Records Maintained by the Federal Deposit Insurance Corporation

30—64—0001 Attorney-Legal Intern Applicant System. (This system is subject to exemption pursuant to 12 CFR Sec. 310.13(b), to the extent it contains information provided by confidential sources.)

30—64—0002 Bank, and Proposed Bank Irregularity Record System. (This system is subject to exemption pursuant to 12 CFR Sec. 310.13(a), to the extent it contains material compiled for law enforcement purposes.)

30—64—0003 Board of Directors' Actions System.

30—64—0004 Changes in Bank Control Ownership Records.

30—64—0005 Consumer Complaint and Inquiry Records.

30—64—0006 (Reserved)

30—64—0007 Employee Education System.

30—64—0008 (Reserved)

30—64—0009 Examiner Training and Education Records. (This system is subject to exemption pursuant to 12 CFR Sec. 310.13(c).)

30—64—0010 Graduate Fellowship Applications.

30—64—0011 Legal Compliance and Enforcement Records (This system is subject to exemption pursuant to 12 CFR Sec. 310.13(a), to the extent it contains material compiled for law enforcement purposes.)

30—64—0012 Payroll and Employee Financial Records.

30—64—0013 Savings Bond Payroll Deduction System.

30—64—0014 Travel Voucher System.

30—64—0015 Unofficial Personnel System.

30—64—0016 Municipal Securities Principals and Representatives System.

30—64—0017 Medical Records and Emergency Contact Information System.

30—64—0001

System name: Attorney—Legal Intern Applicant System—FDIC.

System location: Office of the General Counsel, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Categories of individuals covered by the system: Applicants for the position of attorney or legal intern with the General Counsel's office of the FDIC.

Categories of records in the system: Contains correspondence from the applicants and individuals whose names were provided by the applicants as references, applicants' resumes, application forms, and, in some instances, comments of individuals who interviewed applicants.

Authority for maintenance of the system: Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure of information may be made: (1) in requesting information of individuals or concerns whose names were supplied by the applicant as references and/or past or present employers; (2) to the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions; (3) to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Indexed by name.

Safeguards: Maintained in locked metal file cabinets.

Retention and disposal: Records of unsuccessful applicants are retained two years after their submission; records of successful applicants are retained four years after the successful applicant leaves the employ of FDIC.

System manager(s) and address: General Counsel, Legal Division, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: The information is obtained from the applicants, references supplied by the applicants, current and/or former employers of the applicants, and FDIC employees who interviewed the applicants.

Systems exempted from certain provisions of the act: Pursuant to section 310.13(b) of the FDIC's Rules and Regulations, investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Corporation employment may be withheld from disclosure to the extent that disclosure of such material would reveal the identity of a source who furnished information to the Corporation under a promise of confidentiality.

30—64—0002

System name: Bank and Proposed Bank Irregularity Record System—FDIC.

System location: Operations Branch, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Categories of individuals covered by the system: Directors, officers and employees of FDIC insured banks who have been involved in reported irregularities. Directors and officers of noninsured banks and organizers of proposed banks which have applied for Federal deposit insurance and who have been involved in reported irregularities. Customers of FDIC insured banks, and other individuals, who have been involved in reported irregularities at such banks. In addition, the system may contain information on individuals who have been the subject of background checks designed to uncover irregularities bearing on these individuals' fitness to be directors, officers, or employees of the banks or to control its management. These individuals may include the following: directors, officers and employees of FDIC insured banks; directors and officers of uninsured banks and organizers of proposed banks which have applied for Federal deposit insurance; and controlling shareholders of banks endeavoring to gain control over FDIC insured banks.

Categories of records in the system: Contains interagency correspondence, intra-agency memoranda and reports of investigation. May contain newspaper clippings. May contain Federal or State criminal law enforcement agency investigatory and/or arrest and conviction reports.

Authority for maintenance of the system: Secs. 5, 6, 9, 18 and 19 of the Federal Deposit Insurance Act (12 U.S.C. 1815, 1816, 1819, 1828, 1829).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) In the event that information contained in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (2) In the event of litigation, the appropriate records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence, or to counsel for the presentation of evidence and/or in the course of discovery; (3) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual; (4) Disclosure may be made to the bank affected by a discovered irregularity.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on file cards and in file folders.

Retrievability: Indexed by name.

Safeguards: Indexed cards and file folders are maintained in lockable metal cabinets.

Retention and disposal: Permanent retention with periodic review of contents of record and destruction, by shredder, of excess or outdated information.

System manager(s) and address: Director, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429. Inquiries must provide the full name of the inquirer. All inquiries must include a notarized statement attesting to the identity of the inquirer.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: FDIC insured banks and applicants for Federal deposit insurance; Federal and State banking supervisory authorities; Newspapers; Federal and State criminal law enforcement and prosecutorial agencies.

Systems exempted from certain provisions of the act: Pursuant to section 310.13(a) of the FDIC's Rules and Regulations, investigatory material compiled for law enforcement purposes, concerning irregularities involving officers, directors, employees, customers, or other individuals at FDIC insured banks; directors and officers of noninsured banks; or organizers of proposed banks which have applied for Federal deposit insurance, is exempted from the accounting provisions of section 310.10(d)(2) of the FDIC's Rules and Regulations and may be withheld from disclosure to the extent that such disclosure may interfere with the investigation and preparation of any civil, criminal, or administrative law enforcement proceedings. Federal criminal law enforcement investigatory reports maintained as part of this system may be the subject of exemptions imposed by the originating agency pursuant to 5 U.S.C. 552a(j)(2).

30—64—0003

System name: Board of Directors' Actions System—FDIC.

System location: Office of the Executive Secretariat, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Categories of individuals covered by the system: Individuals who have been subject to administrative actions by the FDIC Board of Directors.

Categories of records in the system: Contains minutes of the FDIC Board of Directors' meetings, intra-agency memoranda, orders of the Board of Directors, and correspondence with the subject individual.

Authority for maintenance of the system: Sec. 2, 8, and 19 of the Federal Deposit Insurance Act of (12 U.S.C. 1812, 1818, 1829); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Card file index and minute ledger.

Retrievability: Card files indexed alphabetically by name.

Safeguards: Card files are stored in lockable metal filing cabinets, minute ledgers are stored in vault.

Retention and disposal: Permanent.

System manager(s) and address: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Same as System manager above.

Record access procedures: Same as System manager above.

Contesting record procedures: Same as System manager above.

Record source categories: Intra-agency records.

Systems exempted from certain provisions of the act: None.

30—64—0004

System name: Changes in Bank Control Ownership Records—FDIC.

System location: Operations Branch, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Categories of individuals covered by the system: Individuals who have been involved in the change of bank control or ownership in FDIC insured banks and/or have obtained loans from insured banks, when such loans are secured by 25 percent or more of the outstanding stock of an insured bank.

Categories of records in the system: Contains the name of the individual seller or purchaser of shares of stock, the number of shares of stock involved and outstanding, the name of the bank whose control has changed, the purchase price of the stock, the names of beneficial owners if the shares are registered in another name, the total number of shares owned by the seller, purchaser, or beneficial owner both before and after the transaction. In the case of loans, contains the name and location of the lending bank, the name and address of the borrower, the amount of the loan and the name of the bank issuing the stock securing the loan and the number of shares securing the loan.

Authority for maintenance of the system: Sec. 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) The name of the bank whose control has changed, the seller and purchaser, and the number of shares involved may be distributed to periodicals for publication; (2) In the event that the system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (3) In the event of civil, criminal, or administrative law enforcement proceedings, the relevant records may be disclosed to the appropriate court and/or counsel for purposes of discovery and the development of the proceedings; (4) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders and on index cards.

Retrievability: Indexed by name.

Safeguards: Maintained in lockable metal filing cabinets.

Retention and disposal: Permanent retention.

System manager(s) and address: Director, Division of Bank Supervision FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: The bank in which control has changed and the bank which makes a loan secured by 25 percent or more of the outstanding voting stock of an insured bank.

Systems exempted from certain provisions of the act: None.

30—64—0005

System name: Consumer Complaint and Inquiry Records—FDIC.

System location: Office of Bank Customer Affairs, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Categories of individuals covered by the system: Consumers who have filed complaints or inquiries concerning activities and practices of FDIC insured banks.

Categories of records in the system: Contains consumers names and the nature of their complaints or inquiries. Contains correspondence and records of other communications between the FDIC and the customer, and may contain correspondence between the FDIC and the bank in question and/or Federal or State bank supervisory authorities. May contain copies of supporting documents supplied by the complainant and intra-agency memoranda.

Authority for maintenance of the system: Sec. 202 of Title II of the Federal Trade Improvement Act (15 U.S.C. 57a(f)); Sec. 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Since records are compiled and used for investigation and resolution of consumer inquiries and complaints, disclosure may be necessary to the institution which is the subject of the complaint; (2) Resolution of the complaint or inquiry may also require disclosure limited to the name of the inquirer and the nature of the inquiry, to third party sources during the course of the investigation; (3) Transmittal may be made to the Federal or State supervisory authority that has direct supervision over the financial institution that is the subject of the complaint; (4) In the event that the system of records indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system may be referred to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting such violations or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (5) In the event of civil, criminal or administrative proceedings, the relevant records may be disclosed to the appropriate court and/or counsel for purposes of discovery and the development of the proceedings; (6) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders and on computer discs and tapes.

Retrievability: Indexed by name.

Safeguards: Maintained in lockable metal filing cabinets; computer tapes and discs are accessed only by authorized personnel.

Retention and disposal: Records are retained for three years after resolution or answer of the complaint and then correspondence files are destroyed by shredder, computer tapes and discs are erased.

System manager(s) and address: Director, Office of Bank Customer Affairs, FDIC, 650 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: The information is obtained from the individual on whom the record is maintained; institutions that are the subject of the complaint; the appropriate agency, whether Federal or State, with supervisory authority over the institution; Congressional offices that may initiate the inquiry; and other third party sources mentioned in "Routine use" above.

Systems exempted from certain provisions of the act: None.

30—64—0006

(Reserved)

30—64—0007

System name: Employee Education System—FDIC.

System location: Office of Education, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Categories of individuals covered by the system: All present and former FDIC employees.

Categories of records in the system: Contains the educational history of employees prior to their employment with the FDIC, and educational progression of employees while employed by the FDIC. Information includes employee's schools of attendance, courses completed or enrolled in, dates of attendance, tuition fees and expenses, and may include per diem and travel expenses.

Authority for maintenance of the system: Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Exec. Order No. 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to: (1) the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions; (2) to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual; (3) to educational institutions for purposes of enrollment and verification of employee attendance and performance.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders and computer discs.

Retrievability: File folders—alphabetically by name; computer discs—social security number.

Safeguards: File folders are stored in lockable metal cabinets, computer discs are accessed by only authorized personnel.

Retention and disposal: Permanent retention.

System manager(s) and address: Director, Office of Employee Relations, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: The information is obtained from the employee on whom the record is maintained and the training institution in which the employee is enrolled.

Systems exempted from certain provisions of the act: None.

30—64—0008

(Reserved)

30—64—0009

System name: Examiner Employment, Training, and Education Records—FDIC.

System location: Division of Bank Supervision Training Center, FDIC, 1701 N. Fort Myer Drive, Arlington, Virginia 22200.

Categories of individuals covered by the system: FDIC assistant examiners who have been candidates for determination of progress to become a commissioned bank examiner (Progress Evaluation Candidates). FDIC examiners who attend, or have attended, graduate schools of banking (Graduate School of Banking Students).

Categories of records in the system: Progress Evaluation Candidates—contains a statement of the candidate's education, home address, date and place of birth, and experience, a Report of Evaluation of a Progress Evaluation Panel, the consolidated findings of each Progress Evaluation Panel member, the candidate's case studies, basic work papers, and responses, and, in the case of an unsuccessful candidate, the candidate's complete work papers and responses, as well as the individual findings of each Progress Evaluation Panel member.

Graduate School of Banking Students—contains the student's name, enrollment data, record of attendance, record of completion or graduation and general correspondence between the FDIC and the student's school of enrollment.

Authority for maintenance of the system: Sec. 10(b) of the Federal Deposit Insurance Act (12 U.S.C. 1820(b)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to: (1) the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions; (2) to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual; (3) to educational institutions for purposes of enrollment and verification of employee attendance and performance.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All categories are stored in file folders.

Retrievability: All categories are indexed by name.

Safeguards: All categories are maintained in lockable metal filing cabinets.

Retention and disposal: Progress Evaluation Candidates' records maintained two years for the successful candidate and then destroyed by shredder, records of unsuccessful candidate retained until the candidate's successful completion or until the candidate leaves the FDIC's employ. Graduate School of Banking student records are permanently retained.

System manager(s) and address: Director, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429. Inquirers must provide their full name and identify the category or categories of which they are inquiring.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: Progress Evaluation Candidates—the candidate, the candidate's personnel record, and members of the candidate's Progress Evaluation Panel. Graduate School of Banking Students—the student, the student's school, and the student's personnel record.

Systems exempted from certain provisions of the act: Pursuant to section 310.13(c) of the FDIC's Rules and Regulations, testing material used solely to assess individual qualifications for appointment or promotion, the disclosure of which would compromise the objectivity or fairness of the testing, evaluation or examination process, may be withheld from disclosure.

30—64—0010

System name: Graduate Fellowship Applications—FDIC.

System location: Division of Management Systems and Economic Analysis, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Categories of individuals covered by the system: Applicants for FDIC fellowships for graduate study in banking, finance and economics.

Categories of records in the system: Contains correspondence from applicants and from individuals whose names were provided by the applicants as references, application forms, applicants' grade transcripts, samples of written work, and, in some instances, comments of individuals who interviewed applicants.

Authority for maintenance of the system: Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure of information on the applicant may be made: (1) in requesting information of individuals or concerns whose names were supplied by the applicant as references and/or past or present employers; (2) to the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions; (3) to a Congressional office from the record of the individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Indexed by name.

Safeguards: Maintained in metal file cabinets with a combination lock.

Retention and disposal: Supporting documents in applications of unsuccessful applicants are retained until completion of review and then destroyed. Complete files of fellowship winners are retained until the expiration of the fellowship grant periods.

System manager(s) and address: Director, Division of Management Systems and Economic Analysis, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: Information is obtained from the applicants, references supplied by the applicants, college documents, current and/or former employers, and FDIC employees who interviewed the applicants.

Systems exempted from certain provisions of the act: None.

30—64—0011

System name: Legal Compliance and Enforcement Records—FDIC.

System location: Office of the General Counsel, FDIC. 550 17th Street, NW., Washington, D.C., 20429.

Categories of individuals covered by the system: Directors or officers of FDIC insured State nonmember banks who have been the subject of an indictment, information or complaint for a felony involving dishonesty or breach of trust. Directors or officers of FDIC insured State nonmember banks who are suspected of committing violations of law, rule or regulation, or of a final cease-and-desist order, or of committing acts, omissions or practices constituting a breach of fiduciary duty. Individuals who have sought FDIC consent to serve as an officer, director, or employee of an FDIC insured State nonmember bank after having been convicted of a crime involving dishonesty or breach of trust.

Categories of records in the system: Contains the indictment, information, or complaint filed against the subject individual, and any court order or resolution of such indictment, information, or complaint. Contains newspaper clippings on subject individuals. Contains affidavits of the subject individual and bank employees. Contains intra-agency memoranda and general correspondence between the FDIC and the subject individual and/or his/her attorney. Contains final administrative orders issued by the FDIC.

Authority for maintenance of the system: Secs. 8 and 19 of the Federal Deposit Insurance Act (12 U.S.C. 1818, 1829).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) In the event that the system of records indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system may be referred to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (2) In the event of civil, criminal or administrative proceedings, the relevant records may be disclosed to the appropriate court, magistrate, or administrative tribunal as evidence, or to counsel for the presentation of evidence and/or in the course of discovery; (3) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in a file folder and on computer discs.

Retrievability: Indexed by name.

Safeguards: Maintained in lockable metal filing cabinets in a secured room; computer discs are accessed by only authorized personnel.

Retention and disposal: Permanent retention.

System manager(s) and address: General Counsel, Legal Division, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429. Inquirers must provide their full name and the name of the bank with which they were associated. Inquiries must include a notarized statement attesting to the individual's identity.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: Information is obtained from the individual on whom the record is maintained, the employer of the individual, newspaper articles, and individuals interviewing during the investigation. Federal and State prosecuting authorities and Federal and State financial institution supervisory authorities are also sources of information.

Systems exempted from certain provisions of the act: Pursuant to section 310.13(a) of the FDIC's Rules and Regulations, investigatory material compiled as a part of this system for law enforcement purposes is exempted from the accounting provision of section 310.10(d)(2) of the FDIC's Rules and Regulations and may be withheld from disclosure, to the extent that such disclosure may interfere with the investigation and preparation of any civil, criminal or administrative law enforcement proceedings.

30—64—0012

System name: Payroll and Employee Financial Records—FDIC.

System location: Accounting and Budget Branch, FDIC, 1709 New York Ave., NW., Washington, D.C. 20429 and the appropriate FDIC Regional Office for employees working out of field offices. (See Appendix A for the location of FDIC Regional Offices).

Categories of individuals covered by the system: All current and former FDIC employees.

Categories of records in the system: Consists of various forms and computer retrievable data which disclose employee: mailing address and home address; rate and amount of pay, leave, and hours worked, and leave balances; life insurnace, health insurance and retirement deductions; tax exemptions; and payroll deduction authorizations.

Authority for maintenance of the system: Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Exec. Order 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information developed from these records is routinely provided to State, City, and Federal income tax authorities, including, at the Federal level, the Internal Revenue Service and the Social Security Administration, and, to other recipients, as authorized by the employee, including the United States Treasury Department, savings institutions, insurance carriers and charity funds; (2) Records are periodically made available for inspection to auditors employed by the General Accounting Office; (3) Relevant records in this system of records may be referred, as a routine use to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting any violation of law, rule or regulation; (4) In the event of litigation, relevant records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence or to counsel for the presentation of evidence and/or in the course of discovery; (5) Disclosure may be made to the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions; (6) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, record cards and computer discs.

Retrievability: File folders and record cards indexed by name; computer discs are indexed by social security number.

Safeguards: File folders and record cards are stored in lockable metal cabinets; computer discs are accessed only by the authorized personnel.

Retention and disposal: Year-end trial balances (the individual earnings record) are retained during the employment and then transferred to the Federal Records Center, where the records are maintained indefinitely. Deduction authorizations and documents used to develop the records are retained for the period of use and up to an additional three years after which they are disposed of by shredding or burning.

System manager(s) and address: Controller, Office of the Controller, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, 550 17th Street, NW., Washington, D.C. 20429.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: The information is obtained from the employee on whom the record is maintained.

Systems exempted from certain provisions of the act: None.

30—64—0013

System name: Savings Bond Payroll Deduction Systems—FDIC.

System location: Accounting and Budget Branch, FDIC, 1709 New York Ave., NW., Washington, D.C. 20429.

Categories of individuals covered by the system: All current and former FDIC employees who have authorized payroll deductions for the purchase of United States Savings Bonds.

Categories of records in the system: Consists of the name and address of the employee; the amount of the employee's salary to be

withheld; the denomination of bond to be purchased; the series of the bond; the owner's name, address and social security number; the designated co-owner or beneficiary, and their social security number.

Authority for maintenance of the system: section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Exec. Order 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 28, 1943).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to: (1) the United States Treasury Department for the preparation of savings bonds; (2) to the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management function; (3) to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, index cards, and computer discs.

Retrievability: File folders and record cards are indexed by name; computer discs are indexed by social security number.

Safeguards: File folders and record cards are stored in lockable metal cabinets; computer discs are accessed only by authorized personnel.

Retention and disposal: Records are retained for two years and then destroyed.

System manager(s) and address: Controller, Office of the Controller, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: The information is obtained from the employee on whom the record is maintained.

Systems exempted from certain provisions of the act: None.

30—64—0014

System name: Travel Voucher System—FDIC.

System location: Accounting and Budget Branch, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Categories of individuals covered by the system: FDIC employees who travel on official business.

Categories of records in the system: Contains records relating to employee's claims for reimbursement of official travel expenses including travel authorizations, advances, and vouchers showing amounts claimed, exceptions taken as a result of audit, advance balances applied, and amounts paid.

Authority for maintenance of the system: Sec. 10(a) of the Federal Deposit Insurance Act (12 U.S.C. 1820(a)); Travel Expense Act of 1949 (5 U.S.C. 5701-5709); Exec. Order 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Records are periodically made available for inspection to auditors employed by the General Accounting Office; (2) In the event that information contained in this system of records indicates a violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, or State, charged with the responsibility of investigating, or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (3) In the event of litigation, the records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence or to counsel for the presentation of evidence and/or in the course of discovery; (4) Disclosure may be made to the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out the government-wide personnel management function; (5) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders and computer discs.

Retrievability: Files indexed by name; computer discs by social security number.

Safeguards: File folders stored in a lockable room; computer discs are accessed by only authorized personnel

Retention and disposal: Records are maintained for seven years, then file folders are shredded and computers discs are erased.

System manager(s) and address: Controller, Office of the Controller, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550, 17th Street, NW., Washington, D.C. 20429.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: The information is obtained from the employee on whom the record is maintained.

Systems exempted from certain provisions of the act: None.

30—64—0015

System name: Unofficial Personnel System— FDIC.

System location: Personnel Branch, FDIC, 1709 New York Avenue, NW., Washington, D.C. 20429. In addition records are maintained at the Division or Office levels in the FDIC Washington Office and at the FDIC Regional Offices. (See Appendix A for the location of FDIC Regional Offices.)

Categories of individuals covered by the system: All current and former FDIC employees.

Categories of records in the system: This system consists of personnel-related records that are maintained in addition to those kept in the Official Personnel folder pursuant to the Federal Personnel Manual Suppl. 296-31, Table 8, Sec. 1. (The records contained in the Official Personnel Folder are covered, with regard to the Privacy Act of 1974, by the Civil Service Commission's published "General Personnel Records," C.S.C./Gov.-3, notice.) This system contains records of various types. They are: (1) records maintained in the Washington and regional offices which may contain information on individuals relating to: birthday; Social Security Number; past and present salaries, grades, and position titles; home address and telephone number; emergency contacts, addresses and telephone numbers; employment history; original applications, resume, and letters of reference; statement of bank loans and stock ownership; record of equipment and material issued to the individual; record of leave and time-and-attendance; written notes or memoranda on employee performance; counseling; and data documenting reasons for personnel actions, decisions, or recommendations made about an employee; (2) parking permit records containing information (name, address, and type of automobile) about FDIC employees who have applied for (or are members of the applicants' carpool) a parking permit in the FDIC's Washington Office garage; (3) American Red Cross blood donor records containing information including donors name, Social Security Number, date of birth, age, sex, home address and phone number, whether the donation was accepted, and whether the Red Cross would recruit the donor again for blood; (4) FDIC personnel awards including information supporting the employee's nomination for one of these awards; (5) dental insurance records including information on earnings, number and name of dependents, sex, birth date, home address, and Social Security Number; and (6) employee locator records containing the employee's name, Social Security Number, Division or Office assignment, office telephone number and office room number.

Authority for maintenance of the system: Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. Sec. 1819); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. Sec. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: With regard to category (1) above, the records are primarily maintained to be used by the employee's supervisor for preparation of general personnel action; however, in the case of categories (1), (2), and (4) disclosure may be made, where relevant:

(a) to financial and credit institutions for loan and credit reference purposes (solely to verify the employee's employment with the FDIC, date of employment, and pay grade);

(b) to the Civil Service Commission in the event of any grievance procedures;

(c) to the Civil Service Commission concerning pay, benefits, retirement, deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions;

(d) in the levent of litigation, to the appropriate court, magistrate, or administrative tribunal as evidence, or to counsel for the presentation of evidence and/or in the course of discovery;

(e) to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual;

(f) to State authorities regarding reasons for a former employee's separation from FDIC service, where the inquiry is made pursuant to the former employee's application for unemployment compensation;

(g) to Federal and State regulatory agencies, for reasons related to FDIC business, as to the temporary work location of FDIC bank examiners.

In the case of category (3) above, disclosure may be to the American Red Cross from the information contained in the blood donor records. Disclosure may be made, in the case of category (5) above, to the dental insurance carrier in support of a claim for dental insurance benefits. In category (6) above, except for the employee's Social Security Number, all information in the record is available to the public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on file cards and in file folders. Category (6) is maintained on computer discs.

Retrievability: Indexed alphabetically by name.

Safeguards: Maintained in lockable metal cabinets.

Retention and disposal: Records are destroyed when no longer relevant to the purpose for which they were compiled and maintained. Generally, records are destroyed when the employee no longer works in the Division or Office which compiled and maintained the information. Parking permit records are kept for one year and then destroyed. American Red Cross blood donor records are kept for four years and then destroyed.

System manager(s) and address: Director, Office of Employee Relations, FDIC, 550 17th Street, NW., Washington, D.C. 20429, for Corporation level records. For FDIC Division or Office levels, the Head of the appropriate Division or Office; for FDIC Regional Offices, the Regional Director. (See Appendix A for the location of FDIC Regional Offices); For Parking Permit Records and Employee Locator Records, the Controller, Office of the Controller, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: Individuals to whom the records pertain; their immediate supervisors or persons at other supervisory levels; other fellow employees.

Systems exempted from certain provisions of the act: None.

30—64—0016

System name: Municipal Securities Principals and Representative System—FDIC.

System location: Operations Branch, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington, D.C. 20429. Records stored in computerized files are maintained off premises on a contract basis with the National Association of Securities Dealers, 1735 L Street, NW., Washington, D.C. 20036.

Categories of individuals covered by the system: Persons who are or seek to be a municipal securities principals or municipal securities representatives associated with municipal securities dealers which are FDIC insured State banks, not members of the Federal Reserve System, or are a subsidiary, a department, or a division of such bank.

Categories of records in the system: These records may contain identifying information as well as educational, employment, and disciplinary information, if any, and, where applicable, information regarding termination of employment of individuals covered by the system. Identifying information includes name, addresses, date and place of birth, and may include social security account number.

Authority for maintenance of the system: Sections 15B, 23 and 32(a) of the Securities Exchange Act of 1934, as amended (15 U.S.C. Sec. 78), and Section 2 of the Federal Reports Act of 1942 (44 U.S.C. Sec. 3501).

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: (1) 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 a self-regulatory organization, as defined in Section 3(a)(26) of the Securities Exchange Act of 1934 (15 U.S.C. Sec. 78c(a)(26)); (2) To refer, in the event of litigation, whether civil, criminal, or regulatory in nature, to the appropriate court, magistrate, or administrative law judge as evidence, or to counsel for the presentation of evidence and/or in the course of discovery; (3) To assist in any proceeding in which the Federal securities or banking laws are in issue or a proceeding involving the propriety of a disclosure of information contained in the information, in which the FDIC or one of its past or present employees is a party; (4) 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 Deposit Insurance Corporation 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 as municipal securities principal or representative; (5) To respond to a request from a Federal, State, local, or foreign government 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; (6) 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; (7) To disclose to a registered dealer, a registered broker or a registered municipal securities dealer that is a past or present employer of an individual that is the subject of a record, or to which such individual has applied for employment, for purposes of identity verification or for purposes of investigating the qualifications of the subject 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: Indexed by name.

Safeguards: File folders are stored in locked metal cabinets and computer discs are accessed only by authorized personnel.

Retention and disposal: Permanent retention with periodic review of contents of record and destruction of excess and dated information.

System manager(s) and address: Director, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429. Inquirers must provide the full name, date, and place of birth of the inquirer. Inquirers may be required to include a notarized statement attesting to identity.

Record access procedures: Same as "Notification" above.

Contesting record 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 agencies which regulate the securities industry.

Systems exempted from certain provisions of the act: None.

30—64—0017

System name: Medical Records and Emergency Contact Information System—FDIC.

System location: Health Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Categories of individuals covered by the system: Medical records of the employee, including the date of visit to the Health Unit, the diagnosis, and the treatment administered. Attached to this record is a separate sheet containing the name and telephone number of the person to contact in the event of an emergency involving the employee.

Authority for maintenance of the system: Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. Sec. 1819); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. Sec. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No disclosure (including intra-agency disclosure) of information contained in the medical files is made without the prior written consent of the employee concerned. In the event of an emergency, the emergency contact would be notified.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On 8" x 10" cards with a separate emergency contact sheet attached to it.

Retrievability: Indexed alphabetically by name.

Safeguards: Kept in lockable metal cabinets in the nurse's office of the Health Unit. Only the nurse and substitute nurse are allowed access to the files. The Health Unit is locked whenever the nurse is absent.

Retention and disposal: Kept for the duration of the employee's tenure with the FDIC, and for 5 years thereafter, then destroyed.

System manager(s) and address: Director, Office of Employee Relations, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: The medical records are compiled by the employee and the nurse during the course of visits to the Health Unit for treatment. The information on the emergency contact sheet is supplied by the employee.

Systems exempted from certain provisions of the act: None.

APPENDIX A

FEDERAL DEPOSIT INSURANCE CORPORATION REGIONAL OFFICES

Atlanta Regional Office, FDIC
2 Peachtree Street, NW.
Suite 3030
Atlanta, Georgia 30303

Boston Regional Office, FDIC
2 Center Plaza, Room 810
Boston, Massachusetts 02108

Chicago Regional Office, FDIC
Sears Tower, 233 S. Wacker Dr.
Suite 6116
Chicago, Illinois 60606

Columbus Regional Office, FDIC
37 West Broad Street
Suite 600
Columbus, Ohio 43215

Dallas Regional Office, FDIC
300 North Ervay Street
Suite 3300
Dallas, Texas 75201

Madison Regional Office, FDIC
1st Wisconsin Plaza
1 South Pinckney St.
8th Floor
Madison, Wisconsin 53703

Memphis Regional Office, FDIC
165 Madison Avenue
Suite 1010
Memphis, Tennessee 38103

Minneapolis Regional Office, FDIC
730 Second Avenue, South
Suite 266
Minneapolis, Minnesota 55402

New York Regional Office, FDIC
345 Park Avenue
21st Floor
New York, New York 10022

Omaha Regional Office, FDIC
1700 Farnam Street
Suite 1200
Omaha, Nebraska 68102

Philadelphia Regional Office, FDIC
5 Penn Center Plaza
Suite 2901
Philadelphia, Pennsylvania 19103

Richmond Regional Office, FDIC
906 E. Main Street
Suite 435
Richmond, Virginia 23219

St. Louis Regional Office, FDIC
720 Olive Street
Suite 2909
St. Louis, Missouri 63101

San Francisco Regional Office, FDIC
44 Montgomery Street
Suite 2600
San Francisco, California 94104

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