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federal register

WEDNESDAY, NOVEMBER 2, 1977

highlights

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
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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.

Note: As of Nov. 1, 1977, Nuclear Regulatory Commission documents are no longer being assigned to the Monday/Thursday schedule.

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

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To extend for seven months the term of the National Commission on New Technological Uses of Copyrighted Works. (Oct. 28, 1977; 91 Stat. 1226). Price: $.50.

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To authorize the Secretary of the Treasury to invest public moneys, and for other purposes. (Oct. 28, 1977; 91 Stat. 1227). Price: $.50.

[3195–01]

Title 3—The President

Executive Order 12016 • October 31, 1977

Exemption of G. Joseph Minetti From Mandatory Retirement

G. Joseph Minetti, Member, Civil Aeronautics Board, became subject to mandatory retirement for age on July 31, 1977, under the provisions of Section 8335 of Title 5 of the United States Code unless exempted by Executive Order. Mr. Minetti was exempted from mandatory retirement until September 30, 1977, by Executive Order No. 12006 of July 29, 1977, and until October 31, 1977, by Executive Order No. 12011 of September 30, 1977.

In my judgment, the public interest requires that G. Joseph Minetti continue to be exempted from such mandatory retirement.

NOW, THEREFORE, by virtue of the authority vested in me by subsection (c) of Section 8335 of Title 5 of the United States Code, I hereby exempt G. Joseph Minetti from mandatory retirement until January 31, 1978.

Jimmy Carter

THE WHITE HOUSE,
October 31, 1977.

[FR Doc.77–31956 Filed 11–1–77;12:15 pm]

rules and regulations

[3410-08]

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 406—CALIFORNIA ORANGE CROP INSURANCE

Subpart—Regulations for the 1977 and Succeeding Crop Years

EXTENSION OF FINAL DATES FOR FILING APPLICATIONS

AGENCY: Federal Crop Insurance Corporation.

ACTION: Extension of Sales Closing Dates.

SUMMARY: This is an extension of the final dates for the filing of applications for crop insurance for the 1977 crop year on California Oranges in all counties in California wherein such insurance is otherwise authorized to be offered. Such closing date is currently September 30, 1977. Such extension shall be until the close of business on October 31, 1977.

EFFECTIVE DATE: September 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, 202-447-3325.

SUPPLEMENTARY INFORMATION: In view of changed crop conditions, those counties in California where crop insurance on oranges is otherwise authorized to be offered until the close of business on September 30, 1977, will remain open for the acceptance of applications on such crop insurance until the close of business on October 31, 1977. Extension of closing dates in all such counties in California will ease the administrative burdens on both the Corporation and the farmer, and strengthen the risk structure by increased participation in the program in those counties by virtue of the additional time available for filing applications. Accordingly, as previously announced, the Corporation has determined that it would be desirable to extend the time for filing applications for crop insurance on California oranges, in accordance with the provisions for such extensions as found in 7 CFR 406.3. Since these extensions are to the benefit of the producers, and since producers need to be informed of these extensions immediately, it is found and determined that compliance with the procedure for notice and public participation in the proposed rulemaking process would be impracticable and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

Accordingly, 7 CFR 406.3 is amended by adding at the end thereof the following sentence:

§ 406.3 Application for insurance.

* * * The time for filing applications for crop insurance for the 1977 crop year on California oranges is hereby extended until the close of business on October 31, 1977. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

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

Dated: October 7, 1977.

JAMES D. DEAL,
Manager, Federal Crop Insurance Corporation.

[FR Doc.77-31696 Filed 11-1-77;8:45 am]

[3410-08]

PART 409—ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

Subpart—Regulations for the 1977 and Succeeding Crop Years

EXTENSION OF FINAL DATES FOR FILING APPLICATIONS

AGENCY: Federal Crop Insurance Corporation.

ACTION: Extension of Sales Closing Dates.

SUMMARY: This is an extension of the final dates for the filing of applications for crop insurance for the 1977 crop year on citrus in all counties in the Arizona-Desert Valley Region wherein such insurance is otherwise authorized to be offered. Such closing date is currently September 30, 1977. Such extension shall be until the close of business on October 31, 1977.

EFFECTIVE DATE: September 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-3325.

SUPPLEMENTARY INFORMATION: In view of changed crop conditions, those counties in the Arizona-Desert Valley Region where crop insurance on citrus is otherwise authorized to be offered until the close of business on September 30, 1977, will remain open for the acceptance of applications on such crop insurance until the close of business on October 31, 1977. Extension of closing dates in all such counties will ease the administrative burdens on both the Corporation and the farmer, and strengthen the risk structure by increased participation in the program in those counties by virtue of the additional time available for filing applications. Accordingly, as previously announced, the Corporation has determined that it would be desirable to extend the time for filing applications for crop insurance on Arizona-Desert Valley Citrus, in accordance with the provisions for such extensions as found in 7 CFR 409.32. Since these extensions are to the benefit of the producers, and since producers need to be informed of these extensions immediately, it is found and determined that compliance with the procedure for notice and public participation in the proposed rule making process would be impracticable and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

Accordingly, 7 CFR 409.32 is amended by adding at the end thereof the following sentence:

§ 409.32 Application for insurance.

* * * The time for filing applications for crop insurance for the 1977 crop year on Arizona-Desert Valley Citrus is hereby extended until the close of business on October 31, 1977. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

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

Dated: October 7, 1977.

JAMES D. DEAL,
Manager, Federal Crop Insurance Corporation.

[FR Doc.77-31695 Filed 11-1-77;8:45 am]

[3410-02]

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

[Orange and Grapefruit Reg. 29]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN TEXAS

Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation sets grade and size requirements for oranges and grapefruit grown in Texas for the 1977-78 season. This regulation is needed to

provide for orderly marketing in the interest of producers and consumers.

EFFECTIVE DATE: November 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-3545.

SUPPLEMENTARY INFORMATION: On September 27, 1977, notice was published in the FEDERAL REGISTER (42 FR 49458) inviting written comments not later than October 11, 1977, on proposed grade and size requirements for shipments of 1977-78 season Texas oranges and grapefruit, under Marketing Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. None were received. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

These grade and size requirements, which were recommended by the Texas Valley Citrus Committee, become effective November 7, 1977. They are the same as the requirements currently in effect through November 6, 1977, under Grapefruit Regulation 28 and Orange Regulation 29 (41 FR 48719), except that minimum size for grapefruit would become 3$^{9}/_{16}$ inches on November 7, 1977.

The volume and the grade and size composition of the Texas orange and grapefruit crop is such that ample supplies of the more desirable grades and sizes are available to satisfy fresh market needs. Fruit not meeting these requirements may be exported, left on the trees to increase in size, or processed. The initial minimum size of 3$^{9}/_{16}$ inches for grapefruit recognizes the beneficial economic effect of limiting shipments to more desirable sizes during the period of peak harvest. The regulation is consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

After consideration of all relevant matter presented, including the proposals in the notice, it is hereby found that the following regulation is in accordance with this marketing agreement and order and it will tend to effectuate the declared policy of the act.

It is found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) as (1) shipment of fruit from the production area is now in progress; (2) grade and size requirements for oranges and grapefruit should continue in effect when current requirements expire November 6, 1977; (3) notice of this proposed regulation was published in the FEDERAL REGISTER, and no comments were filed during the 14 days provided; (4) handlers subject to this regulation will have adequate time to make any necessary preparations prior to the effective time.

Section 906.360 is added as follows:

§ 906.360 Orange and Grapefruit Regulation 29.

Order. (a) During the period November 7, 1977, through November 5, 1978, no handler shall handle any variety of oranges or grapefruit grown in the production area unless:

(1) Such oranges grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination (with not less than 60 percent, by count, of the oranges in any lot thereof grading at least U.S. No. 1), or U.S. No. 2;

(2) Such oranges are at least pack size 288, as such size is specified in § 51.691(c) of the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona), except that the minimum diameter limit for pack size 288 oranges in any lot shall be 2$^{9}/_{16}$ inches;

(3) Such grapefruit grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, or US. No. 2;

(4) Such grapefruit are at least pack size 96, as such size is specified in § 51.630(c) of the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona), except that the minimum diameter limit for pack size 96 grapefruit in any lot shall be 3$^{9}/_{16}$ inches: *Provided,* That during the period February 20, 1978, through November 5, 1978, such grapefruit are at least pack size 112, as such size is specified in the aforesaid U.S. Standards for Grapefruit, except that the minimum diameter limit for pack size 112 grapefruit in any lot shall be 3$^{9}/_{16}$ inches;

(5) An appropriate inspection certificate has been issued for such fruit within 48 hours prior to the time of shipment; and

(6) The fruit meets all the applicable container and pack requirements effective under this marketing agreement and order.

(b) Terms used in this section shall have the same meaning as in the marketing order, and terms relating to grade and diameter shall have the same meaning as in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 51.680-51.714), or in the United States Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (7 CFR 51.620-51.653).

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

Dated: October 28, 1977.

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

[FR Doc.77-31766 Filed 11-1-77;8:45 am]

[3410-37]

CHAPTER XXVIII—FOOD SAFETY AND QUALITY SERVICE, DEPARTMENT OF AGRICULTURE

Fees and Charges

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: This notice eliminates the following charges for continuous service to plants using the voluntary egg products inspection or the voluntary shell egg, poultry, and rabbit grading service: (a) A charge to the applicant for the cost of transferring a grader or inspector to the applicant's plant during installation of service. (b) A 10-percent charge added to the overtime or holiday hourly rate to cover administrative overhead charges. These costs are presently included in either the hourly rate charged to plants to cover the salary and fringe benefit costs of the grader or in the administrative volume charge which covers the administrative and overhead cost of the service. The charges being eliminated are no longer necessary.

DATE: November 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Ashley R. Gulich, Chief, Standardization Branch, Food Safety and Quality Service, Poultry and Dairy Quality Division, U.S. Department of Agriculture, Room 3944, South Building, Washington, D.C. 20250, 202-447-3506.

SUPPLEMENTARY INFORMATION: The amendments relieve users of the service from paying charges no longer necessary since such costs are included as a part of other fees. The amendments do not impose additional burdens on the public. It is to the advantage of the users of the service to remove the charges at the earliest possible date which will be the next accounting period beginning November 6, 1977. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The amendments are as follows:

PART 2855—VOLUNTARY INSPECTION OF EGG PRODUCTS AND GRADING

As to Part 2855:

In § 2855.560, paragraph (a)(2) is deleted, paragraphs (a) (3) and (4) are redesignated (2) and (3), respectively, and subdivisions (ii) and (iii) in redesignated (a)(2) are amended by placing a period after the word "rate" and deleting the remainder of the sentence, respectively.

PART 2856—GRADING OF SHELL EGGS AND U.S. STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

As to Part 2856:

1. In § 2856.52, paragraph (a)(2) is deleted, paragraphs (a) (3), (4), and (5) are redesignated (2), (3), and (4), respectively, and subdivisions (ii) and (iii) in redesignated (a)(2) are amended by placing a period after the word "rate" and deleting the remainder of the sentence, respectively.

2. In § 2856.54, paragraph (a)(1) is deleted and paragraphs (a)(2) and (3) are redesignated (1) and (2), respectively.

PART 2870—VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS AND U.S. CLASSES, STANDARDS, AND GRADES

As to Part 2870:

1. In § 2870.76, paragraph (a)(1) is deleted and paragraphs (a)(2) and (3) are redesignated (1) and (2), respectively.

2. In § 2870.77, paragraph (a)(2) is deleted, paragraphs (a)(3), (4), (5), and (6) are redesignated (2), (3), (4), and (5, respectively, and subparagraphs (ii) and (iii) in redesignated (a)(2) are amended by placing a period after the word "rate" and deleting the remainder of the sentence, respectively.

Done at Washington, D.C., this 25th day of October 1977.

ROBERT ANGELOTTI,
Administrator,
Food Safety and Quality Service.

[FR Doc.77-31697 Filed 11-1-77;8:45 am]

[3410-37]

PART 2858—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Fees and Charges

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: Recent increases in salary and other costs incurred in providing inspection and grading service have made it necessary to increase fees charged for inspection and grading services to approximate costs of performing the service. The fee changes are set out below.

EFFECTIVE DATE: November 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Lynn G. Boerger, Food Safety and Quality Service, U.S. Department of Agriculture, Room 2732, South Building, Washington, D.C. 20250 (202) 447-3171.

SUPPLEMENTARY INFORMATION: The fees for inspection, grading, and sampling are being amended from $18.20/hour to $19/hour and from $20/hour to $21/hour for night differential. Fees for laboratory analyses are being amended from $19.30/hour to $20.30/hour with corresponding increases in fees for specific tests. Fees for the continuous resident service are being amended from $14/hour to $15.60/hour for the inspector or grader in charge and from $12/hour to $13.60/hour for the assistant inspector or grader. The fees for continuous nonresident service are being amended from $25/hour to $25.80/hour and from $26.80/hour to $27.80/hour for night differential. Holiday, Saturday, Sunday, or overtime fees for this service are being amended from $34.10/hour to $35.30/hour.

Notice of proposed rulemaking, public procedure thereon, and the postponement of the effective time of this action later than November 6, 1977 (5 U.S.C. 553), are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946 provides that the fees charged shall be reasonable and, as nearly as possible, cover the cost of the service rendered, (2) the increases in fee rates set forth herein are necessary to cover costs, and (3) additional time is not required by users of the inspection service to comply with this amendment.

Therefore, under the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-27), sections 2858.43, 2858.44, 2858.45, and 2858.47 of Subpart A of Part 2858 of 7 CFR are hereby amended to read as follows:

§ 2858.43 Fees for inspection, grading, and sampling.

Except as otherwise provided in this section and sections 2858.38 through 2858.47, charges shall be made for inspection, grading, and sampling service at the hourly rate of $19 for service performed between 6 a.m. and 6 p.m., and $21 for service performed between 6 p.m. and 6 a.m. for the time required to perform the service calculated to the nearest 15-minute period, including the time required for preparation of certificates and reports, and travel of the inspector or grader in connection with the performance of the service. When the Administrator determines it feasible, he may set a minimum charge based on average time for specific types of service. A minimum charge of one-half hour shall be made for service pursuant to each request or certificate issued.

§ 2858.44 Fees for laboratory analysis.

Except as otherwise provided in this section and §§ 2858.45 and 2858.46, charges shall be made for laboratory analysis at the hourly rate of $20.30 for the time required to perform the service. A minimum charge of one-half hour shall be made for service pursuant to each request or certificate issued. The following minimum rates based on average time required to perform the test specified shall apply unless the actual time required to perform the test is greater than the minimum set forth:

(a) Dry milk and related products:	
Total fat (ether extraction)	3.70
Moisture	2.85
Titratable acidity	1.40
Solubility index	1.90
Scorched particles	1.90
Bacterial plate count	3.70
Bacterial direct microscopic count	5.50
Flavor	.95
Whey protein nitrogen	9.25
Vitamin A	18.35
Alkalinity of Ash	20.30
Dispersibility	9.25
Coliform (solid media)	3.70
Salmonella	14.75
Phosphatase	20.30
Oxygen	11.00
Density	1.40
(b) Condensed milk and related products:	
Fat (fat extraction)	5.50
Total solids	3.70
Sugar (sucrose)	20.30
Net Weight (per can)	2.25
Flavor, color, body, texture	1.40
(c) Cheese and related products:	
Moisture	3.70
Moisture in duplicate	5.50
Total fat (ether extraction)	6.45
Moisture and fat (dry basis) complete	10.15
(d) Butter and related products:	
Moisture	3.70
Fat	7.30
Salt	3.70
Complete Kohman analysis	11.00
Fat and moisture (same sample)	9.25
Flavor, odor, body, texture	1.90
Peroxide value	20.30
Free fatty acid	9.25
Yeast and mold	4.65
Proteolytic count	4.65
(e) Corn-Soya-Milk:	
Sieve test	3.70
Density	1.40
Bostwick—uncooked	4.65
Bostwick—cooked	9.25
Protein (Kjeldahl)	9.25
Fat (Soxhlet)	6.45
Moisture	2.85
Crude fiber	12.90
Flavor	.95

§ 2858.45 Fees for continuous resident service.

Irrespective of the fees and charges provided in sections 2858.39 and 2858.43, charges for the inspector or grader in charge of a continuous resident program shall be made at the rate of $15.60/hour for service performed during the assigned tour of duty. Charges for the assistant inspector or grader shall be at the rate of $13.60/hour for the assigned tour of duty. Charges for service performed in excess of the assigned tour of duty shall be at a rate of 1½ times the rate stated in this section.

§ 2858.47 Fees for continuous nonresident service.

Irrespective of the fees in §§ 2858.39, 2858.42, and 2858.43, charges for continuous nonresident service shall be made at the hourly rate of $25.80 for services performed between 6 a.m. and 6 p.m., and $27.80 for services performed between 6 p.m. and 6 a.m. for the number of hours each inspector or grader is assigned including travel time at beginning and end

of period. The costs of travel are included in this hourly rate. The charge for holiday, Saturday, or Sunday work or overtime (work in excess of each 8-hour shift Monday through Friday) shall be at $35.30/hour.

Done at Washington, D.C., this 21 day of October 1977.

ROBERT ANGELOTTI,
Administrator,
Food Safety and Quality Service.

[FR Doc.77-31588 Filed 11-1-77;8:45 am]

[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS

Changes in Rates

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; change in discount rates.

SUMMARY: The Board of Governors has amended its Regulation A, "Extensions of Credit By Federal Reserve Banks," for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country.

EFFECTIVE DATE: October 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Theodore E. Allison, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 202-452-3257.

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), Part 201 is amended as set forth below:

1. Section 201.51 is amended to read as follows:

§ 201.51 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of—	Rate (percent)	Effective
Boston	6	Oct. 26, 1977
New York	6	Do.
Philadelphia	6	Do.
Cleveland	6	Do.
Richmond	6	Do.
Atlanta	6	Do.
Chicago	6	Do.
St. Louis	6	Do.
Minneapolis	6	Do.
Kansas City	6	Do.
Dallas	6	Do.
San Francisco	6	Do.

§ 201.52 [Amended]

2. Section 201.52 is amended to read as follows:

(a) The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate (percent)	Effective
Boston	6½	Oct. 26, 1977
New York	6½	Do.
Philadelphia	6½	Do.
Cleveland	6½	Do.
Richmond	6½	Do.
Atlanta	6½	Do.
Chicago	6½	Do.
St. Louis	6½	Do.
Minneapolis	6½	Do.
Kansas City	6½	Do.
Dallas	6½	Do.
San Francisco	6½	Do.

(b) The rates for advances to member banks for prolonged periods and significant amounts under section 10(b) of the Federal Reserve Act and § 201.2(e)(2) of Regulation A are:

Federal Reserve Bank of—	Rate (percent)	Effective
Boston	7	Oct. 26, 1977
New York	7	Do.
Philadelphia	7	Do.
Cleveland	7	Do.
Richmond	7	Do.
Atlanta	7	Do.
Chicago	7	Do.
St. Louis	7	Do.
Minneapolis	7	Do.
Kansas City	7	Do.
Dallas	7	Do.
San Francisco	7	Do.

3. Section 201.53 is amended to read as follows:

§ 201.53 Advances to persons other than member banks.

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

Federal Reserve Bank of—	Rate (percent)	Effective
Boston	9	Oct. 26, 1977
New York	9	Do.
Philadelphia	9	Do.
Cleveland	9	Do.
Richmond	9	Do.
Atlanta	9	Do.
Chicago	9	Do.
St. Louis	9	Do.
Minneapolis	9	Do.
Kansas City	9	Do.
Dallas	9	Do.
San Francisco	9	Do.

(12 U.S.C. 248(i)). Interprets or applies 12 U.S.C. 357.) By order of the Board of Governors, October 26, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-31557 Filed 11-1-77;8:45 am]

[6750-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8860]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

ITT Continental Baking Company, Inc., et al.

AGENCY: Federal Trade Commission.

ACTION: Modified order to cease and desist.

SUMMARY: This modified order to cease and desist is issued in accordance with the decision and judgment rendered by the Court of Appeals for the Second Circuit on March 1, 1976.

DATES: Complaint issued Aug. 24, 1971, Final Order issued Oct. 19, 1973, Modified Order issued Sept. 16, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

H. Robert Field, Bureau of Consumer Protection, Federal Trade Commission, 6th & Pennsylvania Ave., NW., Washington, D.C. 20580, 202-724-1147.

SUPPLEMENTARY INFORMATION: In the Matter of ITT Continental Baking Company, Inc., a corporation, and Ted Bates & Company, Inc., a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, appearing at 38 FR 31827, changed to reflect modifications, are as follows:

Subpart—Advertising Falsely or Misleadingly: § 13.170 Qualities or properties of product or service; § 13.170-52 Medicinal, therapeutic, healthful, etc.; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.285 Value. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts; § 13.1775 Value. Subpart—Offering Unfair, Improper and Deceptive Inducements to Purchase or Deal: § 13.2063 Scientific or other relevant facts.

(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).)

This modified order, including further order requiring report of compliance therewith, is as follows:

MODIFIED ORDER TO CEASE AND DESIST

Respondents having filed in the United States Court of Appeals for the Second Circuit on November 5, 1973, petitions to review an order to cease and desist issued herein on October 19, 1973; and the Court having rendered its decision and judgment on March 1, 1976, affirming and enforcing the Commission's order

[1] Copies of the Modified Order filed with the original document.

with the deletion of Paragraphs I and III, the modification of Paragraph IV, and the addition of a defense clause for respondent Ted Bates and Company, Inc.; and the time in which to file a petition for certiorari having expired without the parties having filed such a petition;

Now, therefore, it is hereby ordered, That the aforesaid order to cease and desist be, and it hereby is, modified in accordance with the decision and judgment of the Court to read as follows:

ORDER

I.

It is ordered, That respondent, ITT Continental Baking Company, Inc., a corporation, and respondent Ted Bates & Company, Inc., a corporation, their successors, assigns and respondents' officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any food product, do forthwith cease and desist from:

1. Disseminating, or causing the dissemination of, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents, directly or by implication, that any such product will contribute to the rapid or proper growth of children by providing dramatic or substantial benefits for such growth or development unless such product, by itself, will, in fact make a significant contribution to such rapid or proper growth.

2. Disseminating, or causing the dissemination of, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, purchase of any such product in commerce, as "commerce" is defined in the Federal Trade Commission Act, which contains any of the misrepresentations prohibited in Paragraph 1 above.

II.

It is further ordered, That respondent Ted Bates & Company, Inc., shall have a defense for false advertising representations under this order where it neither knew nor had reason to know that the representations were false.

III.

It is further ordered, That respondents shall forthwith distribute a copy of this order to each of its operating divisions.

IV.

It is further ordered, That each respondent notify the Commission, at least thirty (30) days in advance, of any proposed change in such corporate respondents such as dissolution, assignment or sale resulting in 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.

V.

It is further ordered, That each respondent shall, within sixty (60) days after service of this order upon it, file with the Commission a report in writing setting forth in detail the manner and form of its compliance with the order to cease and desist.

CAROL M. THOMAS,
Secretary.

[FR Doc.77-31689 Filed 11-1-77;8:45 am]

[6750-01]

[Docket No. 9092]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Marcor, Inc., Et Al.

AGENCY: Federal Trade Commission.

ACTION: Order dismissing complaint.

SUMMARY: This is an order dismissing, without prejudice, a complaint issued against a Chicago, Ill. corporation and its department store chain, for alleged violations of Federal Reserve Board regulations and the Federal Trade Commission Act, in connection with the extension of consumer credit. The complaint has been dismissed because newly-finalized amendments to Federal Reserve Board regulation necessitate further investigation as to firm's compliance with the amendments, and proceeding on the basis of the present complaint would be against the public interest.

DATES: Complaint issued November 23, 1976, dismissal order issued September 20, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Lewis H. Goldfarb, Assistant Director, Bureau of Consumer Protection, Federal Trade Commission, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580, 202-724-1181.

SUPPLEMENTARY INFORMATION: In the Matter of Marcor, Inc., a corporation, and Montgomery Ward and Co., Inc., a corporation.

The Order Dismissing Complaint is as follows:

ORDER DISMISSING COMPLAINT

The Commission withdrew this matter from adjudication upon joint motion of the parties on April 19, 1977 for the purpose of considering a negotiated settlement. On June 28, 1977 the Commission rejected the proposed settlement and, having directed the staff to attempt further negotiations, was thereupon informed that such negotiations had proved unsuccessful.

Since the Commission originally issued its complaint in this matter on November 23, 1976, the Federal Reserve Board has finalized amendments to Regulation B (12 CFR Part 202 et seq.) which bear directly on issues raised in the complaint. Having taken official notice of these changes in Regulation B and having been advised by staff that further investigation would be necessary to determine respondent's compliance with the Regulation, as amended, the Commission has concluded that it is no longer in the public interest to conduct further proceedings on the basis of the complaint as presently drafted.

Accordingly, *It is ordered,* sua sponte, Pursuant to Rule 3.25(f)(3), that the complaint in the above-captioned matter be dismissed without prejudice to any further action the Commission may deem appropriate, including direct enforcement of the provisions of Regulation B in Federal district court pursuant to Section 704(c) of the Equal Credit Opportunity Act, as amended (15 U.S.C. 1691c (c)), and Section 5(m)(1)(A) of the Federal Trade Commission Act, as amended (15 U.S.C. 45(m)(1)(A)).

In light of the Commission's action, respondent's motion to dismiss the complaint, filed on July 28, 1977, is denied as moot.

CAROL M. THOMAS,
Secretary.

[FR Doc.77-31690 Filed 11-1-77;8:45 am]

[6750-01]

[Docket No. 9006-0]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Security Industrial Loan Association

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: This order, among other things, requires a Richmond, Va. finance company to cease failing to provide consumers, in connection with the extension of credit, relevant information and disclosures required by Federal Reserve System regulations.

DATES: Complaint issued January 28, 1975. Final Order issued September 21, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Michael J. Vitale, Director, Washington, D.C. Regional Office, Federal Trade Commission, 600-C Gelman Bldg., 2120 L St. NW., Washington, D.C. 20017, 202-254-7700.

SUPPLEMENTARY INFORMATION: In the Matter of Security Industrial Loan Association, a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows:

Subpart—Advertising Falsely and Misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.155-

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

[1] Copies of the Complaint, Initial Decision, Opinion and Final Order filed with the original document.

95(a) Truth in Lending Act. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1623 Formal regulatory and statutory requirements: 13.1623–95 Truth in Lending Act—Prices: § 13.1823 Terms and conditions; 13.1823–20 Truth in Lending Act. Subpart—Neglecting, Unfairly or Deceptively, to make Material Disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852–75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147 (15 U.S.C. 45, 1601, et seq.).)

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

FINAL ORDER

This matter having been heard by the Commission upon the appeal of respondent from the initial decision; and

The Commission having considered the oral arguments of counsel, their briefs, and the whole record; and

The Commission, for reasons stated in the accompanying opinion, having denied in full the appeal of respondent's counsel; accordingly

It is ordered, That, except to the extent that it is inconsistent with the Commission's opinion, the initial decision of the administrative law judge be, and it hereby is, adopted together with the opinion accompanying this order as the Commission's final findings of fact and conclusions of law in this matter;

It is further ordered, That the following cease and desist order be, and it hereby is, entered:

ORDER

It is ordered, That respondent Security Industrial Loan Association, a corporation, its successors and assigns and its officers, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or advertisement to aid, promote or assist, directly or indirectly, any extension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to include the broker's fee or finder's fee in the determination of the finance charge, as required by § 226.4(a)(3) of Regulation Z.

2. Failing to disclose the broker's fee or finder's fee as a prepaid finance charge, as required by § 226.8(e)(1) of Regulation Z, using the term "prepaid finance charge", as required by § 226.8(d)(2) of Regulation Z.

3. Failing to itemize the components of the finance charge, as required by § 226.8(d)(3) of Regulation Z.

4. Failing to disclose accurately the the annual percentage rate computed in accordance with § 226.5(b) of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

5. Failing to print the terms "finance charge" and "annual percentage rate" more conspicuously than other terminology, as required by § 226.6(a) of Regulation Z.

6. Failing to disclose clearly the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation, as required by § 226.6(a) of Regulation Z.

7. Failing to identify the broker as a creditor, as "creditor" is defined in § 226.2(m) of Regulation Z, as required by § 226.6(d) of Regulation Z.

8. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.8, 226.9 and 226.10 of Regulation Z.

It is further ordered, That respondent shall forthwith distribute a copy of this order to each of its operating divisions.

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

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the extension of consumer credit, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondent shall, within sixty (60) days after the effective date of the order served upon it, file with the Commission a report in writing, signed by respondent, setting forth in detail the manner and form of its compliance with the order to cease and desist.

CAROL M. THOMAS,
Secretary.

[FR Doc.77-31691 Filed 11-1-77;8:45 am]

[6750-01]

[Docket C-2903]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Flagg Industries, Inc., et al.

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 Los Angeles, Calif. land sales company to cease misrepresenting the size and extent of their business and assets; the resale opportunities, potential profits and soundness of land investments; and the advent of industry and the availability of employment. Respondents are prohibited from using deceptive sales plans, and required to make affirmative disclosures, including risks involved in land purchase, and buyers' rights to cancellation and refund. Further, the provisions of the order require respondents to provide the three primary subdivisions, Cordes Lakes, Verde Village, and Valle Vista, with the improvements, amenities and facilities described in the HUD Property Reports, and for a period of five years, to properly distribute $20,000 into three separate trust funds, for use by the three respective property owners' associations.

DATE: Complaint and order issued September 27, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Carol G. Emerling, Director, Los Angeles Regional Office, Federal Trade Commission, 11000 Wilshire Blvd., Los Angeles, Calif. 90024, 213–824–7575.

SUPPLEMENTARY INFORMATION: On Friday, February 25, 1977, there was published in the FEDERAL REGISTER [42 FR 11043] a proposed consent agreement with analysis In the Matter of Flagg Industries, Inc., a corporation, and Queen Creek Land and Cattle 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. A comment was filed and considered by the Commission. 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 agreement, in disposition of this proceeding.

The prohibited trade practices and/or affirmative corrective actions, as codified under 16 CFR 13, are as follows:

Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly; 13.10–1—Availability of merchandise and/or facilities; § 13.15 Business status, advantages or connections; 13.15–35 Contracts and obligations; 13.15–65 Financial condition; 13.15–70 Financing activities; 13.15–240 Properties and rights; 13.15–245 Prospects; 13.15–265 Size and extent; § 13.20 Business methods and policies; § 13.35 Condition of goods; § 13.55 Demand, business or other opportunities; § 13.60 Earnings and profits; § 13.71 Financing; § 13.143 Opportunities; § 13.155 Prices; 13.155–5 Additional charges unmentioned; 13.155–80 Repossession balances; § 13.160 Promotional sales plans; § 13.170 Qualities or properties of product or service; § 13.185 Refunds, repairs and replacements; § 13.195 Safety; 13.195–30 Invest-

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

ment; § 13.205 Scientific or other relevant facts; § 13.220 Securities; § 13.285 Value. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–55 Refunds, rebates and/or credits. Subpart—Disseminating Advertisements, Etc.: § 13.1043 Disseminating advertisements, etc. Subpart—Enforcing Dealings or Payments Wrongfully: § 13.1045 Enforcing dealings or payments wrongfully. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1370 Business methods, policies and practices; § 13.1415 Financial condition; § 13.1417 Financing activities; § 13.1513 Operations generally; § 13.1553 Services; § 13.1555 Size, extent, or equipment—Goods: § 13.1572 Availability of advertised merchandise and/or facilities; § 13.1595 Condition of goods; 13.1610 Demand for or business opportunities; § 13.1615 Earnings and profits; § 13.1670 Jobs and employment; § 13.1697 Opportunities in product or service; § 13.1710 Qualities or properties; § 13.1725 Refunds; § 13.1740 Scientific or other relevant facts; § 13.-1760 Terms and conditions; 13.1760–50 Sales contract; § 13.1775 Value—Prices: § 13.1778 Additional costs unmentioned; § 13.1795 Coverage or extras—Promotional Sales Plans: § 13.-1830 Promotional sales plans—Services: § 13.1835 Cost; § 13.1843 Terms and conditions. Subpart—Neglecting, Unfairly or Deceptively, to Make Material disclosure: § 13.1863 Limitations of product; § 13.1882 Prices; 13.1882–10 Additional prices unmentioned; § 13.1885 Qualities or properties; § 13.-1889 Risk of loss; § 13.1892 Sales contract, right-to-cancel provision; § 13.-1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; 13.-1905–50 Sales contract. Subpart—Offering Unfair, Imporper and Deceptive Inducements to Purchase or Deal: § 13.-1935 Earnings and profits; § 13.2013 Offers deceptively made and evaded; § 13.2040 Returns and reimbursements; § 13.2063 Scientific or other relevant facts; § 13.2080 Terms and conditions. Subpart—Securing Orders by Deception: § 13.2170 Securing orders by deception. Subpart—Securing Signatures Wrongfully: § 13.2175 Securing signatures wrongfully. Subpart—Using Deceptive Techniques In Advertising: § 13.2275 Using deceptive techniques in advertising.

(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.)

CAROL M. THOMAS,
Secretary.

[FR Doc.77-31688 Filed 11-1-77;8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R77-477]

PART 841—PUBLIC HOUSING PROGRAM; DEVELOPMENT PHASE

Appendix A—Prototype Cost Limits for Low Income Housing

AGENCY: Office of the Assistant Secretary for Housing, Federal Housing Commissioner, Department of Housing and Urban Development.

ACTION: Interim rule.

SUMMARY: On June 30, 1977, the Department published a revised Schedule A, "Prototype Cost Limits for Low Income Housing," to Part 841. Consideration of subsequent factual data and other information received from the Field Offices shows that specific prototype cost areas should be combined; a specific prototype area requires clarification; and other changes are necessary to make the program feasible in the affected areas. Section 6(b) of the U.S. Housing Act of 1937 provides that prototype costs become effective on the date of publication.

DATES: Effective date: November 2, 1977. Timely comments will be considered in preparing revisions of these schedules. Comments are due on or before December 1. 1977.

ADDRESSES: Send comments to the Rules Docket Clerk, Department of Housing and Urban Development, Room 5218, 451 Seventh Street SW., Washington, D.C. 20410. Please refer to the Docket Number of the rule and the publication date.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert P. Cunningham, Director, Office of Technical Support, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202–755–5730.

SUPPLEMENTARY INFORMATION: Based on information supplied by Field Offices and the public, specific prototype per unit cost areas for the Albany, N.Y. Insuring Office are being combined and realigned; two Indian Reservations in South Dakota are being combined into one prototype cost area; the key city for the Devils Lake, N. Dak. prototype cost area is redesignated to avoid confusion; a revised schedule for the Oakland-Marin, Calif. prototype cost area which was published incorrectly is substituted; and the prototype cost schedules for Taholah and Nespelem, Wash., are revised.

These costs, issued pursuant to Section 6(b) of the U.S. Housing Act of 1937, represent per unit cost schedules for low income housing and are required to be published at least annually in the FEDERAL REGISTER.

Because of the need to maintain current prototype cost schedules, it is in the public interest to publish the changes for effect. Timely written comments will be considered and additional amendments will be published if the Department determines that acceptance of the comments is appropriate. Comments with respect to cost limits for a given location should be sent to the addresses indicated above.

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

Accordingly, the Prototype Cost Limits for Low Income Housing, pursuant to 24 CFR, Part 841, Appendix A, are amended as follows:

1. At 41 FR 33642 and 33643, delete Glen Falls, Massena, Watertown, Schenectady, and Ithaca, N.Y., Prototype Per Unit Cost Schedules—Region II—New York.

2. At 41 FR 33688, change the prototype cost area designated as Devil's Lake to Fort Totten as set forth hereinafter entitled Prototype Per Unit Cost Schedule—Region VIII—North Dakota.

3. At 41 FR 33689, delete the prototype cost area designated Eagle Butte, Region VIII—South Dakota.

4. At 41 FR 33697, delete the present prototype per unit cost schedule for Oakland-Marin and substitute the revised schedule for this same area as shown on the table set forth hereinafter entitled, Prototype Per Unit Cost Schedule—Region IX—California.

5. At 41 FR 33704, delete the present prototype per unit cost schedule for Tahola, change to Taholah and substitute the revised prototype per unit cost schedule for this area as shown on the table set forth hereinafter entitled Prototype Per Unit Cost Schedule—Region X—Washington.

6. At 41 FR 33704, delete the present prototype per unit cost schedule for Nespelem and substitute the revised prototype per unit cost schedule for this area as shown on the table set forth hereinafter entitled, Prototype Per Unit Cost Schedule—Region X—Washington.

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)); sec. 6(b), U.S. Housing Act of 1937 (42 U.S.C. 1437d).)

NOTE.—It is hereby certified that the economic and inflationary impacts of the amendment to Part 841 have been carefully evaluated in accordance with Executive Order No. 11821.

Issued at Washington, D.C., October 21, 1977.

PAUL WILLIAMS,
Acting Assistant Secretary for Housing, Federal Housing Commissioner.

REGION VIII

North Dakota

Fort Totten	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	21,050	24,100	28,350	37,500	37,850	41,550	43,100
Row Dwellings	-	-	-	-	-	-	-
Walk-Up	-	-	-	-	-	-	-
Elevator-Structure	-	-	-				

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

REGION IX

California Oakland-Marin	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	13,050	16,100	19,900	23,700	28,500	31,750	33,200
Row Dwellings	13,850	16,650	20,600	24,500	29,400	32,800	34,250
Walk-Up	14,200	17,600	22,300	26,350	30,600	33,700	35,250
Elevator-Structure	26,900	31,350	39,550				

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

PROTOTYPE PER UNIT COST SCHEDULE

REGION X

Washington Taholah	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	15,200	18,300	22,600	26,950	32,450	36,100	37,800
Row Dwellings	12,700	15,400	18,850	22,550	27,150	30,200	31,650
Walk-Up	12,600	15,600	20,000	23,350	27,100	29,800	31,300
Elevator-Structure	19,100	22,200	28,100				

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

Nespelem	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	15,200	18,350	22,650	26,950	32,450	36,100	37,850
Row Dwellings	12,450	15,000	18,550	22,050	26,650	29,550	30,900
Walk-Up	13,150	16,350	20,750	24,450	28,300	31,250	32,800
Elevator-Structure	18,300	21,250	27,050				

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

[FR Doc.77-31728 Filed 11-1-77;8:45 am]

[4830-01]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7513]

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

Denial of DISC Benefits

AGENCY: Internal Revenue Service, Treasury.

ACTION: Publication of full text of final regulations.

SUMMARY: This document sets forth the full text of previously adopted final regulations (42 FR 55468, October 17, 1977) relating to the denial of DISC (Domestic International Sales Corporation) benefits with respect to energy resources and certain other products.

EFFECTIVE DATE: In general, the regulations are effective for taxable years ending after March 18, 1975.

FOR FURTHER INFORMATION CONTACT:

Karl P. Fryzel of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3294, not a toll-free number).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On Monday, June 21, 1976, the FEDERAL REGISTER published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 993(c)(2) of the Internal Revenue Code of 1954, 41 FR 24889. They were republished on Tuesday, June 29, 1976, at 41 FR 26695. The amendments were proposed to conform the regulations to section 603 of the Tax Reduction Act of 1975 ("1975 Act") (85 Stat. 64). A public hearing was held on November 18, 1976. After consideration of all comments regarding the proposed amendments, these amendments were adopted, as revised, by Treasury Decision 7513, published in the FEDERAL REGISTER for October 17, 1977 (42 FR 55468). However, T.D. 7513 as published in the FEDERAL REGISTER contained only the changes to the notice of proposed rulemaking published on June 21, 1976, rather than the full text of the final regulations. This document sets forth the full text of the final regulations.

Accordingly, the full text of the final regulations adopted by T.D. 7513 is as follows.

ROBERT A. BLEY,
Director,
Legislation and Regulations Division.

Paragraph 1. Section 1.993-3, as set forth in T.D. 7514 (42 FR 55452), is amended as follows:

1. The introductory material in paragraph (a) is revised by striking "paragraph (g)" and inserting in lieu thereof "paragraph (i)",

2. Paragraph (f)(1) is revised.

3. Paragraph (g) is redesignated as paragraph (i), and

4. Immediately after paragraph (f) new paragraphs (g) and (h) are added.

These revised, redesignated, and added provisions read as follows:

§ 1.993-3 Definition of export property.

* * * * *

(f) *Excluded property*—(1) *In general.* Notwithstanding any other provision of this section, the following property is not export property—

(i) Property described in subparagraph (2) of this paragraph (relating to property leased to a member of a controlled group),

(ii) Property described in subparagraph (3) of this paragraph (relating to certain types of intangible property),

(iii) Products described in paragraph (g) of this section (relating to depletable products), and

(iv) Products described in paragraph (h) of this section (relating to certain export controlled products).

* * * * *

(g) *Depletable products*—(1) *In general.* Under section 993(c)(2)(C), a product or commodity which is a depletable product (as defined in subparagraph (2) of this paragraph) or contains a depletable product is not export property if—

(i) It is a primary product from oil, gas, coal, or uranium (as described in subparagraph (3) of this paragraph), or

(ii) It does not qualify as a 50-percent manufactured or processed product (as described in subparagraph (4) of this paragraph).

(2) *Definition of "depletable product".* For purposes of this paragraph, the term "depletable product" means any product or commodity of a character with respect to which a deduction for depletion is allowable under section 613 or 613A. Thus, the term depletable product includes any mineral extracted from a mine, an oil or gas well, or any other natural deposit, whether or not the DISC or related supplier is allowed a deduction, or is eligible to take a deduction, for depletion with respect to the mineral in computing its taxable income. Thus, for example, iron ore purchased by a DISC from a broker is a depletable product in the hands of the DISC for purposes of this paragraph even though the DISC is not eligible to take a deduction for depletion under section 613 or 613A.

(3) *Primary product from oil, gas, coal, or uranium.* A primary product from oil, gas, coal, or uranium is not export property. For purposes of this paragraph—

(i) *Primary product from oil.* The term "primary product from oil" means crude oil and all products derived from the destructive distillation of crude oil, including—

(*a*) Volatile products,

(*b*) Light oils such as motor fuel and kerosene,

(*c*) Distillates such as naphtha,

(*d*) Lubricating oils,

(*e*) Greases and waxes, and

(*f*) Residues such as fuel oil.

For purposes of this paragraph, a product or commodity derived from shale oil which would be a primary product from oil if derived from crude oil is considered a primary product from oil.

(ii) *Primary product from gas.* The term "primary product from gas" means all gas and associated hydrocarbon components from gas wells or oil wells, whether recovered at the lease or upon further processing, including—

(*a*) Natural gas,

(*b*) Condensates,

(*c*) Liquefied petroleum gases such as ethane, propane, and butane, and

(*d*) Liquid products such as natural gasoline.

(iii) *Primary product from coal.* The term "primary product from coal" means coal and all products recovered from the carbonization of coal including—

(*a*) Coke,

(*b*) Coke-oven gas,

(*c*) Gas liquor,

(*d*) Crude light oil, and

(*e*) Coal tar.

(iv) *Primary product from uranium.* The term "primary product from uranium" means uranium ore and uranium concentrates (known in the industry as "yellow cake"), and nuclear fuel materials derived from the refining of uranium ore and uranium concentrates, or produced in a nuclear reaction, including—

(*a*) Uranium hexafluoride,

(*b*) Enriched uranium hexafluoride,

(*c*) Uranium metal,

(*d*) Uranium compounds, such as uranium carbide,

(*e*) Uranium dioxide, and

(*f*) Plutonium fuels.

(v) *Primary products and changing technology.* The primary products from oil, gas, coal, or uranium described in subdivisions (i) through (iv) of this subparagraph and the processes described in those subdivisions are not intended to represent either the only primary products from oil, gas, coal, or uranium, or the only processes from which primary products may be derived under existing and future technologies, such as the gasification and liquefaction of coal.

(vi) *Petrochemicals.* For purposes of this paragraph, petrochemicals are not considered primary products from oil, gas, or coal.

(4) *50-percent manufactured or processed product*—(i) *In general.* A product or commodity (other than a primary product from oil, gas, coal, or uranium) which is or contains a depletable product is not excluded from the term "export property" by reason of section 993(c)(2)(C) if it is a 50-percent manufactured or processed product. Such a product or commodity is a "50-percent manufactured or processed product" if, after the

cutoff point of the depletable product, it is manufactured or processed (as defined in subdivision (ii) of this subparagraph) and either the cost test described in subdivision (iv) of this subparagraph or the fair market value test described in subdivision (v) of this subparagraph is satisfied. To determine cutoff point, see subdivisions (vi) and (vii) of this subparagraph.

(ii) *Manufactured or processed.* A product is manufactured or processed if it is manufactured or produced within the meaning of paragraph (c)(2) of this section, except that for purposes of this subdivision the term manufacturing or processing does not include any excluded process (as defined in subdivision (iii) of this subparagraph) and the term conversion costs (as used in subdivision (iv) of such paragraph (c)(2)) does not include any costs attributable to any excluded process.

(iii) *Excluded processes.* For purposes of this paragraph, excluded processes are extracting (*i.e.*, all processes which are applied before the cutoff point of the mineral to which such processes are applied), and handling, packing, packaging, grading, storing, and transporting.

(iv) *Cost test.* A product or commodity will qualify as a 50-percent manufactured or processed product if—

(*a*) Its manufacturing and processing costs (that is, the portion of the cost of goods sold or inventory amount of the product or commodity attributable to the aggregate cost of manufacturing or processing each mineral contained therein) equal or exceed

(*b*) An amount equal to either of the following:

(*1*) 50 percent of its cost of goods sold or inventory amount (decreased, at the DISC's option, by the portion of such cost or amount the DISC establishes is allocable to the difference between each prior owner's selling price for each depletable product contained in such product or commodity and such prior owner's cost of goods sold with respect thereto).

(2) The aggregate of the cost at the cutoff point (see subdivisions (vi) and (vii) of this subparagraph) properly attributable to each mineral contained in such product or commodity. However, if this subdivision (2) is applied, then the amount in (*a*) of this subparagraph (iv) shall be decreased and the amount in this subdivision (2) shall be increased, by so much of the cost of goods sold or inventory amount of the product or commodity as is properly allocable to any process other than transportation applied after the cutoff point of such mineral which would be a mining process (within the meaning of § 1.613–4) were it applied before such point.

(v) *Fair market value test.* A product or commodity will qualify as a 50-percent manufactured or processed product if—

(*a*) The excess of its fair market value on the date it is sold, exchanged, or otherwise disposed of (or, if not sold, exchanged, or otherwise disposed of, the last day of the DISC's taxable year) over the portion thereof properly allocable to excluded processes other than extracting is equal to or greater than

(*b*) Twice the aggregate of the fair market value at the cutoff point for each mineral contained in such product or commodity.

For purposes of this subdivision (v), the fair market value of a product or commodity on the date it is sold, exchanged, or otherwise disposed of is the price at which it is disposed of, subject to any adjustment that may be required under the arm's length standard of section 482 and the regulations thereunder. If such product or commodity is not sold, exchanged, or otherwise disposed of, then, for purposes of section 992(a)(1)(B) (relating to the 95-percent test with respect to qualified export assets), the fair market value of a product or commodity on the last day of the DISC's taxable year is the arm's length price at which such product or commodity would have been sold on such date, determined by applying the principles of section 482 and the regulations thereunder.

(vi) *Cutoff point of a mineral.* For purposes of this subparagraph:

(*a*) The cutoff point is the point at which gross income from the property (within the meaning of section 613(a)) was in fact determined.

(*b*) The cost at the cutoff point is deemed to be the amount of the gross income from the property of the taxpayer eligible for a depletion deduction with respect to the mineral.

(*c*) The fair market value at the cutoff point is deemed to be the amount of the gross income from the property of the taxpayer eligible for a depletion deduction with respect to the mineral, except that, if (*1*) the fair market value of a product or commodity on the date specified in subdivision (v)(*a*) of this subparagraph exceeds the aggregate of the fair market value at the cutoff point for each mineral contained therein and (2) 10 percent or more of such excess is attributable to a net increase in the fair market values of such minerals by reason of factors other than manufacturing or processing or the application of excluded processes (such as, for example, increases in the fair market values of some minerals by reason of inflation or speculation exceed decreases in such values of other minerals by reason of deflation or speculation), then the aggregate of the fair market value at the cutoff point for each such mineral shall be increased to reflect the net excess so attributable.

(*d*) The provisions of this subdivision (vi) are illustrated by the following example.

Example. An integrated manufacturer, X, on February 1, 1976, had gross income from the property (within the meaning of section 613 (a)) of $50 with respect to a specified volume of a mineral. Thus, the cost at the cutoff point of the mineral was $50. X converted the mineral into a product which it sold on July 15, 1976, for $75. Of the $25 excess of the selling price over the gross income from the property, $23 was attributable to manufacturing, processing, and the application of excluded processes, and $2 was attributable to an increase in the fair market value of the mineral due to inflation between February 1 and July 15, 1976. Since only 8 percent of such excess ($2/$25) was attributable to factors other than manufacturing, processing, and the application of excluded processes, the fair market value at the cutoff point of the mineral is $50. However, had $3 of the $25 excess, or 12 percent, been attributable to an increase in the fair market value of the mineral due to inflation, then the fair market value at the cutoff point of the mineral would be $53.

(vii) [Reserved]

(viii) *Special rule for certain used products and scrap products.* If a product or commodity is a used 50-percent manufactured or processed product, or is recovered as scrap from a 50-percent manufactured or processed product, such product or commodity will be treated as a 50-percent manufactured or processed product.

(ix) *Special rule for byproducts and waste products.* For purposes of applying the cost test or fair market value test of subdivision (iv) or (v) of this subparagraph if a depletable product is recovered from a manufacturing process as a byproduct or waste product, then the cost and fair market value at the cutoff point are each deemed to be the lesser of—

(*a*) The fair market value of the waste product or byproduct containing the depletable product, determined as of the date the byproduct or waste product is recovered, or

(*b*) The amount the cost at the cut-off point would be for a depletable product of like kind and grade which is extracted, determined as of the date the byproduct or waste product is recovered.

For purposes of (*b*) of this subdivision the cutoff point for the depletable product of like kind and grade is deemed to be the point at which gross income from the property would be determined if such depletable product were sold by the taxpayer eligible to take a deduction for depletion after the completion of all mining processes applied to the depletable product and before the application of any nonmining process.

(x) *Proof of satisfaction of 50-percent manufactured or processed test.* (*a*) No substantiation is required to establish that either the cost test or the fair market value test of subdivisions (iv) or (v) of this subparagraph is satisfied or that a product or commodity qualifies under (viii) of this subdivision as either a used 50-percent manufactured or processed product or as scrap from a 50-percent manufactured or processed product as long as it is reasonably obvious, on the basis of all relevant facts and circumstances, that either the cost test or fair market value test is satisfied, or that the product or commodity qualifies as either as used 50-percent manufactured or processed product or as scrap from a 50-percent manufactured or processed product. Thus, for example, in the case of a DISC exporting a high precision lens at least 50 percent of the fair

market value of which is obviously attributable to grinding, no substantiation of gross income from the property properly allocable to the depletable products contained in the lens, costs, or fair market values will be required.

(b) In cases in which satisfaction of either the cost test or the fair market value test is not reasonably obvious, a DISC will be required to substantiate the gross income from the property properly allocable to each depletable product in a product or commodity and either all costs or fair market values relied upon the DISC.

(c) For purposes of substantiating (1) gross income from the property properly allocable to a depletable product, (2) costs, and (3) fair market values, the DISC and related supplier shall each identify items in (or that were in) inventory in the same manner each used to identify items in inventory for purposes of computing Federal income tax.

(xi) *Application of 50-percent test.* The 50-percent test described in this subparagraph is applied on an item-by-item basis. If, however, a DISC sells a substantial volume of substantially identical products or commodities and if all or a group of such products or commodities contain substantially identical depletable products in substantially the same proportions and have cost or fair market value relationships (as the case may be) that are in substantially the same proportions, such DISC may apply the 50-percent test on an aggregate basis with respect to all such products or commodities, or group, as the case may be.

(5) *Effective dates.* Except as provided in subparagraph (6) of this paragraph, section 993(c)(2)(C) applies—

(i) With respect to any product or commodity not owned by a DISC, to sales, exchanges, or other dispositions made after March 18, 1975, with respect to which the DISC derives gross receipts.

(ii) With respect to any product or commodity acquired by a DISC after March 18, 1975.

(iii) With respect to any product or commodity owned by a DISC on March 18, 1975, to sales, exchanges, or other dispositions made after March 18, 1976, and to owning such product or commodity after such date.

For purposes of this paragraph and subparagraph (6) of this paragraph, the date of a sale, exchange, or other disposition of a product or commodity is the date as of which title to such product or commodity passes. The accounting method of a person is not determinative of the date of a sale, exchange, or other disposition.

(6) *Fixed contracts.* Section 1101(f) of the Tax Reform Act of 1976 provides an exception to the effective date rules in this paragraph and in paragraph (h) of this section. Section 1101(f)(2) of the Act provides that section 993(c)(2)(C) and (D) shall not apply to sales, exchanges, and other dispositions made after March 18, 1975, but before March 19, 1980, if they are made pursuant to a fixed contract. Section 1101(f)(2) also defines fixed contract. Under that definition, if the seller can vary the price of the product for unspecified cost increases (which could include tax cost increases), or if the quantity of products or commodities to be sold can be increased or decreased under the contract by the seller without penalty, the contract is not to be considered a fixed contract with respect to the amount over which the seller has discretion. For example, if a contract calls for a minimum delivery of x amount of a product but allows the seller to refuse to deliver goods beyond that minimum amount (or allows a renegotiation of the sales price of goods beyond that amount), then with respect to the amount above the minimum the contract is not a fixed quantity contract.

(h) *Export controlled products*—(1) *In general.* Under section 993(c)(2)(D), an export controlled product is not export property. For purposes of this paragraph, the term "export controlled product" means any product or commodity the export of which is prohibited or curtailed under section 4(b) of the Export Administration Act of 1969 (50 U.S.C. App. 2403(b)) to effectuate the policy set forth in paragraph (2)(A) of section 3 of such Act. The policy set forth in paragraph (2)(A) of section 3 of the Export Administration Act of 1969 is "to use export controls to the extent necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of foreign demand."

(2) *Products considered export controlled products*—(i) *In general.* For purposes of this paragraph, an export controlled product is a product or commodity which is subject to short supply export controls under 15 CFR Part 377. A product or commodity is considered an export controlled product for the duration of each control period which applies to such product or commodity. A control period of a product or commodity begins on and includes the initial control date (as defined in subdivision (ii) of this subparagraph) and ends on and includes the final control date (as defined in subdivision (iii) of this subparagraph).

(ii) *Initial control date.* The initial control date of a product or commodity which was subject to short supply export controls on March 19, 1975, is March 19, 1975. The initial control date of a product or commodity which is subject to short supply export controls after March 19, 1975, is the effective date stated in the regulations to 15 CFR Part 377 which subjects such product or commodity to short supply export controls. If there is no effective date stated in such regulations, the initial control date of such product or commodity is the date on which such regulations are filed for publication in the FEDERAL REGISTER.

(iii) *Final control date.* The final control date of a product or commodity is the effective date stated in the regulations to 15 CFR Part 377 which removes such product or commodity from short supply export controls. If there is no effective date stated in such regulations, the final control date of such product or commodity is the date on which such regulations are filed for publication in the FEDERAL REGISTER.

(iv) *Expiration of Export Administration Act of 1969.* An initial control date and a final control date cannot occur after the date on which the Export Administration Act of 1969 expires.

(3) *Effective dates*—(i) *Products controlled on March 19, 1975.* Except as provided in paragraph (g)(6) of this section, if a product or commodity was subject to short supply export controls on March 19, 1975, section 993(c)(2)(D) applies—

(a) With respect to any such product or commodity not owned by a DISC, to sales, exchanges, other dispositions, or leases made after March 18, 1975, with respect to which the DISC derives gross receipts.

(b) With respect to any such product or commodity acquired by a DISC after March 18, 1975, and

(c) With respect to any such product or commodity owned by a DISC on March 18, 1975, to sales, exchanges, other dispositions, and leases made after March 18, 1976, and to owning such product or commodity after such date.

(ii) *Products first controlled after March 19, 1975.* If a product or commodity becomes subject to short supply export controls after March 19, 1975, section 993(c)(2)(D) applies to sales, exchanges, other dispositions, and leases of such product or commodity made on or after the initial control date of such product or commodity, and to owning such product or commodity on or after such date.

(iii) *Date of sale, exchange, lease, or other disposition.* For purposes of this subparagraph, the date of sale, exchange, or other disposition of a product or commodity is the date as of which title to such product or commodity passes. The date of a lease is the date as of which the lessee takes possession of a product or commodity. The accounting method of a person is not determinative of the date of sale, exchange, other disposition, or lease.

(i) *Property in short supply.* * * *

* * * * *

Par. 2. Section 1.993-4(a)(2)(vi), as set forth in T.D. 7514 (42 FR 55452), is amended by adding a sentence to the end thereof. The added provision reads as follows:

§ 1.993-4 Definition of producer's loans.

(a) *General Rule.* * * *

(2) *Application of this section.* * * *

(vi) *Events subsequent to time loan is made.* * * * As a further example, for purposes of applying the borrower's export related assets limitation described in paragraph (b) of this section, a loan which qualifies as a producer's loan when made will not later be disqualified if property, the gross receipts from the sale or lease of which were includible in the numerator of the fraction described

in paragraph (b)(3)(i) of this section at the time of sale or lease by the borrower, is later characterized as excluded property (as defined in § 1.993-3(f)).

* * * * *

[FR Doc.77-31661 Filed 11-1-77;8:45 am]

SUBCHAPTER A—INCOME TAX

[T.D. 7516]

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

Requirement of Returns for Political Organizations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the requirement of an income tax return for certain political organizations. Changes to the applicable tax law were made by the Act of January 3, 1975. This regulation provides necessary guidance to political organizations for compliance with the law, and affects all political organizations who are required to file an income tax return.

DATE: In general, except as otherwise provided, the regulations are effective for taxable years beginning after December 31, 1974.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Katcher of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T), 202-566-3828, not a toll-free call.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On January 3, 1977, the FEDERAL REGISTER published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 6012 of the Internal Revenue Code of 1954 (42 FR 57). The amendments were proposed to conform the regulations to section 10(b) of the Act of January 3, 1975 (88 Stat. 2119). No comments were received and a public hearing was not held. Those amendments are adopted by this Treasury decision.

INCOME TAX RETURNS OF POLITICAL ORGANIZATIONS

In general, section 527 of the Code provides rules with regard to the taxation of political organizations. Section 6012(a)(6) provides that political organizations who have political organization taxable income (as defined in section 527(c) of the Code) must file an income tax return. A political organization shall use Form 1120-POL in making its income tax return.

DRAFTING INFORMATION: The principal author of this regulation was Mr. Robert Katcher of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, 26 CFR Part 1 is amended as follows:

Section 1.6012-6 is added to read as set forth below.

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

JEROME KURTZ,
Commissioner of Internal Revenue.

Approved: October 11, 1977.

LAURENCE N. WOODWORTH,
Assistant Secretary of the Treasury.

AMENDMENTS TO THE REGULATIONS

In order to conform the Income Tax Regulations (26 CFR Part 1) to the provisions of section 10 (b) and (f) of the Act of January 3, 1975 (Pub. L. 93-625, 88 Stat. 2119), such regulations are amended as follows:

Paragraph 1. Section 1.6012 is amended by adding new subsection (a)(6) and by revising the historical note as follows:

§ 1.6012 Statutory provisions; persons required to make returns of income.

Sec. 6012. *Persons required to make returns of income*—(a) *General rule.* Returns with respect to income taxes under subtitle A shall be made by the following:

* * * * *

(6) Every political organization (within the meaning of section 527(e)(1), and every fund treated under section 527(g) as if it constituted a political organization, which has political organization taxable income (within the meaning of section 527(c)(1)) for the taxable year.

(Sec. 6012 as amended by Sec. 72(a), Technical Amendments Act 1958 (72 Stat. 1660); Sec. 206(b)(1), Rev. Act 1964 (78 Stat. 40); Sec. 941, Tax Reform Act 1969 (83 Stat. 726); Sec. 10(b), Act of Jan. 3, 1975 (Pub. L. 93-625, 88 Stat. 2119))

Par. 2. Section 1.6012-6 is added as follows:

§ 1.6012-6 Returns by political organizations.

(a) *Requirement of return*—(1) *In general.* For taxable years beginning after December 31, 1974, every political organization described in section 527(e)(1), and every fund described in section 527(f)(3) or section 527(g), and every organization described in section 501(c) and exampt from taxation under section 501(a) shall make a return of income within the time provided in section 6072(b) with respect to corporations, if a tax is imposed on such an organization or fund by section 527(b).

(2) *Taxable years beginning after December 31, 1971, and before January 1, 1975.* For taxable years beginning after December 31, 1971, and before January 1, 1975, any political organization which would be described in section 527(e)(1) if such section applied to such years shall not be required to make a return if such organization would not be required to make a return under paragraph (a)(1) of this section.

(b) *Form of return.* The return required by an organization or fund upon which a tax is imposed by section 527(b) shall be made on Form 1120-POL.

[FR Doc.77-31738 Filed 11-1-77;8:45 am]

[3810-70]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER R—CHARTERS

PART 356—WASHINGTON HEADQUARTERS SERVICES

AGENCY: Office of the Secretary of Defense.

ACTION: Issuance of DOD Charter Directive 5110.4[1]

SUMMARY: The Secretary of Defense has assigned functions and responsibilities to the Director, Washington Headquarters Services (WHS) and has delegated to him specific authorities. This Directive serves as the instrument that authorizes the Director, WHS, to carry out his charter.

EFFECTIVE DATE: October 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Arthur H. Ehlers, Director for Organizational and Management Planning, Office of the Deputy Assistant Secretary of Defense (Administration), Telephone: 202-695-4278.

Accordingly, Part 356 reads as follows:

Sec.
356.1 Purpose.
356.2 Mission.
356.3 Organization and management.
356.4 Functions and responsibilities.
356.5 Relationships.
356.6 Authorities.
356.7 Delegations of Authority.

AUTHORITY: 10 U.S.C. Chapter 4, sec. 133(d).

§ 356.1 Purpose.

Pursuant to the authority vested in the Secretary of Defense under the provisions of Title 10, U.S.C., Section 133(d), this part establishes the Washington Headquarters Services (hereafter referred to as "WHS") with responsibilities, functions, authorities, and relationships as outlined below.

§ 356.2 Mission.

The WHS shall provide administrative and operational support to specified Department of Defense activities in the National Capital Region (NCR).

§ 356.3 Organization and management.

(a) The WHS is established as an Office, Secretary of Defense field activity.

[1] Filed as part of original. Single copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue Philadelphia, PA 19120 Attention: Code 301

It shall consist of a Director and such subordinate organizational elements as are established by the Director within resources authorized by the Secretary of Defense.

(b) The Deputy Assistant Secretary of Defense (Administration) shall serve as the Director, WHS.

§ 356.4 Functions and responsibilities.

The Director, WHS, shall:

(a) Organize, direct, and manage the WHS and all resources assigned to the WHS.

(b) Provide administrative support to the Office of the Secretary of Defense (OSD), OSD field activities, and those Defense Agencies and specified joint activities in the NCR which do not have an internal administrative support capability. This support shall include:

(1) Budget and accounting;

(2) Civilian and military personnel management;

(3) Office services;

(4) Security;

(5) Correspondence, cables, directives and records management;

(6) Travel; and

(7) Other miscellaneous administrative support as required.

(c) Administer information and data systems in support of the OSD decision and policymaking processes. This includes management information collection and reports preparation in the areas of procurement, logistics, manpower, and economics.

(d) Provide computer services and associated support to OSD, to include: Validation of ADP requirements, management and control of ADP resources, systems development and operation, and the provision of consulting services.

(e) Manage DOD occupied GSA controlled administrative space in the NCR and DOD common support facilities. This includes: Office space, concessions, layout design, and other related building administration functions.

§ 356.5 Relationships.

In the performance of his duties, the Director, WHS shall:

(a) Coordinate with concerned elements of the Office of the Secretary of Defense and other DOD Components having collateral or related functions in the field of his assigned responsibility.

(b) Exchange information and advice with concerned elements of the Office of the Secretary of Defense and other DOD Components.

(c) Use established facilities in the Office of the Secretary of Defense and other DOD Components to avoid duplication.

(d) Consult and coordinate with other governmental and nongovernmental agencies on matters related to the mission assigned to the WHS.

§ 356.6 Authorities.

The Director, WHS is specifically delegated authority to:

(a) Obtain such information, consistent with the policies and criteria of DOD Directive 5000.19,[1] advice, and assistance from DOD Components as he deems necessary.

(b) Communicate directly with appropriate personnel in the Military Departments or other Components on matters related to WHS responsibilities and functions.

(c) Exercise the operational and administrative authorities contained in § 356.7.

§ 356.7 Delegations of authority.

Pursuant to the authority vested in the Secretary of Defense, and subject to his direction, authority, and control, and in accordance with DOD policies, directives, and instructions, the Director, WHS, or, in the absence of the Director, the person acting for him, is hereby delegated authority, with respect to the WHS and activities receiving administrative support from the WHS to:

(a) Exercise the power vested in the Secretary of Defense by 5 U.S.C. 302 and 5 U.S.C. 3101 pertaining to the employment, direction and general administration of civilian personnel.

(b) Fix rates of pay for wage rate employees exempt from the Classification Act by 5 U.S.C. 5102 on the basis of rates established under the Coordinated Federal Wage System. In fixing such rates, the Director, WHS, shall follow the wage schedule established by the DOD Wage Fixing Authority.

(c) Establish such advisory committees and employ such part-time advisers as approved by the Secretary of Defense pursuant to the provisions of 10 U.S.C. 173, 5 U.S.C. 3109(b), and the agreement between the DOD and the Civil Service Commission on employment of experts and consultants, dated March 14, 1975.

(d) Administer oaths of office incident to entrance into the Executive Branch of the Federal Government or any other oath required by law in connection with employment therein, in accordance with the provisions of 5 U.S.C. 2903(b).

(e) Establish an Incentive Awards Board and pay cash awards to and incur necessary expenses for the honorary recognition of civilian employees of the Government for suggestions, inventions, superior accomplishments, or other personal efforts, including special acts or services, in accordance with the provisions of 5 U.S.C. 4503 and applicable Civil Service Regulations.

(f) In accordance with the provisions of 5 U.S.C. 7532; Executive Order 10450; and 32 CFR Part 156:

(1) Designate positions as "sensitive";

(2) Authorize, in case of an emergency, the appointment to a sensitive position, for a limited period of time, of a person for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed; and

(3) Authorize the suspension, but not terminate the services of, an employee in the interest of national security.

(g) Clear civilian personnel and such other individuals as may be appropriate for access to classified Defense material and information in accordance with the provisions of DOD Directive 5210.8[1] and Executive Order 11652.

(h) Act as agent for the collection and payment of employment taxes imposed by Chapter 21 of the Internal Revenue Code of 1954, as amended; and as such agent, make all determinations and certifications required or provided for under section 3122 of the Internal Revenue Code of 1954, as amended, and section 205(p) (1) and (2) of the Social Security Act, as amended (42 U.S.C. 405(p) (1) and (2)).

(i) Authorize and approve overtime work for civilian officers and employees in accordance with the provisions of subchapter V, Chapter 55, Title 5, U.S. Code, and applicable Civil Service Regulations.

(j) Authorize and approve:

(1) Travel for civilian employees in accordance with the Joint Travel Regulations, Volume 2, Department of Defense Civilian Personnel.

(2) Temporary duty travel for military personnel in accordance with Joint Travel Regulations, Volume I for Members of the Uniformed Services.

(3) Invitational travel to persons serving without compensation whose consultative, advisory, or other highly specialized technical services are required, pursuant to the provisions of 5 U.S.C. 5703.

(k) Approve the expenditures of funds available for travel by military personnel for expenses incident to attendance at meetings of technical, scientific, professional or other similar organizations in such instances when the approval of the Secretary of Defense or his designee is required by law (37 U.S.C. 412, 5 U.S.C. 4110 and 4111).

(l) Develop, establish, and maintain an active and continuing Records Management Program, pursuant to the provisions of section 506(b) of the Federal Records Act of 1950 (44 U.S.C. 3102).

(m) Establish and use imprest funds for making small purchases of material and services, other than personal, when it is determined more advantageous and consistent with the best interest of the Government, in accordance with the provisions of DOD Directive 5100.71.[1]

(n) Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals consistent with 44 U.S.C. 3702.

(o) Establish and maintain appropriate property accounts, and appoint Boards of Survey, approve reports of survey, relieve personal liability, and drop accountability for property contained in the authorized Property Accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

(p) Promulgate the necessary security regulations for the protection of prop-

[1] Filed as part of original. Single copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120, Attention: Code 301.

erty and places under the jurisdiction of this Part, pursuant to subsection III.A. and V.B. of DOD Directive 5200.8.[1]

(q) Establish and maintain, for the Department of Defense, an appropriate publications system for the promulgation of regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DOD Directive 5025.1.[1]

(r) Enter into support and service agreements with the Military Departments, other DOD Components, or other Government agencies as required for the effective performance of assigned responsibilities and functions.

(s) Enter into and administer contracts, directly or through a Military Department, a DOD contract administration services component, or other Government department or agency, as appropriate, for supplies, equipment and services required to accomplish assigned responsibilities and functions. To the extent that any law or executive order specifically limits the exercise of such authority to persons at the Secretarial level of a Military Department, such authority will be exercised by the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics).

(t) Approve contractual instruments for commercial-type concessions at the Seat of Government, and maintain general supervision over commercial-type concessions operated by or through the Department of Defense at the Seat of Government, in accordance with the provisions of DOD Directive 5120.18.[1]

(u) Act as custodian of the seal of the Department of Defense and attest to the authenticity of official records of the Department of Defense under said seal (10 U.S.C. 132).

The Director, WHS, may redelegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation. These delegations of authority are effective immediately.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

OCTOBER 28, 1977.

[FR Doc.77-31692 Filed 11-1-77;8:45 am]

[6820-26]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

[FPMR Amdt. B-38]

PART 101-11—RECORDS MANAGEMENT

Transfer of Records to the National Archives

AGENCY: General Services Administration, National Archives and Records Service (NARS).

ACTION: Final rule.

SUMMARY: This rule updates and clarifies existing procedures for transferring the records of Federal agencies to the National Archives. In addition, the creation of Standard Form 258, Request to Transfer—Approval and Receipt of Records to National Archives of the United States, permits standardization of procedures for the direct transfer of records to the National Archives.

EFFECTIVE DATE: November 2, 1977.

FOR FURTHER INFORMATION CONTACT:

John M. Scroggins, Program Coordination Staff Director, Office of the National Archives, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, 202-523-3081.

The table of contents for Part 101-11 is amended by revising or adding the following entries:

Sec.

101-11.411-1	National Archives defined.
101-11.411-2	Authority.
101-11.411-3	Types of records to be transferred.
101-11.411-4	Audiovisual records.
101-11.411-5	Cartographic and architectural records.
101-11.411-6	Machine-readable records.
101-11.411-7	Transfer of records listed in records control schedules.
101-11.411-8	Transfer of unscheduled records.
101-11.411-9	Records subject to the Privacy Act of 1974.
101-11.411-10	Release of equipment.
101-11.411-11	Use of records transferred to the National Archives.
101-11.411-12	Disposal clearances.

Subpart 101-11.4—Disposition of Federal Records

Section 101-11.411 is revised as follows:

§ 101-11.411 Transfer of records to the National Archives.

§ 101-11.411-1 National Archives defined.

The Federal Records Management Amendments of 1976 (44 U.S.C. 2901 (11)) defines the term "National Archives of the United States" as those official records which have been determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the Federal Government and which have been accepted by the Administrator of General Services for deposit in his custody.

§ 101-11.411-2 Authority.

(a) *Transfer of records.* The Administrator is authorized by 44 U.S.C. 2103 to:

(1) Accept for deposit with the National Archives of the United States the records of a Federal agency or of the Congress determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the U.S. Government; and

(2) Direct and effect the transfer to the National Archives of the United States of Federal agency records that have been in existence for more than 50 years and that have been determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the U.S. Government, unless the head of the agency which has custody of the records certifies in writing to the Administrator that they must be retained in his custody for use in the conduct of the regular current business of the agency.

(b) *Custody of records transferred.* Under 44 U.S.C. 2104, the Administrator of General Services is responsible for the custody, use, and withdrawal of records transferred to him. When records, the use of which is subject to statutory limitations and restrictions, are so transferred, permissive and restrictive statutory provisions with respect to the examination and use of records applicable to the head of the agency from which the records were transferred or to employees of that agency are applicable to the Administrator, the Archivist of the United States, and the employees of the General Services Administration. When the head of an agency states in writing restrictions that appear to him to be necessary or desirable in the public interest on the use or examination of records being considered for transfer from his custody to the Administrator, the Administrator will impose the restrictions on the records so transferred. The Administrator will not remove or relax these restrictions without the concurrence in writing of the head of the agency from which the material was transferred or of his successor in function, if any. Heads of agencies must, however, justify and cite the statute or Freedom of Information Act exemption (5 U.S.C. 552(b)) that authorizes placing restrictions on the use or examination of records being considered for transfer. Statutory and other restrictions referred to in this section shall remain in force until the records have been in existence for 50 years unless the Administrator determines for specific bodies of records that the restrictions shall remain in force for a longer period. Restrictions on the use or examination of records deposited with the National Archives of the United States imposed by section 3 of the National Archives Act, approved June 19, 1934, shall continue in force regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Administrator with the concurrence in writing of the head of the agency from which material was transferred or of his successor in function, if any.

(c) *Delegation of authority.* The Administrator's authority as explained in paragraphs (a) and (b) of this section has been delegated to the Archivist of the United States.

[1] See footnote 1, p. 57313.

§ 101–11.411–3 Types of records to be transferred.

(a) *General.* Records that have been determined by the Archivist of the United States to have sufficient historical or other value to warrant preservation; i.e., appraised by NARS and identified as permanent records, are normally transferred to the National Archives of the United States when:

(1) They are 50 years old; or

(2) At any age when:

(i) The originating agency no longer needs to use the records for the purpose for which they were created or in its regular current business; or

(ii) Agency needs will be satisfied by use of the records in NARS research rooms or by copies of the records; and restrictions on the use of records are acceptable to NARS, do not absolutely preclude use of the records by the public, and do not violate the Freedom of Information Act (5 U.S.C. 552). Records appraised as permanent that are not yet eligible for transfer because of agency needs or restrictions may be stored in a Federal records center pending transfer. (See § 101–11.410.)

(b) *Archival depositories.* NARS reserves the right to determine and change the archival depository in which records transferred to the National Archives of the United States are stored. Such determinations are normally made as follows:

(1) *Presidential libraries.* Records appropriate for preservation in a Presidential library because they can most effectively be used in conjunction with materials already in that library.

(2) *Regional archives.* (i) Records of field offices of Federal agencies;

(ii) Records including both headquarters and field office records of regional agencies such as the Tennessee Valley Authority; and

(iii) Other records determined by NARS to be of primarily regional or local interest.

(3) *National Archives Building and other Washington, D.C. area depositories.* (i) Records of the District of Columbia Government;

(ii) Records of field offices of Federal agencies that relate primarily to activities within the Washington, D.C. area; and

(iii) All other records not deposited in a Presidential library or regional archives.

§ 101–11.411–4 Audiovisual records.

The following policies shall govern the transfer of audiovisual records to the National Archives:

(a) *Motion pictures.* The following copies shall be considered necessary for the preservation, duplication, and reference service of motion pictures:

(1) Agency-sponsored motion picture films for distribution (informational films):

(i) Original negative or color original plus separate optical sound track; and

(ii) Intermediate master positive or duplicate negative plus optical sound track; and

(iii) Sound projection print.

(2) Agency motion picture films made for internal use (program films):

(i) Original negative or color original plus sound, and

(ii) Projection print.

(3) Agency acquired motion picture films: Two projection prints.

(4) Unedited outtakes and trims (the discards of film productions) may be considered for deposit in the National Archives if they are properly arranged, labeled, and described and show unstaged, unrehearsed events of historical interest or historically significant phenomena. The following elements should be included:

(i) Original negative or color original; and

(ii) Work print.

(b) *Still pictures.* The following elements are necessary for the preservation, duplication, and reference service of each pictorial image:

(1) For black and white photographs, an original negative and a captioned print. If the original negative is nitrate or glass, a duplicate negative is also needed.

(2) For color photographs, the original color transparency or color negative, a captioned print, and an internegative if one exists.

(3) For slide sets, the original and a reference set, and the related audio recording and script if one exists.

(4) For other pictorial records such as posters, original artwork, and filmstrips, the original and a reference print.

(c) *Sound recordings.* The following types of audio documents are necessary for the preservation, duplication, and refence service of sound recordings:

(1) For conventional, mass-produced, or multiple-copy disc recordings, the master tape, the matrix or stamper of each sound recording, and a disc pressing of each recording.

(2) For magnetic sound recordings usually on audio tape (reel-to-reel, cassette, or cartridge), the original tape or the earliest generation of the recording available and a "dubbing" if one has been made.

(d) *Video recordings.* The original or the earliest generation of the video recording is necessary for the preservation, duplication, and reference service of this medium. A kinescope of the recording may be substituted.

(e) *Finding aids and production documentation.* The following records shall be transferred to the National Archives with the audiovisual records to which they pertain:

(1) Existing finding aids such as data sheets, shot lists, continuities, review sheets, catalogs, indexes, lists of captions, and other textual documentation that are necessary or helpful for the proper identification, retrieval, and use of the audiovisual records; and

(2) Production case files or similar files that include copies of production contracts, scripts, transcripts, and appropriate documentation bearing on the origin, acquisition, release, and ownership of the production.

§ 101–11.411–5 Cartographic and architectural records.

The following classes of cartographic and architectural records when they are no longer needed for purposes of current administration may be offered for appraisal and, if accepted, for direct transfer to the National Archives.

(a) *Maps and charts.* (1) Manuscript maps; printed and processed maps on which manuscript changes, additions, or annotations have been made for record purposes or which bear manuscript signatures to indicate official approval; and single printed or processed maps that have been attached to or interfiled with other documents of a record character or in any way made an integral part of a record.

(2) Master sets of printed or processed maps in the custody of the agency by which they were issued. Such master sets should be kept segregated from the stock of maps held for distribution and from maps received from other agencies. A master set should include one copy of each edition of a printed or processed map issued.

(3) Computer-related and computer-plotted maps that cannot be reproduced by the National Archives because of destruction of the magnetic tapes or other stored data or because of the unavailability of ADP equipment.

(4) Index maps, card indexes, lists, catalogs, or other finding aids that may be helpful in using the maps transferred.

(5) Records related to preparing, compiling, editing, or printing maps, such as manuscript field notebooks of surveys, triangulation and other geodetic computations, and project folders containing specifications to be followed and appraisals of source materials to be used.

(b) *Aerial photography and remote sensing imagery.* (1) Vertical and oblique negative aerial film, conventional aircraft.

(2) Annotated copy negatives, internegatives, rectified negatives, and glass plate negatives from vertical and oblique aerial film, conventional aircraft.

(3) Annotated prints from aerial film, conventional aircraft.

(4) Infrared, ultraviolet, multispectral (multiband), video, imagery radar, and related tapes, converted to a film base.

(5) Indexes and other finding aids in the form of photo mosaics, flight line indexes, coded grids, and coordinate grids.

(c) *Architectural and related engineering drawings.* (1) Design drawings, preliminary and presentation drawings, and models which document the evolution of the design of a building or structure.

(2) Master sets of drawings which document the condition of a building or structure in terms of its initial construction and subsequent alterations. This category includes final working drawings, "as-built" drawings, shop drawings, and repair and alteration drawings.

(3) Drawings of repetitive or standard details of one or more buildings or structures.

(4) "Measured" drawings of existing buildings and original or photocopies of drawings reviewed for approval.

(5) Related finding aids and specifications to be followed.

§ 101–11.411–6 Machine-readable records.

The following policies shall govern the transfer of machine-readable records to the National Archives:

(a) *Magnetic tape.* Computer magnetic tape is a fragile medium, highly susceptible to the generation of errors by improper care and handling. To ensure that permanently valuable information stored on magnetic tape is preserved, Federal agencies should schedule files for disposition as soon as possible after the tapes are written. When the National Archives and Records Service has determined that a file is worthy of preservation, the agency should transfer the file to the National Archives as soon as it becomes inactive or whenever the agency cannot provide proper care and handling of the tapes (see subpart 101–32.12) to guarantee the preservation of the information they contain. The tapes to be transferred to the National Archives shall be written at 1600 CPI in ASCII or EBCDIC, and the data shall be stripped of all extraneous control characters except record length indicators (variable length records). The tapes on which the data are recorded shall be new or recertified tapes (see subpart 101–32.12) which have been passed over a tape cleaner before writing and shall be rewound under controlled tension.

(b) *Other magnetic media.* When a machine-readable file that has been designated for preservation by the National Archives and Records Service is maintained on a direct access storage device, the file shall be written on new or recertified tape (see subpart 101–32.12) at 1600 CPI in ASCII or EBCDIC, the data shall be stripped of all extraneous control characters except record length (variable length records), and this tape copy shall be transferred to the National Archives.

(c) *Documentation.* Documentation adequate for servicing machine-readable records that have been designated for preservation by the National Archives and Records Service shall be transferred with them. This documentation shall include, but not necessarily be limited to, completed GSA Form 7036, Magnetic Tape Record Inventory, and GSA Form 7091, Data Archives Inventory, or their equivalents. Where it has been necessary to strip data of extraneous control characters (see paragraphs (a) and (b) of this section), the codebook specifications defining the data elements and their values must match the new format of the data. Guidelines for determining the adequacy of documentation may be obtained from the Office of the National Archives, National Archives and Records Service (mailing address: General Services Administration (NNR), Washington, D.C. 20408).

§ 101–11.411–7 Transfer of records listed in records control schedules.

This section applies to the transfer of records that have been appraised by NARS and that are listed as permanent in records control schedules approved since May 14, 1973.

(a) *From agency space.* Sixty days before the scheduled date of transfer to the National Archives, the transferring agency shall submit Standard Form 258, Request to Transfer—Approval and Receipt of Records to National Archives of the United States, to the General Services Administration (NN), Washington, D.C. 20408, or to the appropriate Regional Archives if so provided in the schedule. The remarks area of SF 258 shall include the appropriate records control schedule number or NARS appraisal job number and item number. NARS will review the SF 258 to determine whether specified restrictions are acceptable and whether adequate space and equipment are available, and will return the form to the agency with shipping or delivery instructions before the scheduled transfer date. Custody of the records passes to NARS when the records are received in a NARS depository.

(b) *From Federal records centers.* Federal records centers will initiate SF 258 and send it to the agency 90 days before the scheduled transfer date. The agency shall approve or disapprove the SF 258 and send it to the address indicated by the center 60 days before the transfer date. Custody of the records passes to NARS when the authorized agency and NARS representatives have signed the SF 258.

§ 101–11.411–8 Transfer of unscheduled records.

This section applies to the transfer of records that have not been appraised by NARS or that were listed as permanent or retained on records control schedules approved before May 14, 1973.

(a) *From agency space.* The transferring agency shall send SF 258 to the Records Disposition Division, General Services Administration (NCD), Washington, D.C. 20408, for appraisal. If the records are not appraised as permament, the Records Disposition Division will return the SF 258 to the agency with suggestions for disposition of the records. If the records are appraised as permament, the Office of the National Archives will return the SF 258 with a transfer date and shipping or delivery instructions. Custody of the records passes to NARS when the records are received in a NARS depository.

(b) *From Federal records center space.* Standard Form 258 may be initiated by either the agency or the Federal records center. If initiated by the agency, the agency shall submit SF 258, accompanied by SF 135, Record Transmittal and Receipt, to the Records Disposition Division; the review and notification procedures are the same as in paragraph (a) of this section. If initiated by the Federal records center, the center will attach the SF 135 before sending the SF 258 to the agency for review, approval, and submission to the Records Disposition Division. In either case, custody of the records passes to NARS after the records have been appraised and when a NARS representative signs the SF 258.

§ 101–11.411–9 Records subject to the Privacy Act of 1974.

Transfers of records constituting systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a) shall be accompanied by the most recent agency privacy notice covering the records.

§ 101–11.411–10 Release of equipment.

Equipment received with the transfer of records to the National Archives will, when emptied, normally be retained by NARS or disposed of in accordance with applicable excess property regulations, unless the transferring agency requests its return.

§ 101–11.411–11 Use of records transferred to the National Archives.

(a) In accordance with 44 U.S.C. 2104, restrictions lawfully imposed on the use of transferred records will be observed and enforced by NARS to the extent that they do not violate 5 U.S.C. 552. The regulations in this Part 101–11 and in Part 105–61 of this title, insofar as they relate to the use of records in the National Archives or in a Federal records center, apply to official use of the records by Federal agencies as well as to the public.

(b) In instances of demonstrated need, and subject to any restrictions on their use, records deposited in the National Archives or in a Regional Archives may be borrowed for official use outside the building in which they are housed by Federal agencies and the Congress, subject to the following conditions:

(1) Documents of high intrinsic value shall not be removed from the building in which they are housed except with the written approval of the Archivist;

(2) Records will not be loaned to enable agencies to answer routine reference inquiries from other agencies or the public;

(3) Records in fragile condition, or otherwise deteriorated to an extent that further handling will endanger them, will not be loaned;

(4) Each official who borrows records shall provide a receipt for them at the time they are delivered, and he shall assume responsibility for their prompt return upon the expiration of the time for which they are borrowed; and

(5) Each official who borrows computer magnetic tapes shall assume responsibility for proper care and handling of the tapes.

§ 101–11.411–12 Disposal clearances.

No records of a Federal agency still in existence will be disposed of by NARS except with the concurrence of the agency concerned or as authorized on Standard Form 258, Request to Transfer—Approval and Receipt of Records to National Archives of the United States.

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

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: October 19, 1977.

JAY SOLOMON,
Administrator of General Services.

[FR Doc.77-31703 Filed 11-1-77;8:45 am]

[4110-35]

Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

PART 19—LIMITATIONS ON PAYMENT OR REIMBURSEMENT FOR DRUGS

Transfer of Organization Responsibility

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rule.

SUMMARY: These amendments revise Department regulations on the administration of the program for establishing maximum allowable cost limitations on payment or reimbursement for drugs to reflect the transfer of the program to the Health Care Financing Administration. Responsibility for this program was transferred from the Office of the Assistant Secretary for Health under the Departmental Reorganization Order, effective March 9, 1977 (42 FR 13262).

EFFECTIVE DATE: November 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Vince Gardner, 202-673-5613.

SUPPLEMENTARY INFORMATION: The Departmental reorganization of March 9, 1977, necessitates certain conforming amendments to Part 19, Title 45, of the Code of Federal Regulations, which implements the Departmental program for establishing maximum allowable cost limitations on payment or reimbursement for drugs. Responsibility for this program has been transferred from the Office of the Assistant Secretary for Health to the newly established Health Care Financing Administration.

These amendments do not alter or affect the substance of the regulations, but rather involve only technical changes required by the reorganization. Consequently, the Secretary has determined that public participation in rulemaking prior to issuance of this amendment is unnecessary, and, accordingly, that good cause exists for making this regulation effective November 2, 1977.

45 CFR Part 19 is amended by revising § 19.4 to read as follows:

§ 19.4 Establishment of Pharmaceutical Reimbursement Board and Advisory Committee.

(a) *Pharmaceutical Reimbursement Board.* There is established in the Health Care Financing Administration a Pharmaceutical Reimbursement Board consisting of six full-time employees of the Department, representing the principal program areas involved in developing and implementing the cost determination. The Administrator of the Health Care Financing Administration shall be a member and shall serve as Chairperson of the Board.

(b) *Pharmaceutcial Reimbursement Advisory Committee.* There is established in the Health Care Financing Administration a Pharmaceutical Reimbursement Advisory Committee consisting of fifteen members not in the full-time employment of the United States. The members shall be selected for terms of two years, except that seven of the initial members shall serve for one year. The Secretary will select the members to provide as full a range as possible of knowledge, experience and judgment in the areas of pharmacy, pharmacology, medicine, pharmaceutical marketing, public health and consumer affairs. The Secretary shall designate one of the members as Chairperson. The Committee will:

(1) Advise the Board on the appropriateness of proposed MAC determinations submitted by the Board to the Committee; and

(2) Upon request, advise the Secretary and the Board concerning general policies and procedures of the Department in reimbursing or paying the cost of drugs used in Departmentally funded programs.

NOTE.—The Health Care Financing Administration has determined that this document does not require preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: October 27, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc.77-31762 Filed 11-1-77;8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amdt. No. 1 to Service Order No. 1273]

PART 1033—CAR SERVICE

Distribution of Freight Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Amendment No. 1 to Service Order No. 1273).

SUMMARY: Service Order No. 1273 authorizes the Chicago Rock Island and Pacific to substitute two smaller 40-ft. plain boxcars for each 50-ft. or larger boxcar ordered. The Rock Island has surplus 40-ft. boxcars stored while at the same time it is encountering shortages of 50-ft and larger plain boxcars.

DATES: Effective 11:59 p.m., October 31, 1977. Expires 11:59 p.m., December 15, 1977.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone 202-275-7840. Telex 89-2742.

SUPPLEMENTARY INFORMATION: The order is printed in full below:

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of October, 1977.

Upon further consideration of Service Order No. 1273 (42 FR 46055), and good cause appearing therefor:

It is ordered, That:

(a) *Distribution of freight cars* be, and it is hereby amended by substituting the following paragraph (1) for paragraph (1) thereof:

§ 1033.1273 Car Service Order No. 1273.

* * * * *

(1) Expiration date: The provisions of this order shall expire at 11:59 p.m., December 15, 1977, unless otherwise modified, changed, or suspended by order of the Commission.

Effective date: This amendment shall become effective at 11:59 p.m., October 31, 1977.

(49 U.S.C. 1 (12), (15), (16), and 17(2).)

It is further ordered, That a copy of this amendment 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 notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

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

[FR Doc.77-31758 Filed 11-1-77;8:45 am]

[7035-01]

[Amdt. No. 2 to Service Order No. 1262]

PART 1033—CAR SERVICE

North Stratford Railroad Corporation Authorized To Operate Over Certain Tracks Owned by the State of New Hampshire

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 2 to Service Order No. 1262).

SUMMARY: Service Order No. 1262 authorizes the North Stratford Railroad

Corporation to operate a line of railroad between North Stratford, New Hampshire, and Beecher Falls, Vermont, owned by the State of New Hampshire. Resumption of operation over this line restores rail service to shippers affected by its abandonment by the Maine Central, its former owner. Amendment No. 1 to Service Order No. 1262 extends for six months the emergency authority granted to the North Stratford Railroad for operation of this line.

DATES: Effective 11:59 p.m., October 31, 1977. Expires 11:59 p.m., April 30, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone 202–275–7840. Telex 89–2742.

SUPPLEMENTARY INFORMATION: This order is printed in full below:

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of October, 1977.

Upon further consideration of Service Order No. 1262 (42 F.R. 16780 and 43637), and good cause appearing therefor:

It is ordered That:

(a) *North Stratford Railroad Corporation Authorized to Operate Over Certain Tracks Owned by the State of New Hampshire* be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

§ 1033.1262 Service Order No. 1262.

* * * * *

(f) Expiration date: The provisions of this order shall expire at 11:59 p.m., April 30, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., October 31, 1977.

(49 U.S.C. 1(12), (15), (16) and 17(2).)

It is further ordered, That a copy of this amendment 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 notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77–31759 Filed 11–1–77;8:45 am]

proposed rules

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1030]

MILK IN THE CHICAGO REGIONAL MARKETING AREA

Proposed Temporary Revision of Shipping Percentage

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Temporary revision of rules.

SUMMARY: This notice invites written comments on a proposal to temporarily revise the shipping requirement for supply plants and the diversion limitation during November 1977 for the Chicago Regional milk marketing order. Seven cooperative associations indicate supply-demand conditions in the market may cause uneconomic shipments of milk unless the supply plant shipping requirement and the diversion limit are relaxed for November 1977.

DATE: Comments are due on or before November 7, 1977.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-6273.

SUPPLEMENTAL INFORMATION: Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the provisions of § 1030.7(b)(5) of the order, the temporary revision of certain provisions of the order regulating the handling of milk in the Chicago Regional marketing area is being considered for the month of November 1977.

All persons who desire to submit written data, views, or arguments in connection with the proposed revision should file the same in quadruplicate with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250, not later than November 7, 1977. The period for filing views is being limited to the above-mentioned date to enable the timely consideration of this matter since the proposed action would be applicable to milk shipments made during November. Further, the proposed change provides some relaxation of pooling standards and thus will not require extensive preparation or substantial alteration in method of operation for handlers.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be revised are (1) the supply plant shipping percentage of 35 percent set forth in § 1030.7(b) that is applicable during the month of November, and (2) in § 1030.13(d)(3), the limit of 65 percent on the proportion of a handler's supply of producer milk that may be diverted to nonpool plants during the month of November.

Pursuant to the provisions of § 1030.7(b)(5) the supply plant shipping percentages set forth in § 1030.7(b) and diversion limitations as set forth in § 1030.13(d)(3) shall be increased or decreased by up to 10 percentage points during the months of August-March, if necessary to obtain needed shipments or to prevent uneconomic shipments.

Associated Milk Producers, Inc., and six other cooperative associations with member producers supplying the Chicago Regional market, request that during November 1977 the supply plant shipping percentage and the diversion limits be relaxed 5 percentage points. These cooperatives estimate that only 32 percent of the milk receipts at their pool supply plants will be needed by their distributing plant customers during November 1977.

Investigation of the supply and demand conditions in the market reveals that a majority of producer associations and several proprietary handlers in the market contend that relaxation of the supply plant shipping percentage and the diversion limit will be needed in November to prevent uneconomic shipments.

To fulfill their fluid milk requirements, distributing plants obtain a major portion of their milk supplies from supply plants, since about 80 percent of the market's milk supply is assembled at supply plants. In September 1977 the Class I utilization percentage was 34 percent. Milk production in the market reaches its seasonally lowest point in October. Many supply plant operators are finding it necessary to count on shipments to other order distributing plants to meet the 35 percent shipping requirement this October.

Milk production can be expected to increase in November. Also, the opportunity to make out-of-area qualifying shipments can be expected to decline. Thus the 35 percent shipping requirement for November may need to be reduced to prevent uneconomic shipments being made solely for the purpose of qualifying milk supplies for pooling status.

A reduction in the required shipments of supply plant milk during November would allow greater flexibility in obtaining milk among supply plants in the market and may prevent uneconomic movements of milk merely for purposes of pool plant status. Moreover, a corresponding increase in the proportion of a handler's supply of producer milk that may be diverted to nonpool manufacturing plants may prevent uneconomic movements of milk through pool supply plants merely for the purpose of qualifying it for producer milk status under the order.

Therefore, it may be appropriate to reduce the aforementioned pool supply plant shipping percentage and increase the aforementioned diversion limit for November 1977 to prevent uneconomic shipments.

Signed at Washington, D.C., on October 27, 1977.

P. W. HALNON,
Acting Director, Dairy Division.

[FR Doc.77-31694 Filed 11-1-77;8:45 am]

[3410-05]

Commodity Credit Corporation

[7 CFR Part 1464]

TOBACCO LOAN PROGRAM

1977 Cigar Tobacco Grade Loan Rates [1]

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would establish the grade loan rates to be applied to the various grades of 1977 crop cigar tobacco to provide price support as required by the Agricultural Act of 1949, as amended. This action will provide producers with appropriate levels of support for the various grades of tobacco.

DATES: Comments must be received by November 22, 1977, to be sure of consideration.

ADDRESSES: Send comments to the Director, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Robert P. Hieronymus, 202-447-5753.

[1] Worksheets for the 1977 loan rates for each type of tobacco covered in the document were filed as a part of the orginal document.

SUPPLEMENTARY INFORMATION: Section 106 of the Agricultural Act of 1949 as amended, requires that the 1977 crop of cigar tobacco, types 42–44, and types 53–55 be supported at the level of 58.6 cents per pound, types 51–52 at the level of 81.2 cents per pound and type 46 at the level of 60.9 cents per pound. It is anticipated that price support will be provided through loans to producer associations which will receive the tobacco from the producers and advance to the producers the support price for the tobacco received. In accordance with Section 403 of the Act, the price support advances will be based on grade loan rates which will average the required level of support when weighted by the anticipated grade percentages.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, during regular business hours (8:15 a.m. to 4:45 p.m.).

PROPOSED RULE

Under the Tobacco Loan Program published in this Part, CCC proposes to establish loan rates by grades for 1977 crop Ohio filler tobacco, types 42–44; Connecticut Valley broadleaf tobacco, type 51; Connecticut Valley Havana seed tobacco, type 52; New York and Pennsylvania Havana seed tobacco, type 53; Southern Wisconsin tobacco, type 54; Northern Wisconsin tobacco, type 55; and Puerto Rican tobacco, type 46, as set forth herein. These proposed rates are calculated to provide the level of support of 81.2 cents per pound for types 51–52, 60.9 cents per pound for type 46 and 58.6 cents per pound for types 42–44, 53–55, as determined under Section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445). Accordingly, it is proposed that 7 CFR 1464.22–1464.27 be revised to read as follows:

§ 1464.22 1977 Crop—Ohio Filler Tobacco, Types 42–44, Loan Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade:	Loan rate
Crop run (stripped together):	
X1	62.5
X2	57.5
X3	52.5
X4	47.5
Nondescript: N	39.0

§ 1464.23 1977 Crop—Connecticut Valley Broadleaf Tobacco, Type 51 Loan Schedule.[2]

[Dollars per hundred pounds, farm sales weight]

Grade:	Loan rate
Binders:	
B1	105
B2	95
B3	85
B4	75
B5	65
Nonbinders: X1	51

§ 1464.24 1977 Crop—Connecticut Valley Havana Seed Tobacco, Type 52, Loan Schedule.[2]

[Dollars per hundred pounds, farm sales weight]

Grade:	Loan rate
Binders:	
B1	101
B2	93
B3	84
B4	74
B5	65
Nonbinders: X1	51

§ 1464.25 1977 Crop—New York and Pennsylvania Havana Seed Tobacco, Type 53, and Southern Wisconsin Tobacco, Type 54, Loan Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade:	Loan rate
Crop-run:	
X1	65
X2	59
X3	52
Farm fillers:	
Y1	46
Y2	44
Y3	41
Nondescript:	
N1	39
N2	32

§ 1464.26 1977 Crop—Northern Wisin Tobacco, Type 55, Loan Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade:	Loan rate
Binders:	
B1	79.0
B1	79.0
B2	75.0
B3	69.5
Strippers:	
C1	66.0
C2	60.0
C3	55.5
Crop-run:	
X1	65.0
X2	59.0
X3	55.0
Farm fillers:	
Y1	44.0
Y2	42.0
Y3	39.0
Nondescript:	
N1	38.0
N2	32.0

[1] Tobacco is eligible for loan only if consigned by the original producer. No loan is authorized for tobacco graded "S" (scrap) or designated "No-G" (no grade). The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against overhead and receiving costs.

[2] Tobacco is eligible for loan only if consigned by the original producer. No loan is authorized for tobacco graded "N1" or "N2" (nondescript) or "S" (scrap) or designated "No-G" (no grade). The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against overhead and receiving costs.

NOTE.—The Commodity Credit Corporation has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A–107.

§ 1464.27 1977 Crop—Puerto Rican Tobacco, Type 46, Loan Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade:	Loan rate
Price block I (C1F and C1P)	66
Price block II (X1F, X1P, and X1S)	61
Price block III (X2T, X2F, X2P, and X2S)	51
Price block IV (N)	26

Signed at Washington, D.C., on October 27, 1977.

RAY FITZGERALD,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.77–31693 Filed 11–1–77;8:45 am]

[6740–20]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[10 CFR Parts 210, 211, 212]

[Docket No. EA 78–1]

HEARING AND PUBLIC COMMENT ON MOTOR GASOLINE DECONTROL AND TRANSITION REGULATION

Hearing and Opportunity for Public Comment on Proposals by the Secretary of the Department of Energy To Exempt Motor Gasoline From Price and Allocation Regulations and Special Rule No. 4, an Interim Transitional Program for Gasoline Marketers

OCTOBER 28, 1977.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Solicitation of Public Comment and Notice of Public Hearing.

SUMMARY: The Federal Energy Regulatory Commission (The Commission) invites public comment on proposed amendments to exempt motor gasoline from mandatory petroleum allocation and price regulations. It also seeks comments on a transitional assignment program for motor gasoline. This program is designed to assure marketers of gasoline a source of supply for one year after controls on the price and allocation of gasoline are ended. These amendments were initially proposed by the Federal Energy Administration on August 9, 1977, and were transmitted to the Commission by the Secretary of the Department of Energy.

Recommendations of the Commission regarding the proposals will be published after all comments and statements are considered.

DATES: Comments: by December 5, 1977. Public Hearing: November 29, 1977. Date for requests to participate in public hearing: By November 22, 1977.

ADDRESSES:

PUBLIC HEARING

Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, Washington, D.C. 20426.

COMMENTS

Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426.

REQUESTS TO SPEAK

Robert L. Baum, Deputy General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Robert L. Baum, Deputy General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426.

SUPPLEMENTARY INFORMATION: On October 1, 1977 the Department of Energy Organization Act, Pub. L. 95-91, (the DOE Act) became effective. That act established a Department of Energy within the Executive Branch. In addition to transferring the functions of the Administrator of the Federal Energy Administration to the Secretary of the Department of Energy, the DOE Act created within the Department, an independent collegial body, viz, the Federal Energy Regulatory Commission (the Commission).

Included in the authority vested in the Commission by the DOE Act is the jurisdiction, in section 402(c)(1), to consider certain proposals by the Secretary to amend the regulation prescribed under section 4(a) of the Emergency Petroleum Allocation Act of 1973. This regulation provides for controlling the price and allocation of crude oil and petroleum products. Amendments which would exempt petroleum products from this regulation are required to be transmitted to and reviewed by each House of Congress.

In addition, Section 404(a) of the DOE Act provides that when the Secretary of Energy proposes to prescribe certain other rules, he shall notify the Commission. If in its discretion, the Commission determines the proposed action may significantly affect any function within its jurisdiction, the matter shall be referred to the Commission for its consideration.

On August 9, 1977, the Federal Energy Administration proposed two regulations which are set forth below for public comment. The first would exempt motor gasoline from the mandatory petroleum price and allocation regulations referred to above. The second regulations, entitled "Special Rule No. 4" sets forth a transitional motor gasoline assignment program. This program, which would remain in effect for a year after the exemption of gasoline becomes effective, is intended to insure that marketers of gasoline will have adequate time to arrange for a new supplier if controls are removed.

By letter dated October 19, 1977 the Secretary of the Department of Energy transmitted both of these proposals to the Commission. The Commission will consider the proposed exemption of motor gasoline in accordance with section 402 (c)(1) of the DOE Act. With respect to Special Rule No. 4, the Secretary has asked the Commission to determine whether or not the proposal significantly affects functions within its jurisdiction. In a Commission meeting on October 27, 1977, the Commission considered the matter.

The abrupt termination of supplier/purchaser relationships resulting from the exemption might cause disruption to marketers of gasoline. Special Rule No. 4 is intended to be a safeguard against potential supply dislocations. The rule seeks to insure that no gasoline marketer will lose its supply source following the removal of controls without adequate time to arrange for a new supplier during the transition period. Accordingly, the Commission determined that Special Rule No. 4 does significantly affect a function within its jurisdiction. The Secretary has been so notified.

Pursuant to section 404(b) of the DOE Act, after receiving public comment on the proposals, the Commission will consult with the Secretary, and then publish its recommendations. The recommendations shall be accompanied by a statement of the reasons for the recommendations, and an analysis of the major comments, criticisms and alternatives received during the comment period. The Commission may concur in the adoption of the proposed rules, recommend changes, or recommend that the rule not be adopted. Subsequent to the publication of the Commission's recommendations the Secretary will take action in accordance with section 404(c). That action constitutes final agency action for purposes of judicial review.

The Federal Energy Administration received comments and held public hearings on both of these proposals. Based on FEA's analysis as well as public comments and statements regarding these proposals, the FEA has prepared a document entitled "Findings and Views Concerning the Exemption of Motor Gasoline from the Mandatory Petroleum Allocation and Price Regulations." It should be noted that this document is referred to in the proposal as "Preliminary Findings", but was revised by FEA subsequent to its original proposal, and has not previously been made available to the public. This document and the preamble to the proposals of the Secretary, republished in this notice, constitute a statement of the research, analysis and available information concerning the proposals and their probable effect.

Interested persons may obtain copies of the "Findings and Views Concerning the Exemption of Motor Gasoline from the Mandatory Petroleum Allocation and Price Regulations" by writing the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426. Copies will also be available at the Commission's Office of Public Information. Interested persons are invited to submit written comments, data, views or arguments with respect to the proposals as well as the "Findings and Views Concerning the Exemption of Motor Gasoline from the Mandatory Petroleum Allocation and Price Regulations." An original and 14 copies should be filed with the Secretary of the Commission. All comments received prior to December 6, 1977 will be considered by the Commission prior to the publication of the Commission's recommendations.

It should be noted that all written comments and statements provided to FEA during its proceedings on this matter, including transcripts of the Regional and national hearings have been forwarded to the Commission and will be part of the record of this proceeding. All additional written submissions will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Pubic Information, Washington, D.C., during regular business hours.

Although all comments will be considered, the Commission's deliberations will be materially aided if interested persons who have previously participated in the proceedings before the FEA, confine their presentations to responding to comments filed by interested parties or by commenting on differences between the "Findings and Views Concerning the Exemption of Motor Gasoline from the Mandatory Petroleum Allocation and Price Regulations" and the "Preliminary Findings." In addition, it should be noted that because of previous proceedings before FEA, no provision is being made for reply briefs or comments. Comments should be submitted to the Federal Energy Regulatory Commission, 825 N. Capitol Street, Washington, D.C. 20426, and should reference Docket No. EA 78-1.

Any information or data submitted pursuant to the above procedures and considered by the person furnishing it to be confidential must be so identified and submitted in one copy only. The Commission reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

A public hearing will be held in Washington, D.C. on November 29, 1977, beginning at 9:30 a.m. and will be continued if necesary on subsequent days. Any person interested in this proceeding (or representing a group or class of persons interested in this proceeding) may make a presentation at such hearing provided a written request to participate is received by the Presiding Officer prior to 4:30 p.m., November 22, 1977. Because the record of the Regional hearings held by FEA will be part of this proceeding the Commission has determined that additional Regional hearings are unnecessary.

Requests to appear at the hearing should include a reference to Docket No. EA 78-1, as well as a concise summary of the proposed oral presentation. Prior to the hearing each person filing a request to be heard will be contacted by the Presiding Officer or his designee for scheduling purposes. At least five copies

of the statement shall be submitted to the Presiding Officer prior to 4:30 p.m., November 28, 1977. The Presiding Officer is authorized to limit oral presentations at the public hearing both as to length and as to substance. The hearing panel will consist of the Presiding Officer, Robert L. Baum, Deputy General Counsel, Federal Energy Regulatory Commission, and designated individuals from the Office of Special Assistants and the Office of Policy Analysis. The hearing will not be a judicial or evidentiary-type hearing. There will be no cross-examination of persons presenting statements. However, the panel may question such persons and any interested person may submit questions to the Presiding Officer to be asked of persons making statements. The Presiding Officer will determine whether the question is relevant and whether the time limitations permit it to be presented. If time permits, at the conclusion of the initial oral statements, persons who have made oral statements will be given the opportunity to make a rebuttal statement. Any further procedural rules will be announced by the Presiding Officer at the heading. A transcript of the hearing will be made and will be available at the Commission's Office of Public Information.

The proposals set forth below are the same as those proposed by the Federal Energy Administration on August 9, 1977. The Secretary transmitted these proposals to the Commission on October 29, 1977. Minor changes to conform to the procedures in the DOE Act have been made, and the provisions describing FEA procedures for public comment and hearings have been deleted. However, it should be understood that under the DOE Act functions of the FEA with respect to these proposals are now vested in the Secretary. The procedures under the DOE Act for review by the Commission necessarily make most of the dates in the August 9 proposal unrealistic. The earliest date that the regulations could be effective would be the first day following the expiration of the period for Congressional review. Accordingly, that date should now be considered to be the proposed effective date of the exemption. Similarly, with respect to Special Rule No. 4 the one year transitional program would begin on that date.

Following are the proposed amendments to 10 CFR Part 210, 211, and 212 previously published in the FEDERAL REGISTER on August 12, 1977 (40915) and transmitted to the Federal Energy Regulatory Commission by the Secretary of the Department of Energy.

SUPPLEMENTARY INFORMATION:

I. INTRODUCTION

Following a preliminary analysis of the impact of regulation of motor gasoline pursuant to the Emergency Petroleum Allocation Act of 1973 (EPAA), as amended Pub. L. 93–159, FEA has tentatively concluded that this product should be exempted from the Mandatory Petroleum Allocation and Price Regulations. Therefore, by this notice of proposed rulemaking, FEA is proposing two amendments to be submitted as energy actions to the Congress in accordance with the provisions of section 12 of the EPAA, section 551 of the Energy Policy and Conservation Act, Pub. L. 93–163 (EPCA), and section 102 of the Energy Conservation and Production Act, Pub. L. 94–385 (ECPA), to exempt motor gasoline, effective November 1, 1977, from the application of the Mandatory Petroleum Allocation and Price Regulations (10 CFR Parts 210, 211, and 212), thereby converting the EPAA to standby authority with respect to the pricing and allocation of motor gasoline. These proposed amendments are issued concurrently with FEA's Preliminary Findings.[1]

In addition to requesting comments on the proposed exemption of motor gasoline, FEA also requests public comment with respect to the Preliminary Findings and the proposed motor gasoline transitional assignment program. If, after all comments received during the public comment period are fully considered, FEA concludes that its preliminary findings and views are correct, two energy actions to exempt motor gasoline from regulation will be submitted to the Congress. The transitional assignment program wil become effective upon the effectiveness of the proposal to exempt motor gasoline from allocation controls.

II. BACKGROUND

On January 19, 1977, following a notice of proposed rulemaking (41 FR 51832, November 24, 1976) and public hearings, FEA issued two amendments exempting motor gasoline from 10 CFR Parts 210, 211 and 212, the General Allocation and Price Rules and the Mandatory Petroleum Allocation and Price Regulations (42 FR 4416 and 42 FR 4419, January 25, 1977). These amendments were transmitted to the Congress as Energy Actions Nos. 8 and 9 on January 19, 1977, in accordance with the procedures set forth in section 551 of the EPCA.

At the time the amendments were issued, FEA provided therein that the amendments would take effect March 1, 1977, unless disapproved by either House of Congress or, because of the pending change of Administration, withdrawn by the President prior to Congressional approval or disapproval during the 15-day period provided for Congressional review by the EPCA. Notice was thereby given that the FEA rulemaking proceeding to exempt motor gasoline from its regulations was continued for the purpose of permitting a subsequent withdrawal of the energy actions and recision of the amendments in the event that the new Administration determined that further consideration would be necessary.

[1] As set forth above, the revised version of this document is available to the public and may be obtained from the Federal Energy Regulatory Commission.

Prior to the end of the 15-day Congressional review period, the President determined that the motor gasoline exemption amendments required further consideration and, on January 24, 1977, FEA issued a notice rescinding the January 19 amendments (42 FR 3036, January 27, 1977) and thereby withdrew Energy Actions Nos. 8 and 9 from Congressional review.

In the President's April 29, 1977 National Energy Plan, the Administration expressed its intention to examine the motor gasoline supply and demand situation with the view toward decontrolling motor gasoline at the end of the peak driving season this fall:

> Gasoline allocation and price controls are another major area of unsettled oil policy. Gasoline prices have never reached their allowable controlled ceilings, and marketers have contended for some time that deregulation of gasoline would increase competition by allowing them to shop among suppliers. There is little question that gasoline allocation and price controls have distorted what at times has been a competitive market.
>
> * * * [T]he Administration currently hopes to eliminate gasoline price controls and allocation regulations at the end of the peak driving season this coming fall. Gasoline prices and market competition will be closely monitored between now and then to assure this policy is apropriate. If gasoline were to be decontrolled, controls could be reimposed if prices rose above a predetermined level. This standby authority would permit the elimination of controls while protecing consumers. (*The National Energy Plan*, p. 59)

In accordance with the National Energy Plan, FEA has continued its examination of the impact of regulation of motor gasoline and, as discussed in more detail below, has tentatively concluded that, following the peak driving season this summer, continuation of the motor gasoline regulations will not be necessary to achieve the objectives of the EPAA.

III. EXEMPTION PROCEDURE

Section 455 of the EPCA has provided more flexibility to exempt a product category or categories from FEA price and allocation regulations than was the case under the EPAA prior to enactment of the EPCA. For example, pursuant to EPCA section 455 a product category or product categories may be exempted from FEA regulations in the same proceeding, and an exemption is no longer limited to 90 days in length as was previously required. FEA may propose to exempt an oil or refined product category from the regulations prescribed under section 4(a) of the EPAA if it determines that the exemption is consistent with the attainment of the public policy objectives specified in section 4(b)(1) of the EPAA. Those objectives are as follows:

> (A) Protection of public health (including the production of pharmaceuticals), safety and welfare (including maintenance of residential heating, such as individual homes, apartments and similar occupied dwelling units), and the national defense;
>
> (B) Maintenance of all public services (including facilities and services provided by

municipally, cooperatively, or investor owned utilities or by any State or local government or authority, and including transportation facilities and services which serve the public at large);

(C) Maintenance of agricultural operations, including farming, ranching, dairy, and fishing activities, and services directly related thereto;

(D) Preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, small refiners, nonbranded independent marketers, and branded independent marketers;

(E) The allocation of suitable types, grades, and quality of crude oil to refineries in the United States to permit such refineries to operate at full capacity;

(F) Equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, small refiners, nonbranded independent marketers, branded independent marketers, and among all users;

(G) Allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of, exploration for, and production or extraction of—

(ii) Minerals essential to the requirements of the United States, and for required transportation related thereto;

(H) Economic efficiency; and

(I) Minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms.

Pursuant to EPAA section 12, an amendment exempting crude oil, residual fuel oil, or a refined petroleum product with respect to a class of persons or transactions with respect to any market level, must be submitted to the Congress as an energy action before it takes effect. The exemption will become effective if the amendment is not disapproved by either House of Congress within 15 days following its submission for Congressional review under section 551 of the EPCA.

Section 12 of the EPAA further provides that any amendment submitted to Congress which proposes to exempt crude oil (if permissible under and consistent with the requirements and limitations of section 8 of the EPAA), residual fuel oil, or any refined petroleum product from FEA allocation regulations must be accompanied by a finding that the oil or product is no longer in short supply and that the exemption would not have an adverse impact on the supply of any other oil or product. A proposed exemption from FEA price regulations must be accompanied by findings that competition and market forces would provide adequate protection for the consumer, and that such amendment would not result in inequitable prices for any class of user. An exemption amendment submitted to the Congress must also be accompanied by an FEA analysis of the potential economic impact of such amendment by an FEA analysis of the potential economic impact of such amendment.

Any oil or refined petroleum product which is exempted from the FEA regulation under section 4(a) of the EPAA is subject to the reimposition of price and allocation controls if FEA determines that reimposition is necessary for and consistent with the objectives specified in EPAA section 4(b)(1). Pursuant to section 12(f) of the EPAA, subsequent reexemption of that oil or refined petroleum product would not be subject to Congressional review.

In addition, section 102 of the ECPA, enacted on August 14, 1976, prohibits FEA from submitting to the Congress as one energy action an amendment proposing exemption of any oil, refined petroleum product or refined product category from both the allocation and pricing regulations. However, FEA may concurrently submit to the Congress an energy action relating to price together with an energy action relating to allocation of the same oil, refined petroleum product, or refined product category.

IV. Proposed Exemption

As section 12(c)(2) of the EPAA requires that an exemption amendment apply to only one refined petroleum product or one refined product category, and specifies that motor gasoline constitutes a single product category, FEA proposes the exemption from FEA price and allocation regulations of motor gasoline as a single product category in this notice of proposed rulemaking. FEA is proposing the exemption of motor gasoline from both the Mandatory Petroleum Allocation Regulations and the Mandatory Petroleum Price Regulations because recent surplus supplies and market conditions appear to justify an end to both types of controls. Upon conclusion of this rulemaking, FEA will determine whether an exemption of motor gasoline from either of or both the allocation and price regulations should be adopted. If FEA determines that motor gasoline should be exempt from such regulations, FEA will submit the appropriate exemption amendments to the Congress for review of FEA's findings and views supporting such exemption. If, as stated above, FEA ultimately concludes that motor gasoline should be exempted from the Mandatory Petroleum Price Regulations, further conforming amendments to FEA price regulations, beyond the simple exemption proposed herein, may be necessary to adequately effectuate the exemption of motor gasoline pursuant to this proceeding.

For purposes of this proposed exemption, motor gasoline, as defined in FEA allocation regulations (10 CFR 211.51), "means a mixture of volatile hydrocarbons, suitable for operation of an internal combustion engine, whose major components are hydrocarbons with boiling points ranging from 140° to 390° F and whose source is distillation of petroleum and cracking, polymerization, and other chemical reactions by which the naturally occurring petroleum hydrocarbons are converted to those that have superior fuel properties." Motor gasoline does not, however, include aviation gasoline. Gasoline as defined in the pricing regulations (10 CFR 212.31) to mean "all of the various grades, other than aviation gasoline, of refined petroleum naphtha which, by its composition, is suitable for use as a carburant in internal combustion engines" would also be included in the exemption.

FEA has tentatively concluded in its Preliminary Findings on the basis of currently available data that this exemption would be consistent with and in furtherance of the attainment of the objectives set forth in section 4(b)(1) of the EPAA, as amended by section 451 of the EPCA.

As noted in the Preliminary Findings, FEA's demand forecasts were derived from FEA's short-term model which uses macroeconomic forecasts by Data Resources, Incorporated (DRI). The current petroleum product demand estimates are consistent with Counsel of Economic Advisors—FEA economic targets and are based on a DRI Trendlong 0377 macroeconomic simulation of these targets. Furthermore, FEA conducted a refiner survey to determine industry estimates of supply and demand and sets forth the results in the Preliminary Findings.

FEA's preliminary conclusions, are that, as long as supplies are adequate, the continuation of allocation and price controls for motor gasoline is not necessary to protest the public health, safety and welfare (section 4(b)(1)(A); the maintenance of all public services (section 4(b)(1)(B)); the maintenance of agricultural operations (section 4(b)(1)(C)); or the maintenance of exploration for and production or extraction of fuels and minerals (section 4(b)(1)(G)). Adequate supply and the positive effects of increased competition would also insure that the proposed exemption is consistent with the preservation of an economically sound and competitive petroleum industry (section 4(b)(1)(D); the equitable distribution of crude oil, residual fuel oil and refined petroleum products (section 4(b)(1)(F)); economic efficiency (section 4(b)(1)(H)); and minimization of economic distortions, inflexibility, and interference with market mechanisms (section 4(b)(1)(I)). The proposed exemption should have no adverse effect on the allocation of suitable crude oil to domestic refineries (section 4(b)(1)(E)). FEA emphasizes that these conclusions are preliminary and invites specific data, views and arguments with respect to the relationship between the objectives of the EPAA and the exemption contemplated by this proposal. Any further information received with respect to the compatibility of the exemption proposed herein with these objectives will be considered by FEA in formulating its final conclusions.

Tentative conclusions as set forth in the Preliminary Findings include:

(1) Motor gasoline is not now in short supply, and anticipated supplies of motor gasoline will be sufficient to meet the demand through 1979.

(2) Exemption of motor gasoline from the Mandatory Petroleum Allocation and Price Regulations would not have an adverse impact on the supply of any other oil or refined product subject to the EPAA.

(3) Competition and market forces are adequate to protect consumers if motor gasoline is exempted from regulation.

(4) Such an exemption from regulation will not result in inequitable prices for any class of user of motor gasoline fuel or other products.

In connection with tentative conclusion (3) set forth above, it should be noted that FEA projects that during the period of adequate supplies, non-cost-justified price increases will not occur solely as a result of motor gasoline decontrol.

The Preliminary Findings also indicate FEA's tentative views concerning the potential economic impacts of exempting motor gasoline from the Mandatory Petroleum Allocation and Price Regulations. As long as supplies remain adequate, it is not anticipated that there will be any adverse state or regional impacts resulting from the proposed exemption. As noted in the Prelinimary Findings, the price regulations afford refiners regional pricing flexibility of up to three cents a gallon and removal of controls should not result in disparate price increases for any region.

In addition, in a period of adequate supplies, FEA anticipates no adverse economic impacts on the availability of consumer goods or services, the Gross National Product, small business or the supply and availability of energy resources as fuel or feedstock for industry. FEA believes that the proposed exemption may have a positive effect on competition. The proposed exemption is likewise expected not to cause an adverse effect on employment or consumer prices. FEA's analysis preliminarily concludes that, since supplies should remain adequate, there will be no effect of the proposed exemption on the rate of unemployment in the United States, on the Consumer Price Index or on the implicit price deflator for the Gross National Product.

As stated in the National Energy Plan, if in a decontrolled setting prices were to rise above a predetermined level, controls could be reimposed. FEA intends to closely monitor motor gasoline prices at both the retail and refiner level and is particularly concerned as to the effects on prices if a shortage were to develop. FEA is requesting comments as to whether a price monitoring system such as that adopted with respect to middle distillates might be appropriate to disclose unwarranted price increases following decontrol of motor gasoline, and also the most effective manner in which such a system may be implemented. FEA will separately request written comments and hold public hearings with respect to the specific features of a price monitoring system.

V. Proposed Transitional Assignment Program

FEA is hereby proposing Special Rule No. 4 to Subpart A of the Mandatory Petroleum Allocation Regulations (10 CFR Part 211), which would establish an assignment program for motor gasoline to protect marketers as to their ability to obtain supplies during the transitional year following removal of controls. Special Rule No. 4, as proposed herein, is derived substantially from the Special Rule No. 4 contained in the motor gasoline exemption amendments issued January 19, 1977.

While FEA does not expect supply dislocations to occur as a result of motor gasoline decontrol, Special Rule No. 4, which is proposed to be effective following the exemption of motor gasoline, is designed as a safeguard against the same type of potential supply dislocations which prompted the adoption of Special Rule No. 3 to Subpart A of 10 CFR Part 211, following the exemption of middle distillates. FEA seeks to insure that no marketer of gasoline will lose its supply source without adequate time to arrange for a new supplier during the transitional period following the removal of controls. The proposal permits marketers who have made diligent unsuccessful efforts to obtain supplies of motor gasoline to be assigned as much as their previously authorized base period use.

Under proposed Special Rule No. 4, to terminate motor gasoline supplier/wholesale purchaser relationships prior to the end of the transitional year, all suppliers would be required to provide at least ninety days notice to any wholesale purchaser (commencing no earlier than the effective date of the final amendment) before terminating the supply relationship with that purchaser. Any such termination could be effective only at the beginning of a month. If the purchaser would be unable, after a diligent effort, to obtain a supply of motor gasoline equal to its base period use, it could apply at least thirty days prior to the date on which the termination is to become effective to the FEA Regional Office for the region where it is located, to continue its supplier/purchaser relationship with its base period supplier for three additional months. The wholesale purchaser could reapply to the FEA Regional Office for two additional continuation orders for three month periods if it were to remain unable after diligent efforts to find alternative sources of supply. A purchaser which chose not to receive product from its base period supplier during any three month period, however, would be assumed to have an alternative source of supply and not be eligible to apply for a further transition assignment as to the volume of product not lifted, unless such failure to lift was due to factors beyond the control of the purchaser and FEA determines that the purchaser's inability to obtain that volume would impose an undue hardship on that purchaser,. The notification and transitional assignment periods would provide a maximum of four three month periods of assured supply. In any event, no assignment under the proposed Special Rule No. 4 would extend beyond one year from the effective date of the exemption.

Special Rule No. 4 would also provide that if FEA fails to act on an application for continuation of a supplier/purchaser relationship that was filed in a timely fashion, that is, at least thirty days prior to the date on which a termination following ninety days' notice was to take effect or a prior continuation order was to expire, the supplier/purchaser relationship would not end but would automatically continue for an additional month pending FEA action on the application. Moreover, if a late-filed application is not acted on by FEA by the termination date, Special Rule No. 4 would authorize FEA to issue a temporary continuation order for one month pending final action on the application if the applicant would show good cause for the late filing.

Inasmuch as prices will no longer be subject to controls during this period, if the exemption with regard to price is not disapproved, proposed Special Rule No. 4 would also prevent circumvention of the transitional assignment procedures set forth above by requiring that prices charged to wholesale purchasers, including marketers, receiving product under Special Rule No. 4 shall be nondiscriminatory. Suppliers would have to make gasoline available to purchasers which are assigned to them pursuant to Special Rule No. 4 on the same terms and conditions under which they would make gasoline available to other purchasers in the same class. In other words, suppliers could not discriminate against purchasers solely because they are assigned purchasers. The same definition of "discrimination" would apply for purposes of the Special Rule as currently is used in 10 CFR 210.62(b).

In the event Special Rule No. 4 is adopted, FEA intends to issue guidelines to provide both FEA and the public greater guidance on the operation of the provisions of the Rule. These guidelines would explain in greater detail such matters as what efforts FEA would deem to constitute a "diligent unsuccessful effort to locate an alternate source of supply" and how the non-discrimination requirements would apply in particular situations.

In the context of assuring supplies for marketers during the transitional period, FEA requests comments whether a special motor gasoline state set-aside, operated by state energy offices, would be necessary in addition to the proposed transitional assignment program.

VI. Effective Date

FEA is proposing to have motor gasoline decontrol become effective on November 1, 1977 or on the first day following the expiration of the Congressional review period, whichever is later. If a longer lead time is believed to be necessary to allow gasoline marketers and purchasers to plan to operate in an unregulated market, comments should be submitted regarding the appropriate time period to delay the effective date of decontrol.

The inflationary impact of this proposal has been considered by the FEA,

consistent with Executive Order 11821, issued November 27, 1974, and OMB Circular A-107. FEA has determined that this document contains a major proposal requiring preparation of an Inflationary Impact Statement, the requirement for which is satisfied by the issuance of the Preliminary Findings.

A copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had the following comments:

EPA has reviewed the FEA report entitled "Preliminary Findings and Views Concerning the Exemption of Motor Gasoline from the Mandatory Petroleum Allocation and Price regulations." We concur with the central finding of the report that neither current nor currently-anticipated supply and demand conditions for gasoline warrant the continuation of price and allocation controls. We agree with FEA that no shortage of gasoline is likely to occur in 1979.

We are concerned, however, that the proposal deals only with the pricing of gasoline in general. We wish to emphasize that EPA is continually concerned over the spread between the prices of the regular and unleaded grades of gasoline. This spread encourages the use of regular gasoline in cars equipped with catalytic converters, thereby resulting in increased emissions and endangering the nation's multi-billion dollar investment in automobile pollution controls. We would like to see an analysis of potential impact of decontrol on the relative prices of unleaded and leaded grades. Moreover, EPA strongly urges that provisions be made for the reimposition of price controls should the price spread between these two grades increase significantly.

Finally, we question page 137 [page 135 of the final version of the Preliminary Findings] of the FEA report which states that the gasoline supply problem in 1979 depends on refiners' abilities to meet octane needs 'without the use of TEL.' Even without EPA waivers, refiners may use 0.8 grams of TEL per gallon until October 1, 1979, and 0.5 grams per gallon thereafter. Therefore, if FEA's analysis assumed *no* use of TEL, the results are not relevant.

Any information or data submitted pursuant to the above procedures and considered by the person furnishing it to be confidential must be so identified and submitted in one copy only.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, it is proposed to amend Parts 210, 211 and 212 of Chapter II, Title 10 of the Code of Federal Regulations, as set forth below.

PART 210—GENERAL ALLOCATION AND PRICE RULES

1. Section 210.35 as amended by adding paragraphs (h)(1) and (h)(2) to read as follows:

§ 210.35 Exempted products.

* * * * *

(h)(1) Motor gasoline as defined in § 211.51 of this chapter is exempt from the provisions of Part 211 of this chapter (except as set forth in Special Rule No. 4 to Subpart A of Part 211 of this chapter).

(2) Gasoline is defined in § 212.31 of this chapter is exempt from the provisions of Part 212 of this chapter.

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

2. Section 211.1 is amended in paragraph (b) by adding new subparagraph (10) to read as follows:

§ 211.1 Scope.

* * * * *

(b) *Exclusions.* * * *

(10) Notwithstanding the other provisions of this part, including Subpart F of this part, motor gasoline is excluded from this part (except as set forth in Special Rule No. 4 to Subpart A of this Part 211).

* * * * *

3. The Appendix to Subpart A of Part 211 is amended by the addition of a Special Rule No. 4 to read as follows:

SPECIAL RULE NO. 4

1. *Scope.* Notwithstanding the exemption of motor gasoline from the Mandatory Petroleum Allocation Regulations, this Special Rule provides for the establishment of a transitional assignment program for motor gasoline for the months ---------- 1977 through ---------- 1978.

2. *Transitional assignment program.* Notwithstanding any contrary provisions of Parts 205 and 211 of this chapter, assignments of base period suppliers and base period use for wholesale purchasers of motor gasoline shall be made in accordance with the provisions of this Special Rule.

(a) No supplier/wholesale purchaser relationship in effect under § 211.9 of this part as of ———, 1977, may be terminated before ———, 1978 by a supplier except upon written notice to the wholesale purchaser given at least ninety (90) days prior to the date on which the supplier intends to terminate the supply relationship. A termination under this paragraph (a) may only be effective at the end of the period corresponding to a base period coinciding with or following the expiration of the ninety (90) day notice period. Any such ninety (90) day period may not begin prior to ———, 1977.

(b) Any wholesale purchaser which has received a notice from its supplier under paragraph (a) above shall make a diligent effort to locate an alternate source of supply. If its effort is unsuccessful it may apply to the appropriate FEA Regional Office for a continuation of its current supplier/purchaser relationship, but any such application shall be made at least thirty (30) days prior to the date on which the termination under paragraph (a) is to become effective. The applicant shall certify to the FEA that it has made a diligent unsuccessful effort to locate an alternate source of supply and shall set forth in its application (i) the name and address of its base period supplier; (ii) its base period use with that supplier for each period corresponding to a base period; and (iii) the names and addresses of other suppliers contacted with respect to the applicant's efforts to locate an alternate source of supply, the volumes requested from each such other supplier, and the dates of those contacts. The applicant shall send a copy of its application to its base period supplier.

(c) If FEA determines that an applicant has made a diligent unsuccessful effort to locate an alternate source of supply, FEA shall order a continuation of the applicant's existing supplier/purchaser relationship for a period of three consecutive periods corresponding to a base period. While a continuation order is in effect, the wholesale purchaser shall again make a diligent effort to locate an alternate source of supply. If the wholesale purchaser is again unsuccessful, it may again apply for a continuation in accordance with paragraph (b) above.

(d) If FEA fails to take action on a timely filed application under paragraph (b) or (c) prior to the date upon which the termination of the supplier/purchaser relationship which is the subject of the application is to become effective, the supplier/purchaser relationship shall be automatically extended for a period of one (1) month pending FEA action on the application. If FEA fails to take action on a late filed application under paragraph (b) or (c) prior to the date upon which the termination of the supplier/purchaser relationship which is the subject of the application is to become effective, FEA may issue a temporary continuation order for a period of one (1) month pending FEA action on the application upon a showing by the applicant of good cause for the late filing.

(e) FEA may issue with respect to any supplier/purchaser relationship no more than three (3) continuation orders. In no event may the provisions of a continuation order be effective beyond ———, 1978.

(f) The failure of any wholesale purchaser to purchase its full allocation entitlement from its base period supplier without the written consent of that supplier in any three (3) month period shall disqualify any such purchaser from being eligible for issuance of a further continuation order covering volumes in excess of the percentage of the allocation entitlement lifted in the previous three (3) month period, unless such failure to purchase is due to factors beyond the control of that wholesale purchaser and FEA determines that such disqualification would impose an undue hardship on that wholesale purchaser.

3. *Non-discrimination requirement.* To prohibit any form of discrimination (including price discrimination) which has the effect of circumventing, frustrating, or impairing the objectives, purposes and intent of this Special Rule, the requirements of paragraph (b) of § 210.62 of this chapter shall continue to apply to suppliers which are subject to a continuation order under the transitional assignment program of this Special Rule, and to all suppliers which are still supplying purchasers because they have failed to give notice of intent to terminate supplies or such termination has not yet become effective.

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

4. Section 212.31 is amended in the definition of "covered products" to read as follows:

§ 212.31 Definitions.

* * * * *

"Covered products" means aviation fuel (kerosene-type) aviation gasoline, butane, crude oil, natural gas liquids, natural gasoline, and propane. A blend of

two or more particular covered products is considered to be that particular covered product constituting the major proportion of the blend.

* * * * *

The Secretary shall cause prompt publication of this Notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-31717 Filed 10-28-77;3:27 pm]

[6740-20]

Office of the Secretary

[10 CFR Parts 210, 211, 212]

[Docket No. EA 78-1]

HEARING AND PUBLIC COMMENT ON MOTOR GASOLINE DECONTROL AND TRANSITION REGULATION

CROSS REFERENCE: For a document inviting public comment to, and announcing a public hearing to be held by, the Federal Energy Regulatory Commission on amendments proposed by the Secretary, Department of Energy, to 10 CFR Parts 210, 211, and 212, see FR Doc. 77-31717, which appears under the Federal Energy Regulatory Commission in the Proposed Rules section of this issue. (The page number for this document is listed in the table of contents at the front of this issue under "Federal Energy Regulatory Commission".)

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Part 250]

[EDR-334A; Docket 29139; Dated: October 27, 1977]

PRIORITY RULES, DENIED BOARDING COMPENSATION TARIFFS, AND REPORTS OF UNACCOMMODATED PASSENGERS

Reexamination of the Board's Policies Concerning Deliberate Overbooking and Oversales; Supplemental Notice of Proposed Rulemaking

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: This notice extends for 15 days the filing date for comments in a rulemaking proceeding examining overbooking and oversales. The extension was requested by the International Air Transport Association (IATA).

DATES: Comments by November 22, 1977.

ADDRESSES: Interested persons may file comments in this rulemaking by submitting 20 copies of written data, views, or arguments addressed to Docket 29139, Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so by submitting comments in letter form to the same address, without having to file additional copies. Docket comments may be examined at the Docket Section, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Robert Kneisley, Office of the General Counsel, Civil Aeronautics Board, 202-673-5442.

SUPPLEMENTARY INFORMATION: By Notice of Proposed Rulemaking EDR-334,[1] the Board set November 7, 1977, as the filing date for comments on proposed amendments to Part 250 of its regulations (14 CFR Part 250) concerning deliberate overbooking and oversales. By telex dated October 26, 1977, counsel for IATA has requested an extension of 30 days for the filing of comments in response to EDR-334. In support, counsel states that 18 IATA members carriers are currently[2] meeting to discuss EDR-334, and that further time is necessary for preparation and coordination of the IATA comments. Counsel further states that late receipt of EDR-334 in foreign carriers' offices has left foreign carriers with an unusually short period in which to comment on the proposed rules and alternative reservations procedures.

Upon consideration of the foregoing, there appears to be good cause for extending the comment period. However, granting the requested 30-day extension would appear to conflict with the desire of the Board, expressed in several public meetings, for expeditious action in this proceeding. Moreover, there is no indication in IATA's request that a shorter extension—i.e. 15 days—would not enable IATA to file its comments in a timely manner. Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR § 385.20(d)), the undersigned extends the time for filing comments in Docket 29139 to November 22, 1977. However, it is anticipated that any request for a further extension would not be granted.

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

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

[FR Doc.77-31768 Filed 11-1-77;8:45 am]

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[1] 42 FR 48577, September 23, 1977.

[2] Although the telex stated that the Geneva meeting date of the IATA carriers was November 25 and 26, IATA counsel has by telephone communication on October 27 informed the undersigned that the correct meeting date is October 25 and 26, 1977.

[6320-01]

[14 CFR Part 296]

[EDR-338; Docket 31272; Dated: October 27, 1977]

CLASSIFICATION AND EXEMPTION OF AIR FREIGHT FORWARDERS, INTERNATIONAL AIR FREIGHT FORWARDERS, AND COOPERATIVE SHIPPERS ASSOCIATIONS

Operation of Cooperative Shippers Associations in Overseas and Foreign Air Transportation

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites comment on a proposal to amend the Board's regulations to allow cooperative shippers associations to operate in overseas and foreign air transportation. This action is taken in response to a petition for rulemaking filed by Jet Age Shippers Association, Inc., a registered cooperative shippers association.

DATES: Comments by December 2, 1977.

ADDRESSES: Interested persons may participate in this proceeding by submitting 20 copies of written data, views, or arguments addressed to Docket 31272, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All comments received by the above date will be considered by the Board before taking further action. Individual members of the general public who wish to express their interest may do so by submitting comments in letter form, in the manner and by the date indicated above, without the necessity of filing additional copies. Comments may be examined at the Docket Section, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Stephen Babcock, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 202-673-5442.

SUPPLEMENTARY INFORMATION: A cooperative shippers association is an indirect air carrier which operates on a nonprofit basis, consolidating the individual shipments of its members to obtain volume discounts from the direct air carriers.

Section 296.1(c)(1) of the Board's Economic Regulations (14 CFR 296.1(c)(1)) restricts the operation of cooperative associations to interstate air transportation only. Jet Age Shippers Association, Inc. (Jet), a registered cooperative shippers association, filed a Petition for Rulemaking, dated August 12, 1977, to amend these regulations so that cooperatives may also operate in territorial and international markets. Answers in support of the petition have been filed by Trans International Airlines and World Airways, jointly, and by the West-

ern Electronics Manufacturers Association (WEMA). No answers have been filed in opposition. Informal correspondence supporting the petition has been received from the American Institute for Shippers' Associations, Inc. (AISA).[1]

Upon consideration of this matter, we have decided to institute a rulemaking proceeding to consider the amendments to our rules sought by Jet. The Board first authorized cooperative shippers associations in the "Airfreight Forwarder Investigation," 21 CAB 536, 550–54 (1955). International issues were not considered, however, and the investigation was limited to the role of indirect air carriers in domestic air transportation. Three years later, in the "International Airfreight Forwarder Investigation," the Board rejected a proposal to authorize international cooperative shippers associations (27 CAB 658, 719–20 (1958)), on the ground that there was no evidence of any need for international operations by cooperative shippers associations.

Air freight forwarders and cooperative shippers associations perform similar services in the air freight industry, and we thus see no reason why cooperative associations and forwarders should not have the same opportunity to operate in all markets used by the shipping public, whether international or domestic. In some markets, the formation of a cooperative may be the only means available for small shippers to obtain less expensive rates for consolidated shipments.[2] Several prospective cooperatives, as well as existing cooperatives, have now expressed an interest in entering international markets,[3] but have been inhibited by the Board's regulations. There no longer appears to be any purpose in preventing the expansion of existing cooperatives, or the formation of new cooperatives, to serve these markets for their members.

Under § 296.43 of our regulations (14 CFR 296.43), any contract or agreement between an international air freight forwarder and a foreign agent, about those matters set forth in section 412 of the Act, must be filed with the Board. These subjects include agreements between air carriers for pooling or apportioning earnings, traffic, service, or equipment, or relating to the establishment of rates, charges, or classifications. We propose to extend the application of this principle to cooperative shippers associations, so that agreements between associations operating in foreign air transportation and their foreign agents on any matters covered under section 412 of the Act, will also have to be filed with the Board for approval. We specifically invite comment on whether this rule should apply to cooperatives.

The Board proposes to amend Part 296 of its Economic Regulations as follows:

1. Amend the Table of Contents by adding to Subpart D, a new § 296.32, identified as follows:

Subpart D—Limitations and Conditions on Exemptions: Cooperative Shippers Associations

* * * * *

§ 296.32 Filing of agreements with foreign agents required.

2. Revise paragraph (c)(1) of § 296.1 to read as follows:

§ 296.1 Definitions.

* * * * *

(c) * * *

(1) Which engages in interstate, overseas, or foreign air transportation, and

* * * * *

3. Add a new § 296.32, to read as follows:

§ 296.32 Filing of agreements with foreign agents required.

Any contract or agreement between a coperative shippers association and a foreign agent of such association encompassing matters set forth in section 412 of the Act shall be filed with the Board in accordance with the requirements of Part 261 of this subchapter. Agreements so filed shall be subject to approval or disapproval by the Board in accordance with the provisions of section 412 of the Act.

(Secs. 101(3), 204(a), 412, and 416(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 770, and 771 (49 U.S.C. 1301(3), 1324(a), 1382, 1386(a)))

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-31767 Filed 11-1-77;8:45 am]

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[1] In this letter, AISA requested an extension of the time period for the filing of answers to present evidence on behalf of the petition. Since AISA will have an opportunity to submit its evidence during the comment period of this notice, an extension of the answer time period would only unnecessarily delay action on this petition. AISA's request is therefore denied.

[2] *See*, "Application of Hawaii Air Cargo Shippers Association, Inc., D. 27204, Order 75-8-59 (Waiver granted to cooperative to operate between Guam and Hawaii).

[3] *See*, "Application of Air Freight Shippers Association of California, Inc.," D. 30618; Answer of WEMA in this proceeding, p. 1.

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 201]

[Docket No. R-77-478]

PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Definition of Date of Default

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: This amendment would define the term "date of default" to mean the "due date of the earliest unpaid installment payment" arising in connection with a property improvement or mobile home loan obligation.

COMMENT DUE DATE: December 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Christopher LaMartina, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-8686.

SUPPLEMENTARY INFORMATION: Inquiries received from new lenders show there is a need for guidance with regard to the meaning of the term "date of default" as used in these regulations. The proposed definition is in accord with the policy that has existed since the inception of the Title I program, and it is the definition generally accepted in the consumer credit industry. This definition does nothing to change existing policy, but gives new or inexperienced lenders a basis for determining when default occurs.

Interested persons are invited to submit written comments, suggestions, or data regarding the proposed regulations to the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. Communications should have reference to the above docket number and title. All relevant material received on or before December 2, 1977, will be considered before adoption of a final rule. A copy of each communication submitted will be available for public inspection during business hours at the above address.

Accordingly, 24 CFR Part 201 is proposed to be amended to read as follows:

1. In § 201.1 a new paragraph (q) is added to read as follows:

§ 201.1 Definitions.

* * * * *

(q) "Date of default" means the due date of the earliest unpaid installment.

2. In § 201.501 a new paragraph (o) is added to read as follows:

§ 201.501 Definitions.

* * * * *

(o) "Date of default" means the due date of the earliest unpaid installment.

* * * * *

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246 (12 U.S.C. 1703), as amended.)

NOTE.—It is hereby certified that the economic and inflationary impact of these amendments has been carefully evaluated in accordance with OMB Circular A-107.

PAUL WILLIAMS,
Acting Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc.77-31739 Filed 11-1-77;8:45 am]

[8320–01]

VETERANS ADMINISTRATION

[38 CFR Parts 2, 21]

EDUCATION BENEFITS

Conflicts of Interest

AGENCY: Veterans Administration.

ACTION: Proposed rule.

SUMMARY: This amendment is intended to make clear that the Administrator is delegating to the Director, Education, and Rehabilitation Service, the power to make determinations of conflict of interest as to employees of the Veterans Administration and of the State approving agencies, but that authority to make such determinations as to officers of such groups is not delegated. This will make less confusing the rules being used. This amendment is also intended to make clear the extent of the delegation of authority by the Administrator as to determinations involving conflict of interest and the criteria to be applied in making such determinations. The Veterans Administration also makes editorial changes which reflect the agency's policy of using precise terms for gender in its regulations.

DATES: Comments must be received on or before December 2, 1977. It is proposed to make this amendment effective the date of final approval.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until December 12, 1977.

FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer, Assistant Director for Policy and Program Administration, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420, 202–389–2092.

SUPPLEMENTARY INFORMATION: Section 21.4001(c)(1) is amended to make clear that the intent of this general delegation of authority is a restricted one. The limitations placed upon the scope of the delegation are specifically set forth in § 21.4005(c).

It is not the intent of the existing paragraph to permit the Director, Education and Rehabilitation Service, to waive compliance requirements of § 21.4005(a), insofar as the provisions relate to officers (as opposed to employees) of either the Veterans Administration or the State approving agencies. That is not the intent of these regulations and clarifying amendments are also made to draw the distinction more clearly in the provisions of § 21.4005 (b) and (c).

Section 21.4005(b) is restructured to permit the division of the paragraph into two parts. The first part is intended to state the criteria for waiver when the person involved is a Veterans Administration employee and the second part (which is substantially new) is intended to state the criteria for waiver when the person involved is an employee of a State approving agency.

Section 21.4005(c) is amended to make clear that in the case of a person who is not merely an employee of the Veterans Administration or the State approving agency, but who is an officer of either may only obtain the waiver from the Administrator. If the person is an employee of either such group and does not meet the respective criteria for waiver set forth in § 21.4005(b) (1) or (2), only the Administrator may waive.

In addition § 2.80 is revised in order to repeat the delegation of authority stated in § 21.4001(c)(1).

ADDITIONAL COMMENT INFORMATION

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), until December 12, 1977. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

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: October 27, 1977.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

1. In Part 2, § 2.80 is revised to read as follows:

§ 2.80 Director, Education and Rehabilitation Service is delegated authority to waive penalties for conflicting interests as provided by § 21.4005 of this chapter.

This delegation of authority is identical to § 21.4001(c)(1) of this chapter.

2. In Part 21, § 21.4001(c)(1) is revised to read as follows:

§ 21.4001 Delegations of authority.

* * * * *

(c) Authority is delegated to the Director, Education and Rehabilitation Service, to exercise the functions required of the Administrator for: (1) Waiver of penalties for conflicting interests as provided by § 21.4005;

* * * * *

3. In § 21.4005, paragraphs (a)(1) and (2), (b), (c) and (e) are revised and paragraph (f) is added so that the revised and added material reads as follows:

§ 21.4005 Conflicting interests.

(a) *General.* (1) Every officer or employee of the Veterans Administration who has, while such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, any school operated for profit in which a veteran or eligible person was pursuing a course of education under 38 U.S.C. chs. 32, 34, 35, or 36 will be immediately dismissed from his or her office or employment.

(2) If the Administrator finds that any person who is an officer or employee of a State approving agency has, while he or she was such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, a school operated for profit in which a veteran or eligible person was pursuing a course of education or training under chapters 32, 34, 35, or 36, payments under § 21.4153 to such State approving agency will be discontinued unless such agency takes, without delay, such steps as may be necessary to terminate the employment of such person and payments will not be resumed while such person is an officer or employee of the State approving agency, or State Department of Veterans' Affairs or State Department of Education.

* * * * *

(b) *Waiver.* (1) Where a request is made for waiver of application of paragraph (a)(1) of this section, it will be considered that no detriment will result to the United States or to veterans or eligible persons by reason of such interest or connection of such officer or employee of the Veterans Administration, if the officer or employee:

(i) Acquired his or her interest in the school by operation of law, or before the statute became applicable to the officer or employee, and his or her interest has been disposed of and his or her connection discontinued, or

(ii) Meets all of the following conditions:

(*a*) His or her position involves no policy determinations, at any administrative level, having to do with matters pertaining to payment of educational assistance allowance, or special training allowance.

(*b*) His or her position has no relationship with the processing of any veteran's or eligible person's application for education or training.

(*c*) His or her position precludes him or her from taking any adjudicative action on individual applications for education or training.

(*d*) His or her position does not require him or her to perform duties involved in the investigation of irregular actions on the part of schools or veterans or eligible persons in connection with 38 U.S.C. chs. 32, 34, 35 ,or 36.

(e) His or her position is not connected with the processing of claims by, or payments to, schools, or students enrolled therein under the provisions of 38 U.S.C. chs. 32, 34, 35, or 36.

(f) His or her work is not connected in any way with the inspection, approval, or supervision of schools desiring to train veterans or eligible persons.

(2) Where a request is made for waiver of application of paragraph (a)(2) of this section, it will be considered that no detriment will result to the United States or to veterans or eligible persons by reason of such interest or connection of such officer or employee of a State approving agency, if the officer or employee:

(i) Acquired his or her interest in the school by operating of law, or before the statute became applicable to the officer or employee, and his or her interest has been disposed of and his or her connection discontinued, or

(ii) Meets all of the following conditions:

(a) His or her position does not require him or her to perform duties involved in the investigation of irregular actions on the part of schools or veterans or eligible persons in connection with 38 U.S.C. chs. 32, 34, 35, or 36.

(b) His or her work is not connected in any way with the inspection, approval, or supervision of schools desiring to train veterans or eligible persons.

(c) *Authority.* (1) Authority is delegated to the Director, Education and Rehabilitation Service, and to the field station head in cases of Veterans Administration employees under his or her jurisdiction, to waive the application of paragraph (a)(1) of this section in the case of any Veterans Administration employee who meets the criteria of paragraph (b)(1) of this section and to deny requests for waiver which do not meet such criteria. If the circumstances warrant, the request may be submitted to the Administrator for decision.

(2) Authority is delegated to the Director, Education and Rehabilitation Service, in cases of State approving agency employees to waive the application of paragraph (a)(2) of this section in the case of any such person who meets the criteria of paragraph (b)(2) of this section and to deny requests for waiver which do not meet such criteria. If the circumstances warrant, the request may be submitted to the Administrator for decision.

(3) Authority is reserved to the Administrator to waive the requirement of paragraph (a)(1) and (2) of this section in the case of an officer of the Veterans Administration or a State approving agency and in the case of any employee of either who does not meet the criteria of paragraph (b) of this section.

* * * * *

(e) *Notice to veterans and eligible persons.* The veteran or eligible person will be notified in writing sent to his or her latest address of record when:

(1) The course or courses are disapproved by the State approving agency, or

(2) The State approving agency fails to disapprove the course or courses within 15 days after the date of written notice to the agency, and no waiver has been requested, or

(3) Waiver has been denied.

The veteran or eligible person will be informed that he or she may apply for enrollment in an approved course in another school, but that in the absence of such transfer, educational assistance allowance payments will be discontinued effective the date of discontinuance of the course, or the 30th day following the date of such letter, whichever is earlier.

(f) *Definition of "officer."* For the purposes of this section a person will be considered to be an "officer" of the State approving agency or the Veterans Administration, when he or she has authority to exercise supervisory authority.

[FR Doc.77-31740 Filed 11-1-77;8:45 am]

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Determination of Critical Habitat for the Woundfin

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service issues this proposed rulemaking which would determine the Critical Habitat of the Endangered woundfin (*Plagopterus argentissimus*). This action is being taken because of the threatened modification of its remaining habitat. Destruction of habitat in the past has been and is presently a major factor which jeopardizes the continued existence of this species. The area proposed is in the Virgin River system in Nevada, Arizona, and Utah. This proposal would provide for Federal protection of the only remaining habitat of the woundfin.

DATES: Comments from the public must be received by January 3, 1978. Comments from the Governors of States involved with this action must be received by February 1, 1978.

ADDRESSES: Submit comments to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Comments and materials received will be available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 1100, 1612 K Street, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director—Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-4646.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Historically, the woundfin was known from much of the Colorado River system downstream from the Grand Canyon in northern Arizona. It inhabits silty streams with moderate to swift current. The woundfin has been extirpated throughout most of its native range, and is now known only from the Virgin River system in southern Nevada, northwestern Arizona and southwestern Utah.

The survival and recovery of this species depends upon the maintenance of suitable, undisturbed habitat in the Virgin River system. The Service recognizes that areas containing such streams may qualify for recognition as Critical Habitat as referred to in Section 7 of the Endangered Species Act of 1973. A notice of intent to determine Critical Habitat for the woundfin was published by the Service in the FEDERAL REGISTER of May 16, 1975 (40 FR 21499-21500). The Albuquerque Regional Office (Region 2) of the Fish and Wildlife Service forwarded the Recovery Team report recommending that the Virgin River be designated as Critical Habitat for the woundfin. Additional Service contract reports from the Denver Regional Office (Region 6) also support the proposed Critical Habitat.

After evaluating this recommendation and supporting data, a decision was made to proceed with the proposed rulemaking. The areas delineated below are inhabited by a woundfin and contain the species' only known habitat and breeding sites. If more populations are discovered in the future, additional areas may be proposed for Critical Habitat designation.

EFFECT OF THE RULEMAKING

The effects of this determination are involved primarily with Section 7 of the Act, which states:

> The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed purusant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

An interpretation of the term Critical Habitat was published by the Fish and Wildlife Service and the National Marine Fisheries Service in the FEDERAL REGISTER of April 22, 1975 (40 FR 17764-17765).

Some of the major points of that interpretation are: (1) Critical Habitat could be the entire habitat of a species, or any portion thereof, if any constituent element is necessary to the normal needs of survival of that species; (2) actions by a Federal agency affecting Critical Habitat of a species would not conform with Section 7 if such actions might be expected to result in a reduction in the numbers or distribution of that species of sufficient magnitude to place the species in further jeopardy, or restrict the potential and reasonable recovery of that species; and (3) there may be many kinds of actions which can be carried out within the Critical Habitat of a species which would not be expected to adversely affect that species. In addition, it should be noted that the prohibitions of Section 7 apply only to Federal agencies.

A Critical Habitat designation is based solely on biological factors and serves only to officially notify Federal agencies that their responsibilities under Section 7 of the Act are applicable in a certain area. The impact of specific Federal actions on listed species should be dealt with after Critical Habitat has been designated, as they are not relevant to the biological basis of Critical Habitat determination. The Service, in cooperation with other Federal agencies, has drafted guidelines which establish a consultation and assistance process for evaluating the possible effects of actions on the Critical Habitat of listed species involved. Proposed regulations for Interagency Cooperation were published on January 26, 1977, in the FEDERAL REGISTER (42 FR 4868–4875) which will assist Federal agencies in complying with Section 7 of the Act when published in final form.

PUBLIC COMMENTS SOLICITED

The Director intends that the rules finally adopted be as accurate as possible in delineating the Critical Habitat of the woundfin. The Director, therefore, desires to obtain the comments and suggestions of the public, other concerned governmental agencies, the scientific community, or any other interested party on these proposed rules.

Final promulgation of Critical Habitat regulations will take into consideration the comments received by the Director. Such comments and any additional information received may lead the Director to adopt final regulations that differ from this proposal.

An environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1612 K Street, NW., Washington, D.C. 20240, and may be examined during regular business hours or may be obtained by mail. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this document is Dr. James D. Williams, Office of Endangered Species, Washington, D.C. 20240, 202–343–7814.

REGULATION PROMULGATION

Accordingly, the Service proposes to amend § 17.95(e) by adding Critical Habitat of the woundfin after that of the slender chub as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(e) *Fishes.*

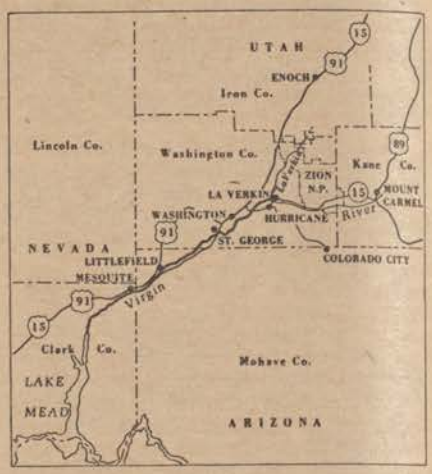
* * * * *

WOUNDFIN (*Plagopterus argentissimus*)

Nevada. Clark County. Main channel of Virgin River from the backwaters of Lake Mead upstream to the Nevada-Arizona State line.

Arizona. Mohave County. Main channel of Virgin River from the Nevada-Arizona State line to the Arizona-Utah State line.

Utah. Washington County. Main channel of Virgin River from the Arizona-Utah State line upstream to Utah Highway 15 crossing north of Hurricane, Utah. La Verkin Creek from its junction with the Virgin River upstream through Section 31, Township 40 South, Range 12 West.



CRITICAL HABITAT FOR THE WOUNDFIN

NOTE.—The Department of the Interior 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: October 25, 1977.

LYNN A. GREENWALT,
Director, Fish and Wildlife Service.

[FR Doc.77–31705 Filed 11–1–77;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.

[6320-01]

CIVIL AERONAUTICS BOARD

[Order 77-10-75, Docket 29123, Agreement C.A.B. 26930 R-1 through R-3; 26931, 26934; Docket 30332, Agreement C.A.B. 26935]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger Fares; Specific Commodity Rates and Currency Fares

Issued under delegated authority October 19, 1977.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). Agreements C.A.B. 26930, C.A.B. 26931, and C.A.B. 26934 were adopted at the 76th meeting of the TC2 Passenger Traffic Conference held in Geneva during September 1977; Agreement C.A.B. 26935 was adopted by mail vote.

Agreements C.A.B. 26930 and C.A.B. 26931 would amend the fare structure within Africa by establishing first-class and normal economy-class fares between various interior points and by permitting application of direct route fare levels on specified indirect routings between Addis Ababa, on the one hand, and Accra, Douala, Lagos, and Seychelles on the other hand. Agreement C.A.B. 26934 would amend the currency adjustment factors for application on passenger fares between Yugoslavia and various European countries in order to relate local currency selling fares more closely to recent fluctuations in the respective values of the currencies involved. These agreements have indirect application in air transportation as defined by the Act insofar as they affect fares which are combinable with fares to/from United States points, and will be approved.

Agreement C.A.B. 26935 would increase certain specific commodity rates, as expressed in the currencies of the countries of origin, on shipments from points in Scandinavia to points in the Far East, in response to recent devaluations of the Scandinavian currencies involved. Since this agreement involves noncombinable rates between foreign points, it has no application in air transportation as defined by the Act and therefore we will disclaim jurisdiction.

Pursuant to authority duly delegated by the Board's Regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
26930:			
R-1	014a (I)	Construction Rule for Passenger Fares (Amending)	2 (within Africa).
R-2	052	TC2 1st Class Fares	Do.
R-3	062	TC2 Economy Class Fares	Do.
26931	014a (II)	Construction Rule for Passenger Fares (Amending)	Do.
26934	022a	TC2 (Within Europe) Adjustment Factors for Sales of Passenger Air Transportation (Amending).	2.

2. It is not found that the following resolution affects air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
26935	590w	JT23 Experimental Specific Commodity Rates (Amending).	2/3;1/2/3.

Accordingly, *It is ordered*, That:

1. Agreements C.A.B. 26930, C.A.B. 26931 and C.A.B. 26934, set forth in finding paragraph 1 above, are approved; and

2. Jurisdiction is disclaimed with respect to Agreement C.A.B. 26935, set forth in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-31615 Filed 11-1-77;8:45 am]

[6320-01]

[Order 77-10-79; Docket 30777 Agreement C.A.B. 26948 R-1 through R-9, 26949 R-1 through R-10]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger Fares; Order

Issued under delegated authority October 19, 1977.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreements were adopted at the 76th meeting of the TC2 Passenger Traffic Conference held in Geneva during September 1977, and have been assigned the above C.A.B. agreement numbers.

The agreements, which only affect air transportation indirectly, would establish new fare levels between points within Africa and between points within the Middle East, effective April 1, 1978, through March 31, 1979. Agreement C.A.B. 26949 would also permit application of the direct route fare level to Jeddah, Saudi Arabia to/from Kuwait via Dhahran and Riyadh. We will approve those portions of the agreements governing fares which are combinable with fares to/from United States points and thus have indirect application in air transportation as defined by the Act. Jurisdiction will be disclaimed on the balance of the resolutions which goveren noncombinable fares between foreign points and thus have no application in air transportation.

Pursuant to authority duly delegated in the Board's Regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
26948:			
R-1	001b	TC2 Special Effectiveness Resolution (Tie-in)	2 (within Africa).
R-2	002	Standard Revalidation Resolution	Do.
R-3	052	TC2 First Class Fares (Within Africa)	2.
R-4	062	TC2 Economy Class Fares (Within Africa)	2.
26949:			
R-1	001b	TC2 Special Effectiveness Resolution (Tie-in)	2 (within M. east).
R-2	002	Standard Revalidation Resolution	Do.
R-3	014a	Construction Rule for Passenger Fares (Revalidating and Amending).	Do.
R-4	052	TC2 First Class Fares	Do.
R-5	062	TC2 Economy Class Fares	Do.

2. It is not found that the following resolutions affect air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
26948:			
R-5	072b	TC2 Creative Fares Except Europe (Revalidating and Amending).	2 (within Africa).
R-6	073a	TC2 Night Fares Salisbury/Bulawayo-Johannesburg (Revalidating and Amending).	2.
R-7	075d	TC2 Group Travel Discount for Artists, Sportsmen and Supporters (Revalidating and Amending).	2 (within Africa).
R-8	076x	Affinity Group Fares Within Africa (Revalidating and Amending).	2.
R-9	091g	TC2 Family Fares—Within Africa (Revalidating and Amending).	2.
26949:			
R-6	072b	TC2 Creative Fares Except Europe (Revalidating and Amending).	2 (within M. East).
R-7	090a	TC2 60 Day Pilgrim Fares—Middle East (Revalidating and Amending).	2.
R-8	091b	TC2 Family Fares between Points in the Middle East and between Libya and the Middle East (Revalidating and Amending).	2.
R-9	096c	TC2 Middle East Class 'B' Fares (Revalidating and Amending).	2.
R-10	115c	Meeting Non-IATA Competition in the Middle East (Revalidating and Amending).	2.

Accordingly, *It is ordered*, That:

1. Those portions of Agreements C.A.B. 26948 and C.A.B. 26949 set forth in finding paragraph 1 above are approved; and

2. Jurisdiction is disclaimed with respect to those portions of Agreements C.A.B. 26948 and C.A.B. 26949 set forth in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeranautics Board upon expiration of the above period, unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-31616 Filed 11-1-77;8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee will be held on Thursday, November 17, 1977, at 1:00 p.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

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

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

The Committee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by Chairman.

(2) Presentation of papers or comments by the public.

(3) Discussion of the Committee's draft report.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be presented at any time before or after the meeting.

With respect to agenda item (4), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3012, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on February 8, 1977 (42 FR 7978).

Dated: October 28, 1977.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, U.S. Department of Commerce.

[FR Doc.77-31756 Filed 11-1-77;8:45 am]

[3510–25]

INPUT/OUTPUT EQUIPMENT SUBCOMMITTEE OF THE COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Input/Output Equipment Subcommittee of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee will be held on Thursday, November 17, 1977, at 9:30 a.m. in Conference Room D, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Input/Output Equipment Subcommittee was established on July 25, 1973, by the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer peripherals, components and related test equipment, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Input/Output Equipment Subcommittee was formed to review input/output devices in the following areas: (a) foreign availability; (b) end use patterns; and (c) export of hardware and technology.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under Executive Order 11652. All Subcommittee members have appropriate security clearances.

For further information, contact Mr. Charles C. Swason, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202–377–4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on February 8, 1977 (42 FR 7978).

Dated: October 28, 1977.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, U.S. Department of Commerce.

[FR Doc.77–31755 Filed 11–1–77;8:45 am]

[3510–25]

MEMORY EQUIPMENT SUBCOMMITTEE OF THE COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Memory Equipment Subcommittee of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee will be held on Thursday, November 17, 1977, at 9:00 a.m. in Conference Room C, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee was initially established on Januray 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Memory Equipment Subcommittee was established on July 25, 1973, by the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer peripherals, components and related test equipment, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Memory Equipment Subcommittee was formed to review memory equipment in the following areas: (a) foreign availabiilty; (b) end use patterns; and (c) export of hardware and technology.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned wtih matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under Executive Order 11652. All Subcommittee members have appropriate security clearances.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202–377–4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on February 8, 1977 (42 FR 7978).

Date: October 28, 1977.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, U.S. Department of Commerce.

[FR Doc.77–31754 Filed 11–1–77;8:45 am]

[3510-24]

Economic Development Administration

HULL DYE & PRINT WORKS, INC.

Petition for Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by the Hull Dye & Print Works, Inc., Roosevelt Drive, Derby, Connecticut 06418, a fabric printer and dyer, was accepted for filing on October 21, 1977, pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased import into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-31700 Filed 11-1-77;8:45 am]

[3510-24]

MIGHTY ATLAS SHOE CORP.

Petition for Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Mighty Atlas Shoe Corp., Pine Street Extension, P.O. Box 424, Nashua, N.H. 03060, whose subsidiaries produce footwear for men, was accepted for filing on October 25, 1977, pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-31701 Filed 11-1-77;8:45 am]

[3510-12]

National Oceanic and Atmospheric Administration

MARINE MAMMALS

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407); and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Dr. Murray L. Johnson and Dr. Steven J. Jeffries.

b. Address: Puget Sound Museum of Natural History, Tacoma, Wash. 98416.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Pacific harbor seals (*Phoca vitulina richardii*), 330.

4. Type of Activity: Up to 130 of the above named species will be taken by killing with either a 12 gauge shotgun, or with a .243 caliber rifle. Up to 200 of the above named species will be captured, marked, and released. Marking will be with radio tags, metal or monel flipper tag, dye, bleach, and freeze marking. Capture of live animals will be done by gill nets, beach seine, and hoop net. The applicant stated that the proposed research is necessary to assess the effects of harbor seals on the marine ecosystem.

5. Location of Activity: The coastal waters off Washington State, primarily Grays Harbor area, Hood Canal, and Southern Puget Sound.

6. Period of Activity: 3 years.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written views or data, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before December 2, 1977. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;
and
Regional Director, National Marine Fisheries Service, Southwest Region, 1700 Westlake Avenue North, Seattle, Wash. 98109.

Dated: October 28, 1977.

ROLAND SMITH,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.77-31714 Filed 11-1-77;8:45 am]

[3510-12]

MARINE MAMMALS

Issuance of Permit To Import

On September 21, 1977, notice was published in the FEDERAL REGISTER (42 FR 47586), that an application has been filed with the National Marine Fisheries Service by Hubbs-Sea World Research Institute, San Diego, Calif. 92109, for a Permit to import two (2) Caspian seals (*Phoca caspica*) for the purpose of scientific research.

Notice is hereby given that on October 26, 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 for the above cited importation to the Hubbs-Sea World Research Institute subject to certain conditions set forth therein. The Permit is available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731.

Dated: October 26, 1977.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.77-31715 Filed 11-1-77;8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

EXEMPT TEXTILE PRODUCTS FROM COLOMBIA

Changes in Officials of the Government of Colombia Authorized To Issue Export Visas and Certifications

OCTOBER 28, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Five new officials of the Government of Colombia have been authorized to issue export visas and certifications for exempt cotton, wool and man-made fiber textile products from Colom-

bia. The authorizations of six previously designated officials are being cancelled.

SUMMARY: The Government of Colombia has notified the United States Government that Maria Cristina Acosta-Mesa, Maria Cristina Aguirre, Eduardo Forero-Peralta, Dora Luz de Cobo, and Joffre Pelaez-Mejia are being added to the previously published list of officials who are authorized to issue export visas and certifications for exemption for cotton, wool and man-made fiber textile products exported to the United States from Colombia (See 41 FR 41745). The authorizations of the following officials have been cancelled: Jaime Arroyave Gomez, Antonio Ernesto Beltran Candia, Donaldo Castilla Quintana, Luz Mary Gonzalez Mena, Magola Guerra Q., and Jose Ducardo Patino Vasgas. A complete list of Colombian officials currently authorized to issue export visas and exempt certifications accompanies this notice.

EFFECTIVE DATE: October 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Judith L. McConahy International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 2230, 202-377-5423.

SUPPLEMENTARY INFORMATION: On July 26, 1976 a letter to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements was published in the FEDERAL REGISTER (41 FR 30707), which established an export visa requirement and certification for exemption of cotton, wool and man-made fiber textile products, produced or manufactured in Colombia, and exported to the United States. One of the requirements is that the visas and certifications for exemption must be signed by an official authorized by the Government of Colombia. The Government of Colombia has requested that five new officials be recognized as authorized to issue export visas and certifications for exemption. The names of six previously designated officials are being dropped. The list that follows this notice includes the names of all Colombian officials currently authorized to issue export visas and certifications for exemption of cotton wool and man-made fiber textile products exported to the United States.

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce.

OFFICIALS AUTHORIZED BY THE GOVERNMENT OF COLOMBIA TO ISSUE EXPORT VISAS AND CERTIFICATIONS FOR EXEMPT TEXTILE PRODUCTS EXPORTED TO THE UNITED STATES

Soledad Acevedo Fonseca
Maria Cristina Acosta-Mesa
Maria Cristina Aguirre
Hernando Arciniegas-Serna
Desiderio Caceres Randon
Silvio Castro Lamprea
Julian Contreras Trivino
Eduardo Forero-Peralta
Joaquin Gutierrez Isaza
Gloria Maria Lopez Naranjo
Dora Luz de Cobo
Jaime Neira Baena
Elizabeth Ordonoz L.
Jaime Ospina Duque
Norma Parra-Cardona
Joffre Pelaez-Mejia
Manuel Arturo Posada Gutierrez
Rafaela Vargara Echavez
Enrique White Salazar

[FR Doc.77-31786 Filed 11-1-77;8:45 am]

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

[CP 78-1]

PETITION FOR METAL FURNITURE EXEMPTION FROM LEAD-IN-PAINT REGULATIONS

Public Meeting; Change in Time

In the FEDERAL REGISTER of October 27, 1977 (42 FR 56634) the Commission announced a public meeting to be held on November 2, 1977 at the Commission's hearing room, Third Floor, 1111 18th Street NW., Washington, D.C., to allow interested persons an opportunity to make an oral presentation of data or views concerning a petition (CP 78-1) from the National Paint and Coatings Association to exempt metal furniture from the Commission's lead-inpaint regulations.

In that notice the meeting time was listed as 9:30 a.m. This is to announce that the meeting time has been changed to 2:00 p.m.

Persons wishing to make an oral presentation should notify Richard Danca of the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, 202-634-7700 no later than close of business November 1, 1977, for scheduling purposes. An estimate of the length of time of each presentation should also be given to the Office of the Secretary.

Dated: October 27, 1977.

SHELDON D. BUTTS,
Assistant Secretary, Consumer Product Safety Commission.

[FR Doc.77-31670 Filed 11-1-77;8:45 am]

[6355-01]

TELEVISION RECEIVERS

Proceeding To Develop Safety Standard; Extension of Time—Partial Termination

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of extension of time and partial termination.

SUMMARY: In 1975 the Commission began development of a mandatory safety standard to address fire, shock, implosion and mechanical hazards associated with television (TV) receivers by publishing a notice of proceeding. As to fire hazards, the Commission believes it may be possible to develop a system performance requirement for the containment of a TV fire within the confines of the TV enclosure. The Commission also concludes that because of substantial and continuing improvements in the voluntary safety standard, a mandatory standard is not necessary to address any shock, implosion or mechanical hazards that may be associated with TVs. Therefore, the Commission now extends to April 30, 1979, the time to complete development of a mandatory safety standard as to TV fire hazards and terminates the notice of proceeding as to TV shock, implosion and mechanical hazards.

DATES: The extension of time and partial termination of the notice of proceeding are effective on November 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Carl W. Blechschmidt, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6557.

SUPPLEMENTARY INFORMATION:

A. BACKGROUND

As a result of information gathered from TV manufacturers and others in the TV industry, as well as from consumers and interested persons during the year 1974, the Commission preliminarily determined that fire, shock, implosion and mechanical hazards associated with television receivers presented an unreasonable risk of injury to the public and that a consumer product safety standard was necessary to reduce or eliminate the risk. Therefore, pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056), the Commission issued a notice of proceeding to develop a consumer product safety standard addressed to these hazards (40 FR 8592, February 28, 1975). The notice of proceeding invited knowledgeable persons or groups to submit offers to the Commission to develop a standard to recommend to the Commission; the offeror chosen was Underwriters Laboratories (UL). On July 6, 1976, UL submitted its recommended standard to the Commission for evaluation, along with a technical rationale and a cost-benefit analysis. As an aid to evaluating these extensive and complex documents, by notice published in the FEDERAL REGISTER, the Commission invited opinions on the recommended standard from experts in the TV field and other interested persons (41 FR 51055, November 19, 1976). In order to permit these persons sufficient time to prepare their comments and for the staff to review the comments, that notice extended until October 31, 1977, the period in which the Commission would have to issue a proposed consumer product safety standard relating to the enumerated hazards, or withdraw the notice of proceeding to develop such a standard.

During this period of extension, the Commission noted that the voluntary safety standards issued by UL and generally adhered to by TV manufacturers, continued to be progressively upgraded.

During that time, in addition, the Commission collected data on safety-related incidents from TV manufacturers.

In preparation for Commission decision, Commission staff prepared a briefing package which contained: (1) Views of the experts and others on the offeror-recommended standard; (2) a staff report on TV safety-related incident data collected from TV manufacturers; and (3) information on improvements in the voluntary safety standard. The Commission held a public briefing on these matters on October 19, 1977, during which several experts reviewed their reports on the offeror-recommended standard. The CPSC staff reported on TV safety-related incidents and indicated a substantial decline in such incidents since a mid-1974 collection of such data. In addition, staff of UL described how desirable features of the recommended standard have been and are being incorporated into the voluntary standard. During the briefing, the Commission commended improvements made in the voluntary standard and those scheduled to be made.

After this review, the Commission decided that the notice of proceeding as to TV fire hazards would be extended and that as to TV shock, implosion and mechanical hazards, the notice of proceeding would be terminated. Reasons for these actions are discussed below in Parts B and C.

B. Extension of Time

The Commission noted after reviewing the written materials and the matters discussed at the public briefing of October 19, 1977, that the flammability requirements for TV components and enclosures, set forth in the voluntary standard, have become more stringent. The Commission believes, however, that it may be possible to develop a system performance requirement for the containment of fire within the confines of the TV enclosure. Therefore, the Commission directed its staff to prepare a technical feasibility study addressed to such a system performance requirement, which is to include, among other matters, various definitions of levels of fire containment, the feasibility of attaining such levels, and the estimated time and cost required for each such endeavor.

Accordingly, pursuant to section 7 of the CPSA (15 U.S.C. 2056) the Commission finds that the need for this feasibility study constitutes good cause and extends for a period of 18 months (until April 30, 1979), the period in which it must issue a proposed consumer product safety standard addressed to fire hazards associated with TVs or terminate the notice of proceeding as to TV fire hazards. This period may be further extended by notice published in the Federal Register stating good cause therefor.

C. Partial Termination of the Notice of Proceeding

The Commission noted after reviewing the written materials presented and the matters discussed at the public briefing of October 19, 1977, on television receivers, that substantial improvements have been made and are planned for the voluntary standard. The Commission also noted the apparent decline in TV safety-related incident data. Based on this information, the Commission concluded that a consumer product safety standard is unnecessary at this time to address any shock, implosion or mechanical hazards that may be associated with TVs. Therefore, pursuant to section 7(f)(2) of the CPSA, 15 U.S.C. 2056(f)(2), the Commission terminates the notice of proceeding of February 28, 1975 (40 FR 8592) as to shock, implosion and mechanical hazards.

D. Further Actions on TV Safety

In addition to directing the staff to prepare a technical feasibility study on a system performance requirement for containment of a TV fire within the confines of the TV enclosure, as described in Part A above, the staff was also directed to:

(1) Prepare for Commission approval plans to obtain accident data from TV manufacturers on a continuing basis in order to observe whether TV safety-related incidents continue their apparent decline; and

(2) Monitor the voluntary standards development process, particularly as it relates to fulfilling commitments for further improvements.

The Commission will publish further information on these matters, as appropriate.

Effective Date: The extension of time and the partial termination of the notice of proceeding are effective on November 2, 1977.

Dated: October 28, 1977.

Richard E. Rapps,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-31761 Filed 11-1-77;8:45 am]

[3810-70]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON SSBN SECURITY

Advisory Committee Meeting

The Defense Science Board Task Force on SSBN Security will meet in closed session on 29 November 1977 in the Pentagon, Washington, D.C.

The mission of the Defense Science Board Task Force is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance to the Department of Defense in these areas.

The Task Force will provide an analysis of programmatic efforts to examine technologies that may threaten the security of our sea-based strategic deterrence if employed by hostile forces.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: October 28, 1977.

Maurice W. Roche,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.77-31713 Filed 11-1-77;8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. C177-163, *et al*]

McCULLOCH GAS PROCESSING CORP. ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

October 28, 1977.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 4, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Undue procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI77-163 ..... (CI70-957) B 12-20-76	McCulloch Gas Processing Corp., 10880 Wilshire Blvd., Suite 1600, Los Angeles, Calif. 90024.	McCulloch Interstate Gas Corp., at tailgate of applicant's plants and other locations in the Powder River Basin of Wyo.	(1)	.....
CI77-164 ..... (CI70-957) E 12-20-76	McCulloch Gas Processing Corp. (successor to McCulloch Oil Corp.).	Colorado Interstate Gas Co., at tailgate of applicant's Hilight and Well Draw gas plants in the Powder River Basin, Campbell County, Wyo.	[2] 51.09¢ [3] [4] [5] 64.01¢	14.73

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes.

[1] Applicant states that it will sell certain of its interstate facilities to Colorado Interstate Gas Co. (CIG) and the remainder to McCulloch Gas Transmission Co.
[2] Hilight Field Gas.
[3] Well Draw Field Gas.
[4] Subject to upward and downward Btu adjustment.
[5] Includes 100 pct tax reimbursement.

[FR Doc.77-31687 Filed 10-28-77;1:38 am]

[6740-20]

[Docket No. CP78-30]

COLUMBIA GAS TRANSMISSION CORP.

Application

OCTOBER 28, 1977.

Take notice that on October 19, 1977, Columbia Gas Transmission Corp. (Applicant), 1700 MacCorkle Avenue SE., Charleston, W. Va. 25314, filed in Docket No. CP78-30 an application pursuant to section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of up to 60 M ft³ of natural gas per day for 2 years for the Harshaw Chemical Co. (Harshaw) for use at its Louisville, Ky., facility, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to transport gas for Harshaw, which gas would be received by Applicant into its Line 0 in Guernsey County, Ohio, at a specific point to be mutually agreed upon and delivered to Texas Gas Transmission Corp. (Texas Gas) by a reduction in Applicant's scheduled receipts from Texas Gas at an existing point of delivery at Clear Warren County, Ohio. It is stated that Texas Gas would in turn deliver the gas to Louisville Gas & Electric Co. (LG&E) for ultimate delivery to Harshaw's Louisville, Ky., facility. The application states that Harshaw was advised by LG&E that it anticipated a 50-percent curtailment for the period of November 1977 through October 1978 based on a normal winter assuming natural gas load and supply remained as projected by LG&E. Applicant states that it would transport the natural gas as requested herein up to the level of Harshaw's curtailment of Priority 2 or 3 requirements in order to prevent any economic impact in the conduct of Harshaw's operation in Louisville, Ky.

It is indicated that Harshaw's Louisville facility manufactures organic and inorganic pigments and inorganic dyes, and that the steam boilers at the Louisville facility are now fired with No. 6 fuel oil and process gas has been augmented with other fuels wherever possible but about 80 percent of the process gas used at the Louisville facility cannot be replaced by a nongaseous fuel because of contamination problems which adversely affect the pigment and dyeing properties of the products produced therein.

The application states that the gas to be transported hereunder would be purchased by Harshaw from O'Neal Productions Inc. (O'Neal) from wells located in Guernsey County, Ohio, and that Harshaw would pay O'Neal $2.25 per M ft³ with the provision that price increases would take place every three months. The application further states that it would be necessary for O'Neal to construct approximately 3,300 feet of 2-inch pipeline at an estimated cost of $6,675, which amount would be reimbursed by Harshaw. It is indicated that the gas proposed to be transported hereunder is not available to the interstate market, and that the gas is subject to diversion to Applicant's system in emergency periods when, in Applicant's sole judgment, such gas is required for the protection of Priority 1 requirements on its system.

Applicant states that it would retain for company-use and unaccounted-for gas a percentage of the total volumes received for the account of Harshaw, which percentage is currently 4 percent. Applicant further states that it would charge Harshaw for the proposed transportation its average system-wide unit storage and transmission costs exclusive of company-use and unaccounted-for gas, which rate is currently 20.56 cents per M ft³.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 11, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certficate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-31684 Filed 10-28-77;1:36 pm]

[6740-20]

[Docket No. CP78-34]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

OCTOBER 28, 1977.

Take notice that on October 19, 1977, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP78-34 an application pursuant to section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Inter-

pretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation, on an interruptible, of up to 293 million Btu's of natural gas per day for two years for Beacon Manufacturing Co., Division of National Distillers and Chemical Corp. (Beacon), an existing industrial customer of Public Service Company of North Carolina, Inc. (PSNC), one of Applicant's resale customers served under Rate Schedule CD-2, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to transport gas for Beacon pursuant to a transportation agreement dated September 2, 1977, among Applicant, Beacon and PSNC. It is stated that Beacon has purchased from Louisiana Land & Exploration Co. (LL&E) up to 293 million Btu's of natural gas per day to be produced from the Lake Hatch Field, Terrebonne Parish, La. Applicant further states that Beacon would arrange to have such quantities delivered to a mutually agreeable point on United Gas Pipe Line Co.'s (United) system in Terrebonne Parish and United would deliver the gas to Applicant at mutually agreeable existing authorized exchange points. Applicant indicates that it would redeliver the transportation quantities to existing points of delivery to PSNC for the account of Beacon, and that PSNC would transport such quantities of natural gas delivered to it by Applicant for the account of Beacon to Beacon's Swannanoa, N.C., plant.

It is stated that the Swannanoa plant would use the subject gas for process and plant protection gas requirements, specifically in textile dyeing and finishing operations which require the precise flame control and temperature characteristics afforded by a gaseous fuel.

Applicant indicates that it would charge Beacon, initially, 29.8 cents per Dekatherm (dt) equivalent for all quantities delivered hereunder, and that it would also retain, initially 3.8 percent of the quantities received for transportation as make-up for compressor fuel and line loss. This percentage is based on Applicant's company use factor for pipeline throughput to and within its Rate Zone 2 in which the transportation deliveries proposed herein would be made, it is said.

It is indicated that Beacon would pay LL&E for gas delivered hereunder a price of $1.65 per million Btu's for the first and second years of their agreement. It is stated that the subject gas is not available to the interstate market.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 11, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-31686 Filed 10-28-77;1:37 pm]

[6740-20]

[Docket No. CP78-33]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

OCTOBER 28, 1977.

Take notice that on October 19, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP78-33 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation, on an interruptible basis, of up to 1,200 Mcf of natural gas per day for 2 years for United States Gypsum Company (Gypsum), an existing industrial customer of the City of Danvile, Virginia (Danville), one of Applicant's resale customers served under Rate Schedule CD-2, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to transport gas for Gypsum for use in its Danville facility pursuant to a transportation agreement dated October 6, 1977, among Applicant, Gypsum and Danville. Applicant states that Gypsum has purchased from Pollution Control Systems Incorporated (PCS) up to 1,200 Mcf of natural gas per day (at 15.025 psia) to be produced from the B.M. Odom Well Number 1, Cameron Parish, Louisiana, that Gypsum would arrange to have such quantities delivered to a mutually agreeable point on Applicant's system in Cameron Parish, Louisiana, and Applicant would redeliver the transportation quantities to existing points of delivery to Danville for the account of Gypsum. Danville would transport such quantities of natural gas delivered to it by Applicant for the account of Gypsum to Gypsum's Danville facility, it is said.

Applicant indicates that it would charge Gypsum, initially 29.8 cents per Dekatherm (dt) equivalent for all quantities delivered hereunder, and that it would also retain, initially 3.8 percent of the quantities received for transportation as make-up for compressor fuel and line loss, which percentage is based on Applicant's company use factor for pipeline throughput to and within its Rate Zone 2 in which the transportation deliveries proposed herein would be made.

It is stated that Gypsum would pay PCS for gas delivered, or for any gas Gypsum is required to pay for though not taken hereunder, a price of $1.95 per million Btu's during the initial year hereof and $2.05 per million Btu's during the remaining term of the agreement. It is further stated that Gypsum would also pay PCS for gas actually delivered the sum of $0.15 per million Btu's, which sum would be in reimbursement to PCS for transportation charges paid by it to the point of delivery.

Applicant indicates that the subject gas would be used at the Danville plant for priority 2 purposes, specifically, in the firing of the hardboard mat drying kiln, and that the hardboard mat drying kiln requires natural gas to produce a defect free smooth-two-side hardboard.

It is stated that the subject gas would not be sold in the interstate market.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 11, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a pe-

tition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-31685 Filed 10-28-77;1:36 pm]

[3128-01]

Office of the Secretary

FOOD INDUSTRY ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Advisory Committee will meet Friday, November 18, 1977, at 9 a.m., Room 5041 12th & Pennsylvania Avenue, NW., Washington, D.C.

The purpose of the Committee is to provide the Department of Energy with advice concerning food industry interests and problems as these relate to national energy conservation programs.

The agenda for the meeting is as follows:

1. Chairman's Report.
2. DOE Organization and Programs.
3. Final Subcommittee Reports.
4. Recommendations to DOE.
5. Discussion of Committee Status.
6. Public Comment.

Subcommittees may meet informally in Washington the preceding evening, at the discretion of the Subcommittee Chairman; the meetings will be open to the public. For further information on subcommittee activities, call Georgia Hildreth, Acting Director, Advisory Committee Management at 202-566-9969.

The Committee meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform the Acting Director, Advisory Committee Management, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

The transcript of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 2107, DOE, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C. on October 8, 1977.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc.77-31750 Filed 11-1-77;8:45 am]

[3128-01]

SOLAR WORKING GROUP

Change in Meeting Date and Place

This notice is given to advise of a change in date and place of the meeting for the Solar Working Group. The Committee will meet at 9 a.m., Room 8222C at 20 Massachusetts Avenue NW., Washington, D.C., November 11 and 12, rather than Room 4222C at 20 Massachusetts Avenue NW., November 9 and 10, 1977. A Notice of Meeting was published in the issue of October 20, 1977 (42 FR 55910).

Issued at Washington, D.C., on October 28, 1977.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc.77-31751 Filed 11-1-77;8:45 am]

[3128-01]

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Meeting

In accordance with Section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94-136), notice is hereby provided of the following meeting:

A meeting of Subcommittee A of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on November 9 and 10, 1977, at the offices of Exxon Corp., 1251 Avenue of the Americas, New York, N.Y., beginning at 9 a.m. The agenda for the meeting is as follows:

1. Opening remarks.
2. Review second draft of Allocation Systems Test 2 (AST-2) test guide.
3. Review proposed appendix to test guide covering standardized simplified yields for all crudes likely to be subject to reallocation during AST-2.
4. Review paper by the Standing Group on Emergency Questions on the data base to be used for the test. This paper will be circulated as soon as it is received.
5. Review government reporting requirements for AST-2.
6. Future work program.
7. Next meeting date/location.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., October 28, 1977.

WILLIAM S. HEFFELFINGER,
Director of Administration,
Department of Energy.

[FR Doc.77-31752 Filed 11-1-77;8:45 am]

[3128-01]

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Meeting

In accordance with Section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94-136), notice is hereby provided of the following meeting:

A meeting of the Industry Supply Advisory Group (ISAG) of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on November 9, 1977, at the offices of Exxon Corp., 1251 Avenue of the Americas, New York, N.Y., beginning at 8:30 a.m. The agenda is as follows:

1. Review proposed Appendix to test guide covering standardized simplified yields for all crudes likely to be subject to reallocation during Allocation Systems Test 2 (AST-2).
2. Closing remarks—future meetings.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., October 28, 1977.

WILLIAM S. HEFFELFINGER,
Director of Administration,
Department of Energy.

[FR Doc.77-31753 Filed 11-1-77;8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 746-4]

GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

Proposed Policy for Utilization of Minority Construction Contractors

INTRODUCTION

In implementation of 40 CFR 35.936-7, the Environmental Protection Agency (EPA) plans to institute a policy in cooperation with construction contractor associations to increase the opportunity for minority business enterprises to participate for the award of subagreements and contracts awarded under EPA grants for construction of treatment works. The policy is intended to implement, in part, Agency and Federal Government policy requiring positive efforts by recipients of Federal grant assistance to utilize minority-owned business sources of supplies and services, allowing these minority sources the maximum feasible opportunity to compete for contracts and subagreements to be performed utilizing Federal grant funds.

DEFINITIONS

MINORITY BUSINESS ENTERPRISE

A business, at least 50 percent of which is owned or controlled by minority group members or, in the case of publicly-owned businesses, at least 51 percent of the stock of which is owned and/or con-

trolled by minority group members or as otherwise defined by State requirements.

MINORITY GROUP MEMBERS

Negroes, Hispanic-Americans, Asian-Americans, American-Indians, American-Eskimos, and American-Aleuts.

STATEMENT OF POLICY

The goal of the policy is to obtain increased participation by minority business enterprises, such as construction and supply firms, for subagreements and contracts awarded under EPA grants for construction of publicly-owned treatment works. On all Step 3 construction grant projects, all applicants/grantees, prime contractors, and any other entity receiving Federal funds which involve the project are expected to promote this goal. Applicants/grantees, and prime contractors will be requested, when deemed necessary, to demonstrate to EPA Regional Civil Rights Offices the steps taken to meet the goal of the policy.

This policy does not preclude the States or grantees from establishing goals and timetables relative to the participation of minority business enterprises, such as construction and supply firms.

RESPONSIBILITIES OF PARTICIPANTS

APPLICANT/GRANTEE

Applicants/grantees will be expected to take positive steps to afford fair opportunities for minority prime and subcontractors to participate in the award of contracts and subagreements awarded under EPA grants for construction of treatment works, such as: (a) making available plants and specifications to minority contractors in sufficient time for review; (b) allowing sufficient bidding time so as to facilitate the participation of minority construction contractors; (c) notifying the minority construction contractors' associations within the general bidding area of the specific nature of the contracts about to be bid and the location of the bid opening; (d) including Clause 9 of Appendix C–2 to 40 CFR Part 35 Subpart E in all bid specifications; (e) making available, upon request, a list of the plan holders of record for EPA construction grant projects; (f) upon request of the plan holders of record provide a source list of minority construction contractors and suppliers; (g) informing all prospective bidders of the EPA policy concerning the utilization of minority firms during any pre-bid conference; (h) show to EPA Regional Civil Rights Offices, when requested, procedures which will be adopted to comply with EPA policy; and, (i) keep EPA Regional Civil Rights Offices informed of all new contracts awarded or changes in plans to award of existing contracts.

PRIME CONTRACTORS

All prime contractors on EPA construction grant projects are expected to make the following efforts to promote the utilization of minority-owned firms to the maximum extent practical on the project: (a) Extend opportunities for joint arrangements or subcontracting and purchasing to minority-owned firms; (b) implement Clause 9 of Appendix C–2 to 40 CFR Part 35 Subpart E; (c) take affirmative steps to ensure compliance with the EPA regulations. These steps will include, but are not limited to: *1* Completing a list of minority construction contractors to be utilized through joint arrangement or subcontracting; *2* preparing a list of the minority contractors contacted, awards to minority-owned firms, and specific efforts to identify and award contracts to such firms; and, *3* if minority-owned firms will not be used, giving reasons why; (d) require subcontractors under the contract to comply with the provisions of the contract and the affirmative steps included in (c); (e) maintain records showing procedures which have been adopted to comply with EPA policy; and, (f) keep EPA Regional Civil Rights Offices informed of all new contracts awarded or changes in plans to award of existing contracts.

CONSTRUCTION CONTRACTOR ASSOCIATIONS

As their part in this program, the participating construction contractor associations are expected to: (a) Announce and publicize the policy to their memberships; (b) encourage subcontracting and joint arrangements with minority construction contractors; (c) compile, update, and provide to their memberships and EPA a register of minority construction contractors; (d) notify their membership of the specific nature of the contracts about to be bid; and, (e) maintain liaison with the nearest EPA Regional Civil Rights Office.

MINORITY-OWNED FIRMS

Minority-owned firms are expected to: (a) Become involved in the State and local project bid process; (b) register with minority and/or other construction contractors' associations; (c) be responsive to solicitations for bids; and, (d) maintain liaison with the nearest EPA Regional Civil Rights Office.

ENVIRONMENTAL PROTECTION AGENCY

EPA will monitor applicants/grantees' and contractors' performance.

EPA Regional Civil Rights Offices will: (a) Notify by letter States and grantees of the minority business enterprise requirements for Step 3 construction grants; (b) review the procedures which the applicant/grantee will adopt to comply with this policy; (c) review and determine the adequacy of positive efforts made by grantees/prime contractors; and, (d) report to Headquarters quarterly on the status of the program, including contracts awarded to minority firms.

COMMENTS

Interested persons are invited to comment on this proposed policy. All comments received will be carefully considered prior to the issuance of a final policy. Comments must be submitted in triplicate on or before January 3, 1978 to the Director, Office of Civil Rights (A–105), Attention: Mr. Edgar J. Jenkins, Environmental Protection Agency, Washington, D.C. 20460.

Comments will be retained on file at the Public Information Reference Unit, EPA Headquarters, Room 2922 Waterside Mall, 401 M Street, S.W., Washington, D.C., and may be inspected workdays between 8:00 a.m. and 4:30 p.m. at that location.

FOR FURTHER INFORMATION CONTACT

Mr. Edgar J. Jenkins, Acting Director, Office of Civil Rights (A–105), Washington, D.C. 20460. 202–755–0555.

Dated: October 27, 1977.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc.77–31747 Filed 11–1–77;8:45 am]

[6560–01]

[FRL 811–1; OPP–210007B]

CERTAIN PRODUCTS CONTAINING NITROSAMINES

Status of the Rebuttable Presumption Against Registration

On February 3, 1977, the U.S. Environmental Protection Agency (EPA) received from Congressmen Andrew Maguire and Henry Waxman, the Migrant Legal Action Program, Inc., the Maricopa County Legal Aid Society, and several migrant farmworkers a petition to suspend the registrations of certain pesticide products containing nitrosamines in accordance with section 6(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 et seq.). Specifically, the petition referred to the following: Trefian E. C. (EPA Reg. No. 1471–35), Trysben 200 (EPA Reg. 352–250), and Benzac 1281 (EPA Reg. No. 264–92). The full text of the petition was published in the FEDERAL REGISTER on February 24, 1977 (42 FR 10886).

The petitioners claimed:

> The continued use of nitrosamine-containing herbicides will have an unreasonable adverse effect on the environment and constitutes an imminent hazard to man during the time required for cancellation. The risks involved in the case of Trysben 200, Benzac and Trefian far outweigh their benefits when viewed in light of the fact that: (a) These three herbicides have been found to contain significant quantities of nitrosamines; (b) nitrosamines are known to be potent carcinogens; and (c) there is a high risk of human exposure to these herbicides in both agricultural and garden use.

Following an assessment of the risks and benefits associated with continued use of these products during the time necessary in the event of cancellation, the Agency responded to the petition concluding that:

> • • • based on the available data, the risks associated with the use of Trefian for a two-year period are substantially exceeded by the benefits which would result from its use during the period, and accordingly recommends

against the suspension of Treflan. With respect to Trysben and Benzac the Working Group has concluded that, based on available data, the risks and the benefits are both essentially zero and the extremely low risks that have been identified do not justify the extraordinary commitment of Agency time and resources which a suspension proceeding would entail. Therefore the Working Group recommends against suspension of these pesticides.

The full text of the response was published in the FEDERAL REGISTER on August 8, 1977 (42 FR 40009).

Additionally, the response stated that the Agency would require the registrants of these products to conduct further studies on human exposure and that an RPAR, considering all risk criteria, would be issued on October 1, 1977, for Treflan, Trysben, and Benzac and other dimethylnitrosamine (DMN) and nitrosodipropylamine (NDPA) contaminated pesticides, if information were available at that time. A FEDERAL REGISTER notice published on Thursday, September 29, 1977 (42 FR 51640) instructed all registrants of products that have a potential for N-nitroso contamination to perform analyses to determine if such contamination exists. Analyses that indicate the presence of N-nitroso contaminants in other registered pesticides will be used as a basis for determining whether a rebuttable presumption shall be issued against these pesticides.

By this notice the Agency reports on the status of these activities.

(1) *Trysben 200.* E. I. DuPont De Nemours and Co., registrant of Trysben 200, requested that the Agency cancel its registration for this product in a letter dated August 5, 1977. Requests for voluntary cancellation are permitted under section 6(a)(1) of the FIFRA. The Agency is now reviewing that request and a decision will be forthcoming on its disposition soon.

(2) *Benzac 1281.* Amchem Products, Inc., registrant of Benzac 1281, requested that the Agency cancel its registration for this product in a letter dated September 26, 1977. Requests for voluntary cancellation are permitted under section 6(a)(1) of the FIFRA. The Agency is now reviewing that request and a decision will be forthcoming on its disposition soon.

(3) *Treflan E.C.* (a) Since publication of the Agency's response (42 FR 40009) to the petition, the registrant has reported being able to reduce further the level of NDPA contamination in Treflan E.C. Sample data provided by the registrant indicates that production lots from March through June 1977 averaged 4.1 ppm NDPA contamination. (b) EPA scientists and those of the Treflan registrant jointly designed study protocols for tests which will provide data identified as being deficient in sections C(6) and D(6) of the petition response. These are now being performed by the registrant, and a final report is expected on or about November 30, 1977. (c) Data on file with the Agency indicate that Treflan contains a carcinogenic contaminant, NDPA. EPA scientists are continuing to collect, evaluate, and validate study results in order to identify any other risk criteria which may apply to this product, and thereby insure that all relevant factors are considered in the assessment of environmental costs associated with use of Treflan. Upon completion of this function, the Agency will issue an RPAR on Treflan based on all identified risk criteria which have been met. Issuance of that RPAR is projected to occur on or about December 30, 1977. Other NDPA contaminated pesticides will not be included in this RPAR; such pesticides will be covered in an RPAR to be issued at a future date.

Dated: October 27, 1977.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-31749 Filed 11-1-77;8:45 am]

[6560-01]

[FRL 811-2; OPP-180154]

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Issuance of Specific Exemption To Use Malathion/Parathion To Control Grasshoppers and Aphids on Millet

The Environmental Protection Agency (EPA) has granted a specific exemption to the South Dakota Department of Agriculture (hereinafter referred to as the "Applicant") to use EC or WP formulations of malathion or parathion to control grasshoppers and aphids on approximately 100,000 acres of millett. 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. 20460.

According to the Applicant, infestations of grasshoppers and aphids occur annually on millet. Because of the drought conditions this year, and because millet is a drought resistant crop, the acreage planted this year has been increased. The increase in acreage has resulted in more extensive damage by both grasshoppers and aphids. There appear to be no insecticidal products cleared for use on millet. Malathion and parathion are currently cleared for use on other small grains, but not for millet.

The Applicant proposed to use malathion, at a dosage rate of 1.0 pound active ingredient per acre, and parathion, at a dosage rate of 0.5 pound active ingredient per acre. At least eleven counties in northeastern South Dakota are involved: Brown, Clark, Codington, Day, Edmunds, Faulk, Grant, Marshall, MacPherson, Roberts, and Spink. Only a single application of either malathion or parathion will be made to a particular field. Without treatment, the Applicant estimated that one-half of the millet acreage is expected to be reduced as a result of feeding damage by grassoppers and aphids; this loss is estimated at $3,125,000.

The Fish and Wildlife Service, U.S. Department of the Interior (USDI), has informed the EPA that there are three endangered species in northeastern South Dakota: the Peregrine Falcon, the Whooping Crane, and the Blackfooted Ferret. The latter species is found only in Spink County and is extremely rare; it has not been sighted for several years. The Whooping Crane is found in Brown, Clark, Grant, Marshall, and Spink Counties; however, this species frequents these counties during migration in the spring and fall only. During the time of the spray treatments, this species would be absent in the counties noted. The Peregrine Falcon is a very mobile species, and while present in the treatment area, does not normally frequent cultivated fields. Overall, hazards to these endangered species appear to be minimal.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of grasshoppers and aphids has or is about to occur; (b) there is no pesticide presently registered and available for use to control these pests in South Dakota; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the pests are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticides noted above until September 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. EC or WP formulations of malathion or parathion are authorized at the following dosage rates: malathion—1.0 pound a.i./acre; parathion—0.5 pound a.i./acre. Encapsulated formulations of parathion are not authorized;

2. One application of either malathion or parathion is to be made per field;

3. This exemption applies to the counties listed above in this notice and surrounding counties as needed;

4. Malathion may be applied aerially or by ground equipment. Parathion must be applied aerially only by State-licensed commercial applicators who have completed the requirements for certification;

5. There must be a preharvest interval of 7 days for malathion and 15 days for parathion;

6. Malathion residues in or on millet grain, straw, and hay not exceeding 8.0 parts per million (ppm), and parathion residues not exceeding 1.0 ppm in or on millet grain and 3.0 ppm in or on millet straw or hay have 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;

7. An endangered species, the Black-footed Ferret, is known to occur in Spink County. If possible, malathion should be the pesticide of choice in this County. The Peregrine Falcon, also an endangered species, is known to occur in northeastern South Dakota. Precautions must be taken to avoid spray contact where this species may occur; and

8. The EPA shall be immediately informed of any adverse effects resulting from the use of malathion and parathion in conjunction with this exemption.

(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: October 27, 1977.

JAMES M. CONLON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-31748 Filed 11-1-77;8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 881]

DOMESTIC PUBLIC RADIO SERVICES, ETC.

Applications Accepted for Filing

OCTOBER 25, 1977.

By the Chief, Common Carrier Bureau:

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See section 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See §§ 1.227(b)(3) and 21.30(b) of the Commission's Rules:]

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Acting Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21896-CD-P-(2)-77 Island Telepage Systems (KWU385), C.P. for additional facilities to operate on 454.025 MHz at a new Loc. No. 2: 700 Avenue West and Heller Road, Oak Harbor; and 454.200 MHz at a new Loc. No. 3: Lummi Island, 8 mi southwest of Bellingham, Wash.

21898-CD-AL-77 Island Telepage Systems. Consent to Assignment of License from Island Telepage Systems, Assignor to Island Telepage Systems, Inc., Assignee. Station: KWU385, Oak Harbor, Wash.

20024-CD-MP/ML-78 Intrastate Radio Telephone, Inc. of San Francisco (KMA833), Mod. of License to change Control frequency from 2117.200 MHz to 2110.8 MHz at Loc. No. 4: Round Top Peak, 12½ mi northeast of Oakland; change Repeater frequency from 2167.200 MHz to 2160.8 MHz at Loc. No. 7: Sunol Ridge, 4.3 mi northeast of Niles, Calif.

20069-CD-P-78 Certified Communications, Inc. (KAD925), C.P. for additional facilities to operate on 152.15 MHz at Loc. No. 2: 9910 Page Boulevard, Overland, Mo.

20070-CD-P-78 Certified Communications, Inc. (KAF240), C.P. for additional facilities to operate on 152.21 MHz at a new site described as Loc. No. 2: 9910 Page Boulevard, Overland, Mo.

20071-CD-P-(2)-78 A Plus Communications of Puerto Rico, Lnc. (KWB400), C.P. for additional facilities to operate on 75.90 MHz, Control at Loc. No. 1: Intersection of Avenidas Pinero y San Patricio; and 35.58 MHz, Base at a new site described as Loc. No. 2: 1st Federal Building, Santurce, P.R.

20072-CD-ML-78 Two-Way Radio of Carolina, Inc. (KIY754), Mod. of License to change frequency from 152.21 MHz to 152.18 MHz at Loc. No. 1.

20073-CD-P-(2)-78 General Communications Service, Inc. (KIJ356), C.P. for additional facilities to operate on 454.275 and 454.325 MHz at a new site described as Loc. No. 5: 101 Marietta St., Atlanta, Ga.

20074-CD-P-78 LaVergne's Telephone Answering Service (KFL865), C.P. for additional facilities to operate on 152.18 MHz to be located 0.25 mi south of Donahue Ferry Rd., 4.5 mi northeast of Alexandria, La.

20075-CD-P-78 Best Line Answering Service, Inc. (new), C.P. for a new 1-way station to operate on 43.58 MHz to be located at Krell Hill, 4 mi southeast of Spokane, Wash.

20076-CD-P-78 Radio Paging, Inc. (KKI 445), C.P. to relocate facilities to operate on 35.58 MHz at Loc. No. 3: 7000 Fannin Street, Houston, Tex.

20077-CD-AL-(2)-78 Tel-Page Corp. Consent to Assignment of License from Tel-Page Corp., Assignor to PRI-DET Communications, Inc., Assignee. Stations: KSV 934, Rochester, N.Y. and KSV967, Jamestown, N.Y.

20078-CD-P-78 Williams Metro Communications Corp. (new), C.P. for a new station to operate on 454.175 MHz to be located at 1213 West Tharpe Street, Tallahassee, Fla.

20079-CD-P-(4)-78 Nevada Mobile Telephone Co. (KSV953), C.P. for additional facilities to operate on 152.06, 152.09, 152.12, and 152.18 MHz at Loc. No. 1: Elko Mountain, Nev.

20080-CD-P-(2)-78 General Telephone Co. of Indiana, Inc. (KSA624), C.P. to change antenna system operating on 152.75 MHz and for additional facilities to operate on 152.60 MHz located at 129 South Second Street, Elkhart, Ind.

20081-CD-P-(2)-78 Northern Illinois Radiophone and Paging Systems, Inc. (KTS 200), C.P. for additional facilities to operate on 158.70 MHz at a new site described as Loc. No. 3: 120 West University Drive, Arlington Heights; and 158.70 MHz at a new site described as Loc. No. 4: Town Water Tank, Jackson Street, Woodstock, Ill.

20082-CD-P-78 Lafourche Telephone Co., Inc. (KQZ731), C.P. for additional facilities to operate on 152.84 MHz at a new site described as Loc. No. 3: 1 mi south of Thibodaux, La.

20083-CD-P-78 Commercial Communications, Inc. (KWU469), C.P. to relocate facilities and change antenna system operating on 158.70 MHz located at KQSW-FM Tower, Aspen Mountain, 10 mi SSE of Rock Springs, Wyo.

20084-CD-P-78 John Grisby Wyatt (new), C.P. for a new station to operate on 152.18 MHz to be located at Rainbow Road, 1 mi north of Great Falls, Mont.

20085-CD-P-(5)-78 Kenneth F. Fischer dba Sierra Communications (KFL891), C.P. to delete Repeater frequency 454.100 MHz and to add 2128.0 MHz and 2112.0 MHz, Repeater at Loc. No. 1: Black Peak, 10½ mi northeast of Silver City, N. Mex.; delete Control frequency 459.100 MHz and add 2178.0 MHz, Control at Loc. No. 2: 408 North Bullard Street, Silver City, N. Mex.; and for additional facilities to operate on 152.18 MHz, Base and 2162.0 MHz, Repeater at a new site described at Loc. No. 3: Jack's Peak, 15 mi southwest of Silver City, N. Mex.

INFORMATIVE

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex-Parte presentations by reasons of potential electrical interference.

158.70 MHz

Professional Communications, Inc., Meadville, Pa., 22036-CD-P-77.

Mobile Communications Service, Inc., Meadville, Pa., 21755-CD-P-77.

454.025 MHz

Chicago Communications Service, Inc., Chicago, Ill., 21830-CD-P-77.

Northern Illinois Radio Phone & Paging System, Inc., McHenry & Chicago, Ill., 21419-CD-P-(3)-77.

South Shore Radio-Telephone, Inc., La Grange, Ill., 21904-CD-P-(2)-77.

RURAL RADIO

60027-CR-P/L-78 Joe P. Matthews d.b.a. Diamond Tail Ranch (New), C.P. for a new rural subscriber station to operate on 158.49 and 158.52 MHz to be located 6 miles north on I-25, 6.5 miles southeast on unmarked road, Algodones, N.M.

POINT TO POINT MICROWAVE RADIO SERVICE

ILL.—26–CF–P–78 Americna Telephone & Telegraph Co. (KSO56), Leigh and Main St., Morton Grove, (Cook), Illinois. (Lat. 42°01'56" N.—Long. 87°47'13" W.) CP to change Polarization from Vertical to Horizontal on frequencies 3730, 3810, 3890, 3970, 4050, and 4130 MHz and from Horizontal to Vertical on frequencies 3710, 3790, 3950, and 4110 MHz toward Lindenhurst, Illinois.

ILL.—27–CF–P–78 Same (KSO57), 0.5 mile south of Lindenhurst, (Lake), Illinois. (Lat. 42°23'35" N.—Long. 81°01'05" W.) CP to change Polarization from Vertical to Horizontal on frequencies 3770, 3850, 3930, 4010, 4090, and 4170 MHz and Horizontal to Vertical on frequencies 3750, 3830, and 4150 MHz toward Morton Grove, Illinois.

VT.—38–CF–P–78 New England Telephone & Telegraph Co. (WAY98), Lawrence St., 0.4 mile south of Brattleboro (Windham), Vermont. (Lat. 42°50'56" N.—Long. 072°33' 31" W.) CP to change frequencies 10775. 0V and 11015.0H MHz to 10895.0H and 11095.0V MHz toward Putney, Vermont, and replace transmitters.

VT.—39–CF–P–78 Same (KTF42), 4.1 miles west of Putney (Windham), Vermont. (Lat. 42°58'28" No.—Long. 072°36'12" W.) OP to change frequencies from 11425.0H and 11665.0V to 11305.0V and 11585.0V toward Brattleboro, Vermont, and from 6100.9H and 11525.0V to 5974.8V and 6152.8V MHz toward Springfield, Vermont, replace transmitters and antennas.

VT.—40–CF–P–78 Same (KTF43), 3.4 miles east northeast of Springfield (Windsor), Vermont. (Lat. 43°18'31" N.—Long. 072° 25'00" W.) CP to change frequencies 6352. 9H and 11075.0V to 6226.9V and 6404.8V MHz toward Putney, Vermont, replace transmitters and antennas.

AZ.—53–CF–P–78 Navajo Communications Co. Inc., (WCZ39), Black Mesa 8.1 miles southwest of Kayenta (Kayenta), Arizona. (Lat. 36°39'56" N.—Long. 110°21'05" W.) CP to add new point of communication on frequency 11605.0 MHz toward Marsh Pass, Arizona, on Azimuth 223.7 degrees and correct coordinates.

AZ.—54–CF–P–78 Same (New), Marsh Pass 8.4 miles south southwest of Tsegi (Navajo), Arizona. (Lat. 36°32'43" N.—Long. 110°29'38" W.) CP for new station on freq. 11155.0V MHz toward Black Mesa, Arizona, on Azimuth 43.6.

WYO—58–CF–P–78 Mountain States Telephone & Telegraph Co. (KTQ79), 4 North Brooks St., Sheridan (Sheridan), Wyoming. (Lat. 44°47'51" N.—Long. 106°57'25" W.) CP to increase structure height and move antenna on 6271.4V MHz Dome Mtn., Wyoming, by passive reflector.

ID—72–CF–P–78 Same (KPT33), Clay Peak 0.8 miles southeast of Payette (Payette), Idaho. (Lat. 44°03'48" N.—Long. 116°-54'20" W.) CP to add a new point of communication on 11265.0V and 11465.0H MHz toward Weiser, Idaho, on Azimuth 346.2 degrees.

ID—73–CF–P–78 Same (New), 43 W Liberty St., Weiser (Washington), Idaho. (Lat. 44°14'53" N.—Long. 116°58'08" W.) CP for new station on frequencies 10855H and 11055V MHz toward Clay Peak, Idaho, on Azimuth 166.1 degrees.

GU—3947–CF–P–77 RCA Global Communications, Inc. (KUA53), 2 miles NW of Yona, GU. (Lat. 13°25'00" N.—Long. 144°-44'57" E.) CP to add 6595.0V MHz towards Agana PR, Guam, via passive reflectors located at Yona PR, Guam. (Lat. 13°25'03" N.—Long. 144°44'54" E.) on azimuth 316.2 degrees and Agana PR, Guam (Lat. 13°-28'22" N.—Long. 144°44'36" E.), on azimuth 77.1 degrees respectively.

GU—3948–CF–P–77 Same (KUA52), Aspinal and West Saylor, Agana, GU. (Lat. 13°-25'00" N.—Long. 144°44'57" E.) CP to add 6755.0V MHz towards Yona, Guam via passive reflector located at Agana PR, Guam (Lat. 13°28'22" N.—Long. 144°44'36" E.) on azimuth 257.1 degrees and Yona PR, Guam (Lat. 13°25'03" N.—Long. 144°-44'54" E.) on azimuth 174.7 degrees respectively.

CORRECTION

MAJOR AMENDMENT

FL—3373–C1–P–73 Southern Pacific Communications Co. (New), Auburndale, FL. This entry appearing on Public Notice of 10–17–77 is corrected to show Long. as 81°48'42" W. All other particulars remain the same.

[FR Doc.77–31711 Filed 11–1–77;8:45 am]

[6712–01]

[Report No. I–401; 90521]

INTERNATIONAL AND SATELLITE RADIO

Applications Accepted for Filing

OCTOBER 25, 1977.

By the Chief, Common Carrier Bureau:

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules, Regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Acting Secretary.

SATELLITE COMMUNICATIONS SERVICES

NY—16–DSE–P/L–78, Satellite Signals Unlimited, Inc., Buffalo, NY. Authority to construct, own and operate a domestic communications receive/transmit satellite earth station at this location. Lat. 42°57'13" N.—Long. 78°52'36" W. Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6165, 6245–6305, and 6385–6425 MHz. Emission 36000F9. With a 10 meter antenna.

FL—17–DSE–P/L–78, Hubbard Broadcasting, Inc., Pinellas Park, FL. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 27°52'21" N.—Long. 82°41'29" W. Rec. freq: 3700–4200 MHz. Emission 36000F9. With a 10 meter antenna.

ID—18–DSE–P/L–78, Buhl Cable TV Co., Buhl, ID. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 42°36'58" N.—Long. 114°46'51" W. Rec. freq: 3700–4200 MHz. Emission 36000F9. With a 5 meter antenna.

CA—19–DSE–P/L–78, Satellite Networks, Inc., Rancho Cordova, CA. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 38°35'21" N.—Long. 121°12'20" W. Rec. freq: 3700–4200 MHz. Emission 36000F9. With a 10 meter antenna.

20–DSE–P/L–78, Community Tele-Communications, Inc. Transportable Authority to construct a transportable receive-only earth station throughout the United States. Rec. freq: 3700–4200 MHz. Emission 36000F9. With a 5 meter antenna.

FL—21–DSE–P/L–78, Fernandina Cable Television Co., Fernandina Beach, FL. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 30°38'-58" N.—Long. 81°27'14" W. Rec. freq: 3700–4200 MHz Emission 36000F9. With a 10 meter antenna.

AK—24–DSE–P/L–78, RCA Alaska Communications, Inc., Kugrua River, AK. Authority to construct a transportable communications satellite earth station at this location. Lat. 70°35'13" N.—Long. 158°39'43" W. Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 45F9. With a 4.5 meter antenna.

AK—25–DSE–P/L–78, RCA Alaska Communications, Inc., Inikok, AK. Authority to construct a transportable communications satellite earth station at this location. Lat. 70°00'02" N.—Long. 153°05'39" W. Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 45F9. With a 4.5 meter antenna.

ND—27–DSE–P/L–78, Souris Valley Cable TV, Inc., Minot, ND. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 48°27'35" N.—Long. 101°19'53" W. Rec. freq: 3700–4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

TX—28–DSE–P–78, Pasadena CATV, Inc., Pasadena, TX, For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 29°40'42" N.—Long. 95°-11'26" W. Rec. freq: 3700–4200 MHz Emission 36000F9. With a 5 meter antenna.

VA—29–DSE–P/L–78, Teleprompter Corp., Richlands, VA. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 37°08'16" N.—Long. 81°46'26" W. Rec. freq: 3700–42000 MHz. Emission 36000F9. With a 4.5 meter antenna.

26–DSE–ML–78, American Cable Television, Inc. (KD37), Tempe, AZ. Modification of license to change antenna size to a 6 meter instead of the 10 meter antenna originally licensed.

VA–30–DSE–P/L–78, Teleprompter Corp., Grundy, VA. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 37°15'59" N.—Long. 82°08'-02" W. Rec. freq: 3700–4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

KS–31–DSE–P/L–78, Teleprompter Corp., Liberal, KS. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 37°02'11" N.—Long. 100°54'-33" W. Rec. freq: 3700–4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

VA–32–DSE–P/L–78, Teleprompter Corp., Tazewell, VA. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 37°08'04" N.—Long. 81°33'-57" W. Rec. freq: 3700–4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

HI–38–DSE–P/L–78, COMTEC, Inc., Hilo, HI. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 19°-35'07" N.—Long. 155°27'37" W. Rec. freq: 3700–4200 MHz. Emission 36000F9. With a 10 meter antenna.

SC-34-DSE-P/L-78, Aiken Cablevision, Inc., Aiken, SC. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 33°34'25" N.—Long. 81°43'45" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

CA-35-DSE-P/L-78, Trinity Broadcasting Network, Inc., Tustin, CA. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 33°43'-19" N.—Long. 117°48'01" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10 meter antenna.

AZ-36-DSE-P/L-78, Trinity Broadcasting of Arizona, Inc., Phoenix, AZ. Authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 33°27'-54" N.—Long. 112°00'18" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

22-DSE-ML-78, Storer Cable TV of Florida, Inc. (WB72), Sarasota, FL. Modification of license to permit the reception of signals from the Madison Square Garden Events.

23-DSE-ML-78, Frontier Broadcasting Co. (KB61), Cheyenne, WY. Modification of license to permit the operation of this station on a cost sharing non-profit basis with Cablevision Services, Inc.

WESTERN UNION SPACE COMMUNICATIONS, INC.

The Commission has received a request from Western Union Space Communications, Inc. for a waiver pursuant to Section (319d) of the Communications Act for it to proceed with the construction of space segment facilities to be used for Advanced WESTAR domestic satellite services prior to the issuance of a construction permit. The facilities will form a part of the same satellites to be used for NASA's Tracking and Data Relay Satellite System (TDRSS).

Interested parties may file comments or opositions within 10 days from the date of this notice and a 5 day period will be provided for reply comments.

Informative: Although the underlying Advanced WESTAR application has been filed with the Commission, public notice of the acceptance of this application has been deferred pending the submission of additional information the Commission has requested.

[FR Doc.77-31710 Filed 11-1-77;8:45 am]

[6712-01]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 72, "Numerical Identification of Stations in Maritime Telecommunications Systems", notice of 3d meeting, to be held on Monday, November 21, 1977 at 9:30 a.m., in Conference Room 7327 at 2025 M St. NW., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Introduction of Attendees; Confirmation of Secretary.
3. Adoption of Agenda.
4. Chairman's Report on Interim Working Party Deliberations Geneva, Switzerland, November 1-3, 1977.
5. Discussion of Views regarding Final Meeting, International Study Group 8, Geneva, Switzerland, January, 1978.
6. Discussion of Work Assignments.
7. Other Business.
8. Establishment of next meeting date.

Francis K. Williams, Chairman SC-72, Federal Communications Commission, Washington, D.C. 20554; phone: 202-632-7054.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: 202-632-6490).

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Acting Secretary.

[FR Doc.77-31709 Filed 11-1-77;8:45 am]

[6712-01]

[RM-2865]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS (WEST LIBERTY, KENTUCKY)

Memorandum Opinion and Order

(Proceeding Terminated)

Adopted: October 26, 1977.

Released: October 28, 1977.

By the Chief, Broadcast Bureau:

1. The Commission has before it the petition for rule making filed by Kelse Arnett ("petitioner"), proposing the assignment of FM Channel 292A to West Liberty, Ky. The proposal, when submitted, was in conflict with a proposal to assign Channel 292A to Flemingsburg, Ky., in Docket No. 20877, but the petition was not consolidated into the rule making proceeding because it was not timely filed.

2. By Report and Order, Docket No. 20877, adopted May 9, 1977, 42 FR 25505, Channel 292A was assigned to Flemingsburg, Ky. The proposed assignment of Channel 292A to West Liberty is in conflict with Channel 292A at Flemingsburg because it would be short-spaced by 35 kilometers (22 miles) to Flemingsburg in contravention of Section 73.207(a) of the Commission's Rules. No showing has been offered upon which to base such a serious violation of the rules for assigning the proposed Channel and, since petitioner has not shown that another channel is available as a substitute, its petition must be denied.

3. Accordingly, *it is ordered*, That this petition for rule making (RM-2865) filed by Kelse Arnett is denied.

4. *It is further ordered*, That this proceeding is terminated.

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

[FR Doc.77-31716 Filed 11-1-77;8:45 am]

[6714-01]

FEDERAL DEPOSIT INSURANCE CORPORATION

[27294]

PRIVACY ACT OF 1974

Changes to Systems of Record

Under the Privacy Act of 1974, the Federal Deposit Insurance Corporation (the "FDIC") is required to publish notice of all systems of records it maintains. 5 U.S.C. 552a(e)(4), 88 Stat. 1896, 1899-1900. Pursuant to this requirement, on August 31, 1977, the FDIC published notice in the FEDERAL REGISTER (42 FR 43948) of the adoption of two new systems of records and the revisions of its existing systems of records. A review of this published notice has indicated a need to correct certain errors and omissions in some of the systems. Additionally, it is necessary to make corrections in certain of the systems to reflect recent internal FDIC reorganizations and, as a consequence, to accurately reflect the appropriate system managers.

Because these changes reflect merely corrections of previous errors or internal FDIC restructuring and the changes have no substantive effect on the public, public participation would serve no useful purpose. Accordingly, the Board of Directors adopted the changes with an immediate effective date.

In consideration of the foregoing, the published notices of the FDIC's systems of records are amended as follows:

1. In the Board of Directors' Actions System (30-64-0003), the word "of" following "Federal Deposit Insurance Act" is deleted from the paragraph entitled *Authority for maintenance of the system.*

2. In the Consumer Complaint and Inquiry Records System (30-64-0005), the second word in the paragraph entitled *Categories of records in the system* is corrected to "consumers' ".

3. In the Consumer Complaint and Inquiry Records System (30-64-0005), the address in the paragraph entitled *System manager(s) and address* is corrected to read "550 17th Street, N.W., Washington, D.C. 20429."

4. In the Employee Education System (30-64-0007), under the paragraph entitled *System location*, "Office of Education" is changed to read "Employee Development Branch".

5. In the Employee Education System (30-64-0007), under the paragraph en-

titled *System manager(s) and address*, "Office of Employee Relations" is changed to read "Office of Personnel Management".

6. In the Examiner Employment, Training, and Education Records System (30–64–0009), under the paragraph entitled *System location*, the ZIP code is corrected to read "22209".

7. In the Graduate Fellowship Applications System (30–64–0010), under the paragraphs entitled *System location* and *System manager(s) and address*, the "Division of Management Systems and Economic Analysis" is changed to read "Division of Research".

8. In the Legal Compliance and Enforcement Records System (30–64–0011), under the paragraph entitled *Record source categories*, the fifth full word in the third line is changed from "interviewing" to "interviewed".

9. In the Payroll and Employee Financial Records System (30–64–0012), under the paragraph entitled *Safeguards*, in the second line the word "the" which appears between the words "by" and "authorized" is deleted.

10. In the Savings Bond Payroll Deduction System (30–64–0013), the paragraph entitled *Authority for maintenance of the system* is corrected to read as follows:

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" (No. 22, 1943).

11. In the Travel Voucher System (30–64–0014), under the paragraph entitled *Categories of records in the system*, in the second line the word "employee's" is changed to "employees'".

12. In the Travel Voucher System (30–64–0014), under the paragraph entitled *Routine uses of records maintained in the system*, in the fourth routine use the word "the" appearing between the words "out" and "government-wide" is changed to "its".

13. In the Unofficial Personnel System (30–64–0015), under the paragraphs entitle *System location*, "Personnel Branch" is revised to read "Office of Personnel Management".

14. In the Unofficial Personnel System (30–64–0015), under the paragraph entitled *Routine uses of records maintained in the system*, in the second line of routine use (c) the comma after the word "retirement" is deleted.

15. In the Unofficial Personnel System (30–64–0015), under the paragraph entitled *Routine uses of records maintained in the system* in routine use (d) the word "levent" is corrected to read "event".

16. In the Unofficial Personnel System (30–64–0015), under the paragraph entitled *System manager(s) and address*, "Office of Employee Relations" is revised to read "Office of Personnel Management."

17. In the Municipal Securities Principals and Representatives System (30–64–0016), the paragraph entitled *Categories of individuals covered by the system* is revised to read as follows:

Persons who are or seek to be municipal securities principals or municipal securities representatives associated with municipal securities dealers which are FDIC insured State-chartered banks, not members of the Federal Reserve System, or are subsidiaries, departments, or divisions of such banks.

18. In the Municipal Securities Principals and Repersentaitves System (30–64–0016), under the paragraph entitled *Routine users of records maintained in the system*, in the fourth routine use the remainder of the sentence following the word "dealer" is modified to read as follows:

(4) * * * (as such a dealer is described in "Categories of individuals covered by the system" above) as a municipal securities principal or representative; * * *

23. In Appendix A to the FDIC's systems of records, the address for the FDIC's Richmond Regional Office is changed from "906 E. Main Street" to "908 E. Main Street".

By order of the Board of Directors, September 30, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc.77-31736 Filed 11-1-77;8:45 am]

[6720-01]

FEDERAL HOME LOAN MORTGAGE CORPORATION

[No. MC 77-46]

PRIVACY ACT OF 1974

Systems of Records

OCTOBER 26, 1977.

AGENCY: Federal Home Loan Mortgage Corporation.

ACTION: Proposed notice.

SUMMARY: The proposed notice would implement the Privacy Act of 1974 (5 U.S.C. § 552a).

COMMENTS MUST BE RECEIVED BEFORE: December 2, 1977.

ADDRESS: Send comments to Office of General Counsel, Federal Home Loan Mortgage Corporation, 311 First Street NW., Washington, D.C. 20001.

FOR FURTHER INFORMATION CONTACT:

Diana Browne, Assistant General Counsel, Federal Home Loan Mortgage Corporation, 202–624–7031, at the above address.

SUPPLEMENTARY INFORMATION: This proposed notice lists the record systems maintained by the Corporation that contain personal information about an individual, or that identifying that individual by name or identifying number, symbol, or other identifying particular. Information is retrieved from these record systems by the individual's name or identifying number, symbol or other identifying particular. The only such record systems maintained by the Corporation are personnel and payroll records.

This proposed notice contains a variety of information about the listed record systems, including the "routine uses" of the information in these systems. Section 552a(a)(7) of the Privacy Act defines a "routine use" of a record as a use which is compatible with the purpose for which the information was collected. Section 552a(e)(11) of the Privacy Act requires that agencies publish in the FEDERAL REGISTER intended routine uses of information in such record systems, and provide an opportunity for interested persons to submit written comments to the agency.

FHLMC—I

System name:

Corporate Employee Files.

System location:

Office of Personnel, Federal Home Loan Mortgage Corporation, 311 First Street NW., Washington, D.C. 20001.

Categories of individuals covered by the system:

All present and former employees.

Categories of records in the system:

Employment applications and/or résumés, forms recording personnel actions, employee evaluations, memos for the record and other routine personnel information on identified individuals.

Authority for maintenance of the system:

12 U.S.C. 1452(b).

Routine uses of records maintained in the system, including categories of users and purposes of such uses:

Used to provide data in determining current employment status of employee, history of personnel actions, evaluation of performance and to assist in determining what, when, and whether future personnel actions should be taken. Users are the Office of Personnel, supervisory personnel at levels above the employee on whom the record is maintained and the employee himself. These records also may be reviewed by the Legal Department in connection with certain personnel actions, and by the Internal Auditor and his staff.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Records are stored in the file folders, are filed by employee name and can only be viewed upon request to the Director of Personnel. Records are retained indefinitely.

System manager and address:

Director of Personnel. See above for address.

Records source categories:

The individual on whom file is maintained, the supervisor and the Director of Personnel.

FHLMC—II

System name:

Corporate Employee Current Salary Cards.

System location:

Finance Department, Federal Home Loan Mortgage Corporation, 311 First Street NW., Washington, D.C. 20001.

Categories of individuals covered by the system:

All present employees.

Categories of records in the system:

Current salary, dependent status, number of tax exemptions, age and date of hire, and information regarding various types of deductions from salaries.

Authority for maintenance of the system:

12 U.S.C. 1452(b).

Routine uses of records maintained in the system, including categories of users and purpose of use:

For pay and insurance benefits. Used by Corporate Treasurer, Supervisor of Accounts Payable, and Payroll Clerk. These records also may be reviewed by the Internal Auditor and his staff.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Stored by employee name in card file under lock and key and obtained through the Accounts Payable Supervisor. Cards destroyed as they become out of date or upon termination of employment.

System manager and address:

Supervisor of Accounts Payable. See above address.

Record source categories:

Employee files.

FHLMC—III

System location:

Potential Candidates for Employment.

System location:

Office of Personnel, Federal Home Loan Mortgage Corporation, 311 First Street NW., Washington, D.C. 20001.

Categories of individuals covered by the system:

Potential candidates for employment.

Categories of records in the system:

Employment applications, résumés, referral letters and memos.

Authority for maintenance of the system:

12 U.S.C. 1452(b).

Routine uses of records maintained in the system, including categories of users and purpose of use:

Used to evaluate qualifications of potential candidates by the Director of Personnel and supervisors. These records also may be reviewed by the Internal Auditor and his staff.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Records are stored in file folders, by candidate name, in a locked file cabinet. Access is gained through a request to the Director or Assistant Director of Personnel. Files are retained 2 years and destroyed unless candidate is hired. If candidate is hired file becomes part of employee records.

System manager and address:

Director of Personnel. See above for address.

Record source categories:

These records are normally submitted by the individual seeking employment. Some records could come from individuals or employment agencies sponsoring the application.

FHLMC—IV

System name:

Corporate Employee Conflict of Interest Files.

System location:

Office of Personnel, Federal Home Loan Mortgage Corporation, 311 First Street NW., Washington, D.C. 20001.

Categories of individuals covered by the system:

All present and former employees.

Categories of records in the system:

Annual conflict of interest statements submitted by employees, and memoranda concerning such annual statements.

Authority for maintenance of the system:

12 U.S.C. 1452(b).

Routine uses of records maintained in the system, including categories of users and purposes of such use:

Used to provide data to determine if employee has any interest which conflicts with proper performance of duties with the Federal Home Loan Mortgage Corporation. Users are the Legal Department and the Personnel Department. In instances where personnel action may be warranted, users also may include supervisory personnel at levels above the employee on whom the record is maintained. These records also may be reviewed by the Internal Auditor and his staff.

Policies and practices for storing, retrieving, access, retaining and disposing of records in the system:

Records are stored in file folders, are filed by employee name and can only be viewed upon request to the Director of Personnel. Records are maintained indefinitely.

System manager and address:

Director of Personnel. See above for address.

Record source categories:

The individual on whom the file is maintained, and in some instances members of the Legal Department and supervisory personnel above the level of the employee on whom the record is maintained.

By the Board of Directors.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.77-31772 Filed 11-2-77;8:45 am]

[6770-01]

FOREIGN CLAIMS SETTLEMENT COMMISSION

PRIVACY ACT OF 1974

General War Claims Program Records System

The Foreign Claims Settlement Commission (FCSC) hereby publishes for comment an additional records system designated "FCSC-33," "General War Claims Program." Any person interested in commenting on this system may do so by submitting comments in writing to the Executive Director (Privacy officer), Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. 20579. Comments must be submitted on or before December 2, 1977.

Dated at Washington, D.C. on October 24, 1977.

WAYLAND D. MCCLELLAN,
General Counsel.

System name:

General War Claims Program—FCSC-33.

System location:

Washington National Records Center, GSA, 4205 Suitland Road, Washington, D.C. 20409. Indexes to system maintained at Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. 20579.

Categories of individuals covered by the system:

U.S. nationals who suffered certain property losses during World War II.

Categories of records in the system:

Claim application form containing name and address of claimant and representative, if any; date and place of birth or naturalization; nature and amount of claim; description, ownership, and value of property; and evidence to support claim for the purpose of receiving compensation.

Authority for maintenance of the system:

Title II of War Claims Act of 1948, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records were used for the purpose of adjudicating claims; issuance of decisions concerning eligibility to receive compensation under the Act; notifications to claimants of rights to appeal; and transmittal of awards, if any, to Treasury Department for payment.

Names and other data furnished by claimants used for verifying citizenship status with INS. Law Enforcement: In the event that a system of records maintained by FCSC to carry out its functions indicates a violation or potential violation of law, whether civil or criminal or regulatory in nature, and whether arising by general statute or particular program statute or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating of prosecuting such violation or charged with enforcing or implementing the statue, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A–19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a Congressional staff member in response to any inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records maintained in file folders.

Retrievability:

Filed numerically by claim number. Alphabetical index used for identification of claim.

Safeguards:

Under GSA security safeguards at Washington National Records Center.

Retention and disposal:

Records maintained under 5 U.S.C. 301. Disposal of records will be in accordance with 44 U.S.C. 3301–3314 when such records are determined no longer useful.

System manager and address:

Executive Director, Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. 20579; phone: 202–653–6156.

Notification procedure:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Claimant on whom the record is maintained.

[FR Doc.31735 Filed 11–1–77;8:45 am]

[6820–38]

GENERAL SERVICES ADMINISTRATION

[Temporary Regulation F–446]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Subject: Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in a gas rate proceeding.

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, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Public Service Commission of Maryland involving the application of the Baltimore Gas and Electric Company for a revision and increase in its Schedule "C" gas rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JAY SOLOMON,
Administrator of General Services.

OCTOBER 19, 1977.

[FR Doc.77–31627 Filed 11–1–77; 8:45 am]

[6820–38]

[Temporary Regulation F–447]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the Federal Communications Commission involving interstate telecommunications equipment rates.

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, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Federal Communications Commission, involving the application of the Western Union Telegraph Company for increases in its interstate rates and charges, for Tariff FCC No. 254 (Tariff Transmittal No. 7230). The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JAY SOLOMON,
Administrator of General Services.

OCTOBER 19, 1977.

[FR Doc.77–31628 Filed 11–1–77;8:45 am]

[6820–38]

[Temporary Regulation F–448]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Subject: Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in an electric rate proceeding.

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, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Virginia State Corporation Commission involving the application of the Potomac Electric Power Company for an increase in its electric rates. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the respon-

sible officers, officials, and employees thereof.

JAY SOLOMON,
Administrator of General Services.

OCTOBER 19, 1977.

[FR Doc. 77-31629 Filed 11-1-77;8:45 am]

[6820-23]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 10, November 18, 1977, from 9 a.m. to 3 p.m., Regional Administrator's Conference Room, GSA Center, 15th and C Streets SW., Auburn, Washington. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed modernization of the Federal Building and Courthouse, Anchorage, Alaska. The meeting will be open to the public.

M. L. BLAYLOCK,
Acting Regional Administrator.

[FR Doc.77-31675 Filed 11-1-77;8:45 am]

[6820-23]

REPORT OF ENVIRONMENTAL ACTIONS

Public Notice

Pursuant to the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.), and § 1500.6(e) of the Council on Environmental Quality Guidelines for the Preparation of Environmental Impact Statements (38 FR 20550) the following is a list of administrative actions for which environmental impact statements were under preparation by the General Services Administration from March 1, 1977 through August 31, 1977, for real property disposal actions and from June 1, 1977 through August 31, 1977, for facility planning actions. Also listed are administrative actions for which environmental impact statements are planned in the future and actions for which environmental assessments were completed with negative declarations.

Dated: October 12, 1977.

TOM L. PEYTON, Jr.,
Acting Commissioner,
Public Buildings Service.

REAL PROPERTY DISPOSAL ACTIONS

ENVIRONMENTAL IMPACT STATEMENTS/NEGATIVE DECLARATIONS

Region 1

A. *EIS's in Preparation—Charlestown, R.I.* Draft EIS regarding disposal of approximately 604 acres of the former Naval Auxiliary Landing Field.

Newport, North Kingstown, Middletown, and Portsmouth, R.I. Draft EIS regarding disposal of approximately 3,200 acres of the former Quonset Point Naval Air Station, Construction Battalion Center, and U.S. Naval Base.

B. *EIS's Planned.* None.

C. *Environmental Assessments Completed with Negative Declarations—Shelton and Munroe, Conn.* Public sale of 10.7-acre portion of the Bridgeport Defense Area Housing Site by auction/sealed bid combination.

Bangor, Maine. Public sale of 34.56 acres and 165 housing units of former Dow Air Force Base by competitive bid.

Bedford, Mass. Conveyance of 411.93-acre portion of L. G. Hanscom A.F. Base to Massachusetts Port Authority for airport purposes and transfer of 3.70-acre portion to Federal Aviation Administration for air traffic control.

Gosnold, Mass. Transfer of 4.35-acre portion of Tarpaulin Cove Light to the Commonwealth of Massachusetts for wildlife conservation.

Rye, N.H. Public sale of 0.16-acre portion of the former Harbor Defense Unit by competitive bid and transfer of 0.438-acre portion to the New Hampshire Fish and Game Department for historic monument purposes.

Coventry, R.I. Public sale of 8.16 acres and 32 units of former Providence Defense Area Family Housing Site by competitive bid.

Newport, R.I. Negotiated sale of an easement over a 0.119-acre portion of the former Naval Public Works Center to the Newport Electric Corp. for installation of overhead transmission lines.

Newport, R.I. Negotiated sale of 30.4 acres of the former Fort Adams/Brenton Village to the State of Rhode Island for recreational uses and conveyance through the Department of the Interior of 27.1 acres to the State of Rhode Island for recreational uses.

Region 2

A. *EIS's in Preparation.* Negative.

B. *EIS' Planned.* Negative.

C. *Environmental Assessments Completed with Negative Declaration—Culebra Island, Puerto Rico.* Negotiated sale of 28.3 acres, 79.7 acres for airport use, 157 acres for park and recreational use and waterlines and related facilities for health purposes to the Commonwealth of Puerto Rico.

Staten Island, N.Y. Negotiated sale of 7.7 acres of land, with improvements at the U.S. Coast Guard Base, St. George, to the City of New York for industrial purposes.

Brooklyn, N.Y. Sealed bid sale of 2.43 acres with improvements at Quarters "A," Matthew C. Perry House, to the general public.

Jersey City, N.J. Negotiated sale of 12.1 acres with improvements at the Caven Point U.S. Army Reserve Center, to the City of Jersey City for industrial purposes.

Region 3

A. *EIS's in Preparation.* Negative.

B. *EIS's Planned.* Negative.

C. *Environmental Assessments Completed with Negative Declaration — Chesterfield County, Va.* Public sale of Portion, Defense General Supply Center by competitive bid.

Fairfax County, Va. Transfer of the Headquarters Building Air Force Technical Application Center for fulfilling space requirements of various agencies.

Delaware County, Pa. Transfer of the Naval Home Cemetery to the Veterans Administration for continued use as a Federal cemetery.

Anne Arundel County, Md. Negotiated sale of the GSA Curtis Bay Storage Depot to Anne Arundel County for an industrial complex.

Anne Arundel County, Md. Assignment of Portion, Fort George G. Meade to the Bureau of Outdoor Recreation for Anne Arundel County for public park and recreational purposes.

Fort Detrick, Md. Transfer of the Sewage Treatment Plant to the Smithsonian's Chesapeake Bay Center, Edgewater, Md.

Sullivan County, Pa. Transfer of portion Benton Air Force Station improved with one building to the Federal Aviation Administration for continuation of their current program. Transfer to the Department of Labor the remaining portion for the establishment of a Job Corps Center.

Philadelphia, Pa. Transfer the U.S. Naval Home to the Department of Labor for use as a Jobs Corps Center.

Portsmouth, Va. Negotiated sale of the Coast Guard Buoy Base to the City of Portsmouth.

Greenbackville, Va. Assignment of Portion, Franklin City Laboratory to the Secretary of Health, Education, and Welfare for the Marine Science Consortium for educational purposes.

McMechen, W. Va. Assignment of the Housing Site, Lock & Dam #13 to the Bureau of Outdoor Recreation for the town of McMechen for public park and recreational area.

Philadelphia, Pa. Public sale of Parcel 1, Marine Corps Supply Activity by competitive bid.

Philadelphia, Pa. Assignment of U.S. Naval Home to the Department of Health, Education, and Welfare for the South Philadelphia Health Action.

Philadelphia, Pa. Proposed conveyance of Portion, Fort Mifflin to the City of Philadelphia as an Historic Monument.

York County, Va. Negotiated sale of the Cheatham Annex Fuel Tank Farm to the Commonwealth of Virginia for a fuel storage facility.

Talbot County, Md. Negotiated sale of U.S. Coast Guard Station, Tilghman Island to Talbot County for a holding area for dredged material from Knapps Narrow Channel.

Region 4

A. *EIS's in preparation.* Negative.

B. *EIS's Planned.* Negative.

C. *Environmental Assessments Completed with Negative Declarations—Baldwin County, Ala.* Airport conveyance of the OLF Canal (Naval Air Station, Pensacola, Fla.) to the State of Alabama for airport purposes.

Fort Rucker, Ala. Negotiated sale of a portion of the Fort Rucker Military Reservation to the City of Daleville for industrial purposes and public sale of 31.95 acres by competitive bid.

Mobile Bay, Ala. Historical monument conveyance of Mobile Bay Light to the Alabama Historical Commission, an agency of the State of Alabama, for continued preservation as a historic monument.

Chattahoochee County, Ga. Public sale of 178.35 acres of the Fort Benning Military Rservation by competitive bid.

Moultrie, Ga. Airport conveyance of Spence Air Force Auxiliary Field to the City of Moultrie for airport purposes.

Wilmington, N.C. Airport conveyance of the former Bluethenthal Field National Guard Facility, New Hanover County Airport to the New Hanover County Airport Commission, Wilmington, N.C., for airport purposes.

Wilmington, N.C. Airport conveyance of a portion of the New Hanover County Air Force Facility, New Hanover County Airport to the New Hanover County Airport Commission, Wilmington, N.C., for airport purposes.

Wilmington, N.C. Airport conveyance of the former U.S. Marine Corps Facility, Bluethenthal Field, New Hanover County Airport to the New Hanover County Airport Commission, Wilmington, N.C., for airport purposes.

Marietta, Ga. Public sale of 46.83 acres of the Dobbins Air Force Base by competitive bid.

Chattanooga, Tenn. Public sale of 0.68 acre of the Volunteer Army Ammunition Plant by competitive bid.

West Palm Beach, Fla. Negotiated sale of the Naval Weapons Industrial Reserve Plant to Pratt & Whitney Aircraft for warehousing and storage.

Pikeville, Ky. Negotiated sale of a portion of the Post Office and Courthouse to the Urban Renewal & Community Development Agency, City of Pikeville, Ky. for future development of the city.

Savannah, Ga. Negotiated sale of a portion of the Hunter Army Airfield to the Board of Public Education for the City of Savannah and the County of Chatham for construction of an educational complex.

Dauphin Island, Ala. Negotiated sale of the electrical distribution system to the Alabama Power Co. for continued in-place use as an electrical distribution system.

Region 5

A. *EIS's in Preparation.* Negative.

B. *EIS's Planned.* Negative.

C. *Environmental Assessments Completed with Negative Declaration—Chicago, Ill.* U.S. Army Support Center, Twin Towers, Chicago, Beach Drive and East 50th Street, Chicago, Ill., 0.97 acre improved with two 26-year-old 22 story apartment buildings connected by a one story lobby area. Disposal by negotiated sale.

Battle Creek, Mich. Portions of Custer Reserve Forces Training Area and Naval and Marine Corps Reserve Center Training Area, Former Fort Custer, Battle Creek, Mich., approximately 392 acres of unimproved fee land. Negotiate sale with the city of Battle Creek.

Frankfort, Ind. U.S. Post Office, Frankfort, Ind., 0.40 acre of land, improved with a 1-story limestone masonry building, with a small mezzanine. Negotiated sale to the Board of Commissioners of Clinton County, or to the Frankfort Public Library.

Addison, Ill. Former Nike Battery C–72, in Du Page County, consists of two separate parcels of vacant land connected by an access easement for a total 7.52 acres. Assignment to Bureau of Outdoor Recreation.

Cincinnati, Ohio. Approximately 351 items of Government owned machinery and plant equipment at the Cincinnati Electronics Corporation. Negotiated sale with contractor.

McConnelsville, Ohio. 80 items of Government owned machinery and equipment, operated by Gould, Inc. Negotiated sale with contractor.

Erie County, Ohio. Portion of Plum Brook Station consisting of 45.564 acres of land improved with 6 buildings. Assignment to the Department of Health, Education, and Welfare for conveyance to the Perkins Township Schools.

Lawrence County, Ohio. Lock and Dam No. 28 property on the Ohio River, consisting of 15.41 acres improved with 5 buildings. Assignment of major portion of property to Department of Health, Education, and Welfare for conveyance to the Huntington Christian Academy; assignment of a 7' x 14' rectangular parcel to Department of Health, Education, and Welfare for conveyance to the Village of South Point for public health services.

Medina and Summit Counties, Ohio. Portion of Cleveland Army Tank-Automotive Plant Proving Ground consisting of 227.82 acres of unimproved land. Assignment to Bureau of Outdoor Recreation for conveyance to Hinckley and Richfield townships jointly for park and recreational uses.

Cottage Grove, Minn. Vacant Postal Service Land, Cottage Grove, Minn., approximately 195' x 350' of unimproved land. Sale of property by sealed bids.

Region 6

A. *EIS's in Preparation. Negative.*

B. *EIS's Planned.* Negative.

C. *Environmental Assessments Completed with Negative Declarations Arkansas City, Kans.* Negotiated sale of Government owned machinery and equipment within the General Electric Co. property to General Electric.

Jefferson Barracks, St. Louis, Mo. Public sale of the Food and Drug Administration six acre site on the Veterans Administration Reservation by competitive bid.

St. Louis, Mo. Negotiated sale of Government owned machinery and equipment in the Comet Tool and Die Company property to Comet Tool and Die.

St. Louis, Mo. Public sale of an unimproved 3.27 acres of the U.S. Postal Service expansion property by competitive bid.

Excelsior Springs, Mo. 75,000 gallon water tank for offsite removal. If no interest received, the property will be offered for sale by competitive bid.

Topeka, Kans. Environmental reassessment of the public sale or negotiated sale of two improved noncontiguous parcels of land, Forbes Air Force Base, Cullen Village Housing Area with 261.77 acres and Baker Drive Area with 23.07 acres.

Region 7

A. *EIS's in Preparation—Matagorda Island, Tex.* Draft EIS in process regarding disposal of 18,992.18 acres former Matagorda Island Air Force Range, Tex.

B. *EIS's Planned.* None.

C. *Environmental Assessments Completed with Negative Declarations—Rio Grande Project, N. Mex.* Negotiated sale of 19.8 acres fee and 3,269.55 acres easements to Plains Electric Generation and Transmission Cooperative, Albuquerque, N. Mex.

San Antonio, Tex. Convey 46.905 acres to Bureau of Outdoor Recreation for assignment to County of Bexar for park and recreation purposes. Convey 94.155 acres to County of Bexar for widening Blanco Road.

Bergstrom Air Force Base, Tex. Public sale of 2.45 acres at National Guard Facility by competitive bids.

Curry County, N. Mex. Public sale of one acre with improvements at Cannon Outer Marker Annex by competitive bids.

Sondheimer, La. Negotiated sale of 3.968 acres with improvements to East Carroll Parish Jury, Lake Providence, La., for use as a multi-purpose community center.

San Antonio, Tex. Transfer 4.59 acres with improvement to Department of the Navy for parking lot.

Tarrant County, Tex. Public sale of 4.582 acres with improvements in Wash Davidson Survey by competitive bids.

Lake Charles, La. Assignment of 25.09 acres with improvements to Bureau of Outdoor Recreation for conveyance to city of Lake Charles for park and recreational use.

Mineral Wells, Tex. Negotiated sale of 1,348 acres with improvements to the city of Mineral Wells for communication purposes.

San Antonio, Tex. Transfer 1.73 acres to Department of the Navy for parking facility. Assignment of 1.53 acres to Bureau of Outdoor Recreation for conveyance to city of San Antonio for park and recreational purposes. Public sale of 2.19 acres by competitive bid.

Carlsbad, N. Mex. Negotiated sale of 3.3685 acres with improvements to city of Carlsbad for municipal uses.

Placquemine, La. Grant perpetual easement to the Office of Highways of the Department of Transportation, State of Louisiana over 0.051 acre of land at the Bayou Plaquemine Lock site.

Laredo, Tex. Assignment of 0.225 acre and Customs Building to Department of Health, Education, and Welfare for conveyance to Ruthe B. Cowl Rehabilitation Center.

Baton Rouge, La. Assignment of 120.04 acres to Bureau of Outdoor Recreation for conveyance to Parish of East Baton Rouge Recreation and Park Commission for park and recreational use. Assignment of 54.71 acres to Department of Health, Education, and Welfare for conveyance to the East Baton Rouge School Board for educational use.

Texarkana, Ark. Conveyance of 1.2 acres of leased land with Government owned improvements to the Joint Board of the Texarkana Airport Authority for use as airport property.

San Angelo, Tex. Negotiated sale of 53.70 acres at O. C. Fisher Lake to Tom Green County for construction of a county road.

Plaquemine, La. Assign 4.69 acres with improvements to Bureau of Outdoor Recreation for conveyance to Louisiana Department of Culture, Recreation and Tourism, Office of State Parks, for park and recreational use.

Region 8

A. *EIS's in Preparation.* Negative.

B. *EIS's Planned.* Negative.

C. *Environmental Assessments Completed with Negative Declarations—Weldona, Colo.* Public sale of Bureau of Reclamation owned residence and miscellaneous buildings for offsite removal by competitive sale.

Clearfield, Utah. Negotiated sale of 20.74 acres of land improved with four warehouses at Clearfield Federal Depot to city of Clearfield.

Maida, N. Dak. Federal transfer of underlying land at Maida Border Station to U.S. Customs Service.

Sarles, N. Dak. Federal Transfer of underlying land at Sarles, Border Station to U.S. Customs Service.

Walhalla, N. Dak. Federal transfer of underlying land at Walhalla, Border Station to U.S. Customs Service.

Wendover, Utah. Federal transfer of 130'x180' lot at Wendover Air Force Auxiliary Field to Federal Aviation Administration.

Audubon National Willife Refuge, N. Dak. Public sale of U.S. Fish & Wildlife Service owned residence and miscellaneous buildings for offsite removal by competitive sale.

Del Bonita, Mont. Federal Transfer of underlying land at Del Bonita Border Station to U.S. Immigration and Naturalization Service.

Buckley Air Natoinal Guard Base, Colo. Federal Transfer of 19.36 acres of unimproved land at Buckley Air National Guard Base to Department of Defense.

Conrad, Mont. Public sale of remaining 37.21 acres of unimproved land at the former Safeguard ABM Missile Complex near Conrad, Mont.

Stanford, Mont. Public sale of 0.52-acre unimproved land, at the Forest Service Administration Site in Stanford, Mont.

Ogden, Utah. Federal transfer of 2.80 acres of land and water system at Little Mountain Air Force Training Annex near Ogden, Utah, to Bureau of Reclamation.

Clearfield, Utah. HEW conveyance of 1.5 acres of land improved with a shop/garage and fire station at Clearfield Federal Depot to city of Clearfield.

Turner, Mont. Federal transfer of underlying land at Turner Border Station to U.S. Immigration and Naturalization Service.

Wild Horse Trail, Mont. Federal transfer of underlying land at Wild Horse Trail Border Station to U.S. Immigration and Naturalization Service.

Morgan, Mont. Federal transfer of underlying land at Morgan Border Station to U.S. Immigration and Naturalization Service.

Willow Creek, Mont. Federal transfer of underlying land at Willow Creek Border Station to U.S. Immigration and Naturalization Service.

Region 9

A. *EIS's in Preparation.* Negative.

B. *EIS's Planned—Novato, Calif.* Draft EIS regarding disposal of approximately 1745 acres of the former Hamilton Air Force Base.

C. *Environmental Assessments Completed with Negative Declarations—Kingman, Arizona*—Negotiated sale of the Administrative Site to the county of Mojave for storage and a communications system.

Las Vegas, Nev. Negotiated sale of the Administrative Site to the city of Las Vegas to provide social services facilities to low income persons.

Boron, Calif. Transfer 1.72 acres plus easements and improvements of Boron Air Force Station to the Federal Aviation Administration for continued use of the long range radar facility; conveyance of 640 acres to the State of California for Wildlife conservation; public sale of 174 acres, improvements and easements by competitive bid.

San Pedro, Calif. Assign approximately 52 acres of the upper Reservation, Fort MacArthur to the Department of Health, Education, and Welfare for conveyance to the Los Angeles Unified School District for educational use and approximately 59.38 acres to the Bureau of Outdoor Recreation for conveyance to the city of Los Angeles for park and recreation use.

San Pedro, Calif. Assign approximately 140 acres, easements, permits and improvements of the White Point Seacoast Battery, NIKE 43-L at Fort MacArthur to the Bureau of Outdoor Recreation for conveyance to the city of Los Angeles and the county of Los Angeles for park and recreation use; and public sale of approximately 5 acres by competitive bid.

China Lake, Calif. Public sale of approximately 114.61 acres, improvements and utilities of the Naval Weapons Center Wherry Housing by competitive bid; assign approximately 9 acres and improvements to the Department of Health, Education, and Welfare for conveyance to the Sierra Sands Unified School District for educational use, the Indian Wells Valley Association for the Retarded for a training center and the water system to the Indian Wells Valley County Water District.

Ranch Palos Verdes, Calif. negotiation sale of 5.10 acres of the Los Angeles Defense Area, NIKE 55, Point Vicente to the city of Rancho Palos Verdes for a civic center site; negotiated sale of 2.0 acres to the Palos Verdes Unified School District for educational use; assign 100.89 acres to the Bureau of Outdoor Recreation for conveyance to the city of Rancho Palos Verdes and the county of Los Angeles for park and recreation use; and assign 1.80 acres to the Department of Health, Education, and Welfare for conveyance to the Palos Verdes Peninsula Unified School District for educational use.

San Francisco, Calif. Public sale of 20.63 acres and improvements at the Hunters Point Naval Shipyard by competitive bid; assign 4.53 acres and improvements to the Department of Health, Education, and Welfare for conveyance to the University of California for education use; assign 2.89 acres and improvements to the Bureau of Outdoor Recreation for conveyance to the San Francisco Housing Authority for park and recreation use; and negotiated sale of 19.25 acres and improvements to the San Francisco Housing Authority for low income housing.

Loleta, Calif. Assign approximately 2 acres of the Table Bluff Light Station to the Bureau of Outdoor Recreation for conveyance to the county of Humboldt for park and recreation use.

Monterey, Calif. Public sale of 10.81 acres of the Naval Postgraduate School by competitive bid.

Sacramento, Calif. Assign 75.7 acres at Mather Air Force Base to the Bureau of Outdoor Recreation for conveyance to the Cordova Recreation and Park District for a shooting range.

West Covina, Calif. Negotiated sale of 324 items of installed equipment to Aerospace Research Association.

Castella, Calif. Public sale of the 0.625-acre Administration Site by competitive bid.

West Los Angeles, Calif. Transfer of 2.13 acres and improvements of the Veterans Administration Center Reservation to General Services Administration for a parking lot.

San Bruno, Calif. Assign 4.16 acres of the U.S. Naval Facility to the Bureau of Outdoor Recreation for conveyance to the city of San Bruno for park and recreation use.

Oahu, Hawaii. Assign 17,326 square feet of land and a sewage pump station at the Pearl City Peninsula Ewa District to the Department of Health, Education, and Welfare for conveyance to the city and county of Honolulu for health use.

Los Angeles, Calif. Assign 3.12 acres and improvements of the Los Angeles Air Force Station Annex I to the Department of Health, Education, and Welfare for conveyance to Northrop University for education use.

South San Francisco, Calif. Assign approximately 6.04 acres and improvements known as Oyster Point Warehouse to the Department of Health, Education, and Weflare for conveyance to Synanon Foundation and the San Francisco Unified School District for educational use.

Saugus, Calif. Public sale of approximately 8.27 acres and improvements of the NIKE 94, Military Construction Authority Housing Site, Sand Canyon, by competitive bid.

Dateland, Ariz. Assign 1.43 acres and improvements of the Radio Communications, Air to Ground Site to the Department of Health, Education, and Welfare for conveyance to the Hyder School District Number 16 for educational use.

Fallon, Nev. Transfer approximately 17,165 square feet of land and improvements at the Newlands Project to the Postal Service for a new post office site.

San Diego, Calif. Negotiated sale of approximately 132 acres of the former U.S. Naval Retraining Command, Camp Elliott, to the City of San Diego for use as a land fill site.

Region 10

A. *EIS's in Preparation.* None.

B. *EIS's Planned.* None.

C. *Environmental Assessments Completed with Negative Declarations—Deschutes County, Oreg.* Public sale of approximately 12.4 acres near the city of Redmond.

Adair Village, Oreg. The property consists of three parcels of land being a portion of the former Adair Air Force Station. Public sale of Parcel 1 consisting of approximately 1.66 acres and one building and Parcel 3 consisting of approximately 1.6 acres and one building. Negotiated sale of Parcel 2 to Adair Village consisting of approximately 0.73 acre improved with one building.

King County, Wash.—Public sale of 0.08 acre of fee owned land, 0.13 acre of access easement and four steel frame towers near the town of Vashon.

Franklin County, Wash. Negotiated sale of former Army Reserve Center near Pasco to Port of Pasco for inclusion into an industrial complex.

Grays Harbor County, Wash. Negotiated sale to Pacific Northwest Bell Telephone of 488 wood poles located at various places from Grays Harbor to Point Grenville for use in place.

Klickitat County, Wash. Public sale of 20 acres of land near the Dalles Dam.

FACILITY PLANNING ACTIONS

ENVIRONMENTAL IMPACT STATEMENTS/NEGATIVE DECLARATIONS

Region 1

A. *EIS's in Preparation—Ft. Kent, Maine.* Preliminary draft EIS for construction of a new Border Station.

Springfield, Mass. Draft EIS for construction of a new Courthouse-Federal Office Building and Parking Facility.

Providence, R.I. Preliminary draft EIS for construction of a Federal Office Building and the repair and alteration of the existing Federal Building-U.S. Courthouse.

B. *EIS's Planned—Boston, Mass.* Preliminary draft EIS for lease construction of a new Veterans Administration Clinic Building.

Houlton, Maine. Preliminary draft EIS for construction of new Border Station.

C. *Environmental Assessments Completed with Negative Declarations.* None.

Region 2

A. *EIS's in Preparation—New York, N.Y., 201 Varick Street.* Draft EIS for repair and alteration project to include a detention facility for illegal aliens.

Otisville, N.Y. Supplement to final EIS Federal Correctional Institution.

B. *EIS's Planned—Niagara Falls (Rainbow Bridge), N.Y.* Construction of a new Border Station to replace existing facility.

C. *Environmental Assessments Completed with Negative Declaration.* None.

Region 3

A. *EIS's in Preparation—Suitland, Md.* Draft EIS for the Suitland Federal Center Master Plan—Southern Portion including Smithsonian Institution Museum Support Center.

Washington, D.C. Draft EIS for the repair and alteration of the Old Post Office (12th and Pennsylvania Avenue NW.).

Washington, D.C. Draft EIS for the repair and alteration of the West Heating Plant (29th and K Streets NW.).

B. *EIS's Planned—Washington, D.C.* Draft EIS for new construction—Pennsylvania Avenue (extension to the new Post Office).

C. *Environmental Assessments Completed with Negative Declarations.* None.

Region 4

A. *EIS's in Preparation—Savannah, Ga.* Draft EIS for new construction of a Federal Building and Parking Facility.

Knoxville, Tenn. Draft EIS for new construction of a Federal Building.

B. *EIS's Planned—Ashland, Ky.* Draft EIS for new construction of a Federal Building and Courthouse.

C. *Environmental Assessments Completed with Negative Declaration—Atlanta, Georgia.* Department of Health, Education, and Welfare—Veterans Administration and Multi-Agency Consolidation (leasing of existing building).

Lexington, Ky. U.S. Post Office and Courthouse Conversion (repair and alteration).

Durham, N.C. National Institute of Environmental Health Sciences Annex (lease construction).

Region 5

A. *EIS's in Preparation—East St. Louis, Ill.* Final EIS for construction of a Federal Building and Courthouse.

Detroit, Mich. Draft EIS for acquisition, repair and alteration of a Secondary Truck

Inspection Facility for the U.S. Customs Service.

B. *EIS's Planned*—Detroit, Mich. Draft EIS for the U.S. Federal Courthouse Annex (new construction for the Bureau of Prisons).

C. *Environmental Assessments Completed with Negative Declarations—South Bend, Ind.* U.S. Post Office and Courthouse conversion.

Region 6

A. *EIS's in Preparation—Kansas City, Kans./Kansas City, Mo. (Standard Metropolitan Statistical Area).* Draft EIS for the Internal Revenue Service-Midwest Service Center.

B. *EIS's Planned.* None.

C. *Environmental Assessments Completed With Negative Declarations.* None.

Region 7

A. *EIS's in Preparation—Dallas, Tex.* Final EIS for repair and alteration of the Federal Building at 1114 Commerce Street.

Santa Fe, N. Mex. Draft EIS for construction of the National Park Service Building.

El Paso, Tex. Draft EIS for construction of Federal Building and Parking Facility and the repair and alteration of Courthouse Federal Building Conversion.

Ysleta (El Paso), Tex. Draft EIS for Federal construction of a Border Station.

B. *EIS's Planned—Corpus Christi, Tex.* Draft EIS for Federal construction of a Courthouse.

San Antonio, Tex. Master Plan of Federal Center.

Tulsa, Okla. Draft EIS for repair and alteration of Federal Building—Parking Facility.

C. *Envrionmental Assessments Completed with Negative Declarations.* None.

Region 8

A. *EIS's in Preparation—Ogden Utah.* Draft EIS for new construction of Internal Revenue Service, Western Service Center, ADP Extension.

B. *EIS's planned.* None.

C. *Environmental Assessments Completed with Negative Declarations.* None.

Region 9

A. *EIS's in Preparation—Los Angeles, Calif.* Draft EIS for construction of a Parking Facility.

West Los Angeles, Calif. Draft EIS for construction of a Federal Bureau of Investigation Parking Facility.

San Jose, Calif. Draft EIS for construction of Federal Building and Parking Facility.

Menlo Park, Calif. Draft EIS for construction of U.S. Geological Survey Complex.

B. *EIS's Planned—San Francisco, Calif.* Draft EIS for construction of Federal Building.

C. *Environmental Assessments Completed with Negative Declarations.* None.

Region 10

A. *EIS's in preparation.* None.

B. *EIS's Planned.* None.

C. *Environmental Assessments Completed with Negative Declarations.* None.

[FR Doc.77-31630 Filed 11-1-77;8:45 am]

[6820-14]

PRIVACY ACT OF 1974

Deletion of a System of Records

On September 21, 1977, there was published in the FEDERAL REGISTER (42 FR 47730 through 47783) annual notices of systems of records pursuant to the provisions of the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a. This notice deletes the system of records identified as "Key Personnel Directory and Key Contact Card GSA/FSS-14," system identification number 23-00-0099, 42 FR 47781. The records in the system are no longer required.

Dated at Washington, D.C., on October 20, 1977.

DARRELL O. CLOKEY,
Acting Director of Administration.

[FR Doc.77-31734 Filed 11-1-77;8:45 am]

[4110-35]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

HOSPITALS PARTICIPATING IN MEDICARE

Request for Participation in the Revision of Health and Safety Requirements

Current regulations specify in detail the conditions that hospitals must meet in order to receive Federal reimbursement under Medicare. They have been in effect for over 10 years. Changes in methods of health care delivery, the need to control the ever-increasing cost of hospital care, and the Secretary's commitment to simplify HEW's regulations are the main reasons for revising them now.

We have developed draft specifications for a revision that would retain the basic principles, but allow hospitals greater flexibility in the use of resources, equipment, and facilities. We believe this will permit better cost control without jeopardizing the health and safety of patients, staff, employees, or the general public.

Section 1863 of the Social Security Act requires that we consult with the Health Insurance Benefits Advisory Council, State agencies, and hospital accrediting bodies. We are sending copies of the draft specifications to those bodies and to national hospital, health professional, and consumer organizations. Their representatives will have opportunity to present their views at meetings later this year.

Other interested organizations and individuals may secure copies of the draft specifications by written request to:

Gerald Sheinbach, Health Standards and Quality Bureau, 300 East High Rise, 6401 Security Boulevard, Baltimore, Md. 21235.

Comments and recommendations may also be sent to Mr. Sheinbach. Consideration will be given to those received by December 30, 1977.

Dated: October 27, 1977.

ROBERT A. DERZON,
Administrator, Health Care Financing Administration.

OCTOBER 27, 1977.

[FR Doc.77-31676 Filed 11-1-77;8:45 am]

[4110-12]

Office of the Secretary

HEALTH CARE FINANCING ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

The Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary is amended to reflect various delegations of authority which have been made from the Secretary to the Administrator, Health Care Financing Administration. Under the Reorganization Order (42 FR 13262, March 9, 1977) the Secretary established the Health Care Financing Administration (HCFA) which has responsibility for the administration of the Medicare, Medicaid, PSRO (Professional Standards Review Organizations), and Long-Term Care programs of the Department. In addition, HCFA has responsibility for administration of the Maximum Allowable Costs for Drugs (MAC) program, to be exercised consistent with the authority of the Pharmaceutical Reimbursement Board, and the responsibility for providing administrative support to the Pharmaceutical Reimbursement Board and the Pharmaceutical Advisory Committee. Part III, paragraph A, subparagraph 1 of that Order superseded the prior delegations of authority to the Commissioner of Social Security, the Assistant Secretary for Health, and the Administrator, Social and Rehabilitation Service with respect to these programs and vested that authority in the Administrator, HCFA with authority to redelegate. This amendment to the Health Care Financing Administration portion of the Department Statement of Organization Functions, and Delegations of Authority (42 FR 33071, June 29, 1977) reflects that provision of the Order.

In addition, prior delegations of authority to the Regional Directors relating to long term care (39 FR 20712, June 13, 1974); to the Commissioner of Social Security relating to certain experimentation programs (40 FR 53611, November 19, 1975); and to the Assistant Secretary for Health relating to certain experimentation programs (40 FR 1077, January 5, 1977), have been rescinded by the Secretary and delegated to the Administrator, HCFA.

Further, although the Reorganization Order vested the Administrator with various authorities and the authority to redelegate, that authority was to be exercised in a manner consistent with the prior delegations. A re-examination of all the authorities now delegated to the Administrator has resulted in several changes in the restrictions and limitations on these new delegations. (For example, the Secretary's authority to review decisions of the Provider Reimbursement Review Board on his own motion pursuant to section 1878(f)(1) of the Social Security Act (42 U.S.C. 1395oo

(f)(1)) was previously delegated to the Commissioner of Social Security without restriction on redelegation. Under these new delegations that authority may only be redelegated to the Deputy Administrator, HCFA.) These changes are also reflected in these amendments to the Department Statement.

The delegations of authority reflected in this amendment to the Health Care Financing Administration Statement of Organization, Functions and Delegations of Authority consistent with the Reorganization Order were effective March 8, 1977. The subsequent modifications in the delegations to the Administrator, HCFA (which are contained in the accompanying Statement of Organization, Functions, and Delegations of Authority) became effective on the date the Secretary signed this document.

The Secretary has ratified: (1) Any actions taken by the Health Care Financing Administration after the Reorganization Order but prior to the subsequent modifications which were consistent with those modifications; (2) any actions by the Commissioner of Social Security, the Administrator, Social and Rehabilitation Service, and the Assistant Secretary for Health with respect to the experimentation authorities contained in section 402 of the Social Security Amendments of 1967 (P.L. 90–248), and sections 222(a) and 245 of the Social Security Amendments of 1972 (P.L. 92–603) taken prior to the January 5, 1977 formal delegation of those authorities; and (3) any actions taken by the Commissioner of Social Security with respect the authorities contained in sections 1876–1880 of the Social Security Act (42 U.S.C. 1395mm–1395qq) taken prior to the date of the Reorganization Order. (The latter ratification was prompted by the language of the former delegations of Medicare authority to the Commissioner made in 1968 (38 FR 5636, April 16, 1968). That document, which was a plenary delegation from the Secretary to the Commissioner of the Medicare program authority found in title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), contained a parenthetical cross-reference to the United States Code which made reference to sections 1801–1875 of that Act (i.e. 42 U.S.C. 1395–1395ll). This cross-reference became incomplete upon enactment of the Social Security Amendments of 1972, and has lead to judicial challenges to the Commissioner's exercise of the authority contained in Section 1878(f)(1) of the Act, the discretionary "own-motion" review of decisions rendered by the Provider Reimbursement Review Board with respect to certain appeals of Medicare providers of services.)

As indicated in Part III, paragraph B of the Reorganization Order, all redelegations of these authorities in effect immediately prior to the effective date of that Order shall continue in effect pending further redelegations. In addition, prior redelegations of the authority made by the Regional Directors, the Commissioner of Social Security, and the Assistant Secretary for Health, respectively, of the authorities now delegated to the Administrator, HCFA, also shall continue in effect pending further redelegations.

The delegations of authority for the Health Care Financing Administration read as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, HEALTH CARE FINANCING ADMINISTRATION

STATEMENT OF ORGANIZATIONS, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

F.30 *Delegations of Authority*—Except as provided in Sections AA.30, F.40 and F.50 of this Statement, the Administrator, Health Care Financing Administration, shall exercise:

A. The authority vested in the Secretary under section 226 of the Social Security Act (42 U.S.C. 426) pertaining to the determination of entitlement to hospital insurance benefits (Part A of the Medicare program) and the administration of the end-stage renal disease program.

B. The authority vested in the Secretary under Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

C. The authority vested in the Secretary under Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

D. The authority vested in the Secretary under Part B of Title XI of the Social Security Act (42 U.S.C. 1320c et seq.) to administer the Professional Standards Review program.

E. The authority vested in the Secretary under Part A of Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) insofar as such provisions pertain to the Mission of the Health Care Financing Administration as described in Section F.00 of this Statement including:

1. The authority under section 1106 (42 U.S.C. 1306) pertaining to disclosure of information.

2. The authority under section 1107 (42 U.S.C. 1307) to determine that a false representation has been made with intent to defraud the government.

3. The authority under section 1110 (42 U.S.C. 1310) to make grants to States and public and private nonprofit organizations and agencies for payment of part of the cost of research and demonstration projects as they pertain to health care financing and the provision of medical services, and to enter into agreements with States and public and other organizations and agencies for the conduct of research or demonstration projects relating to such matters. (See also F.40(2)(a)).

4. The authority under section 1112 (42 U.S.C. 1312) to develop guides and recommend standards regarding the level, content, and quality of general medical care and services for the use of the States in evaluating and improving public assistance medical care programs and the State programs of medical assistance.

5. The authority under section 1115 (42 U.S.C. 1315) to approve and make grants for experimental, pilot, or demonstration projects as they pertain to health care financing and the provision of medical services, to waive compliance with any of the requirements of section 1902 (42 U.S.C. 1396a) to the extent and for the period he finds necessary to enable a State or States to carry out such projects, and to specify the extent of and the period during which costs of such projects which would not otherwise be included as expenditures under section 1903 (42 U.S.C. 1396b) shall be regarded as expenditures under the State's or States' title XIX plan(s) or for the administration of such plan(s). (See also F.40(2)(a).)

6. The authority under section 1116 (42 U.S.C. 1316) to approve or disapprove (subject to the limitations contained at F.50(2)(a)) State plans or amendments thereto for Title XIX programs.

7. The authority under section 1122 (d) and (e), (42 U.S.C. 1320a–1 (d) and (e)) to identify and deny payment of those amounts to be excluded from reimbursement of health care facilities and health maintenance organizations under Titles XVIII and XIX where such exclusions have been found necessary under section 1122.

8. The authority under section 1123 (42 U.S.C. 1320a–2) to determine the qualifications of health care technicians and technologists for the provision of services under Title XVIII. (This authority shall be exercised exclusively by the Administrator, Health Care Financing Administration (or his delegate).)

9. The authority under section 1131(a)(1)(C), (42 U.S.C. 1320b–1(a)(1)(C)) to transmit Part A entitlement information regarding deferred vested benefits. (This authority shall be exercised exclusively by the Administrator, Health Care Financing Administration (or his delegate).)

F. The authority vested in the Secretary under Title VII of the Social Security Act (42 U.S.C. 902 et seq.) insofar as such title pertains to the Mission of the Health Care Financing Administration as described in Section F.00 of this Statement.

G. The authority vested in the Secretary under section 103 of Pub. L. 89–97 (42 U.S.C. 426a) pertaining to the transitional provision on the eligibility of certain individuals otherwise uninsured to become entitled to hospital insurance benefits (Part A of the Medicare program).

H. The authority vested in the Secretary under section 104(b)(1) of Pub. L. 89–97 (42 U.S.C. 13951 note), pertaining to the suspension of payments of Supplementary Medical Insurance benefits under Part B of Title XVIII of the Social Security Act, otherwise payable to or on behalf of individuals whose benefits under Title II of the Social Security Act are suspended by reason of section 202(t) of that Act (42 U.S.C. 402(t)).

I. The authority vested in the Secretary under section 104(b)(2) of Pub. L. 89–97 (42 U.S.C. 1395o note), pertaining to the denial of enrollment under Title XVIII of the Social Security Act to individuals convicted of certain subversive activities.

J. The authority vested in the Secretary under section 7(c)(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(c)(2)), to certify to the Secretary of the Treasury amounts to be transferred to or subtracted from the Railroad Retirement Account from the Federal Hospital Insurance Trust Fund, for the purpose of equalizing the proportion of funds used from that trust fund and the Railroad Retirement Account to pay benefits to certain individuals who have completed less than 10 years of service under the Railroad Retirement Act.

K. The authority vested in the Secretary under section 7(d)(5) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(d)(5)), to exchange with the Railroad Retirement Board such information, records and documents as may be necessary to the administration of the Railroad Retirement Act (45 U.S.C. 231 et seq.); section 226 of the Social Security Act (42 U.S.C. 426); and Part A of Title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).

L. The authority vested in the Secretary under the Federal Claims Collection Act (31

U.S.C. 951 et seq.) to collect and compromise claims, and to suspend or terminate collection action with respect to such claims, insofar as such authority pertains to Mission of the Health Care Financing Administration as described in Section F.00 of this Statement.

M. The authority to administer the Maximum Allowable Costs of Drugs Program for the Department, including responsibility for administrative support to the Pharmaceutical Reimbursement Board and the Pharmaceutical Reimbursement Advisory Committee. (See also F.50(4)(a).)

N. The authority under section 1526 of the Public Health Service Act (42 U.S.C. 300m–5) to provide grants to State Agencies to demonstrate the effectiveness of having the States regulate rates for the provision of health care; and the authority under section 1533(d) of that Act (42 U.S.C. 300n–2) to establish various uniform systems for institutional providers of health care and the authority under section 1533(a) of that Act (42 U.S.C. 300n–2) to make grants for the establishment of such uniform systems.

O. The authority to conduct experiments and demonstration projects, and authority to waive compliance with the requirements of Titles XVIII and XIX of the Social Security Act, under section 402 of the Social Security Amendments of 1967 (Pub. L. 90–248, as amended by section 222(b) of Pub. L. 92–603), and under sections 222(a) and 245 of Pub. L. 92–603, as they pertain to Titles XVIII and XIX of the Social Security Act. (42 U.S.C. 1395b–1, 1395f note, 1395x note). (See also F.40(2)(a).)

F.40 *Reservations of Authority.*—1. *Under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)*

a. The Secretary shall serve as a member of the Board of Trustees of the Federal Hospital Insurance Trust Fund pursuant to section 1817(b) of the Act (42 U.S.C. 1395i(b)). During the absence of the Secretary, the Under Secretary or the Assistant Secretary for Legislation shall serve. During the absence of the Secretary, the Under Secretary, and the Assistant Secretary for Legislation, the Administrator, Health Care Financing Administration shall represent the Secretary.

b. The Secretary shall serve as a member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund pursuant to section 1841(b) of the Act (42 U.S.C. 1395t(b)). During the absence of the Secretary, the Under Secretary or the Assistant Secretary for Legislation shall serve. During the absence of the Secretary, the Under Secretary, and the Assistant Secretary for Legislation, the Administrator, Health Care Financing Administration shall represent the Secretary.

c. The Secretary shall exercise the authority conferred by sections 1813(b)(2), 1818(d)(2), and 1839(b)(2) of the Act (42 U.S.C. 1395e(b)(2), 1395l–2(d)(2), and 1395r(b)(2)).

d. The Secretary shall exercise the authority to terminate agreements entered into pursuant to section 1864 of the Act (42 U.S.C. 1395aa).

2. *General reservations*

a. Any experimental, pilot, demonstration, or other project all or any part of which is wholly financed with Federal funds made available under the Social Security Act (without any State, local, or other non-Federal financial participation) must be personally approved by the Secretary or the Under Secretary. Section 1120(a) of the Act (42 U.S.C. 1320(a)).

b. The Secretary shall exercise, in accordance with the provisions of section 1114(f) of the Social Security Act (42 U.S.C. 1314(f)) and the Federal Advisory Committee Act (5 U.S.C. App. I), the authority to establish and appoint advisory councils and other advisory groups.

F.50 *Limitation on Authority.*—1. *Under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)*

a. The hearings and review under sections 205(b) and 205(g) of the Social Security Act (42 U.S.C. 405(b) and 405(g)) as incorporated by sections 1862(d)(3), 1869 (b) and (c), 1876(f), and 1879(d) of the Act are conducted by the Appeals Council, its members, and the Administrative Law Judges located in the Bureau of Hearings and Appeals of the Social Security Administration in accordance with the delegations of authority found in section S.D. 2. of this Statement.

b. The authority conferred by sections 1816(c)(2) and 1842(b)(4), (42 U.S.C. 1395h(e)(2) and 1395u(b)(4)) to terminate an agreement or contract with an intermediary or carrier shall be exercised only by the Administrator, Health Care Financing Administration: *Provided*, That he shall exercise such authority only after

i. such agency, organization, or carrier has been given an opportunity to request (within such time as is provided for by regulations) the Secretary to review the Administrator's conclusions and findings and, where such request is made;

ii. The Secretary has declined to review or has concurred in the Administrator's proposal to terminate such agreement or contract.

c. The Commissioner of Social Security shall serve as Secretary of the Board of Trustees of the Federal Hospital Insurance Trust Fund pursuant to section 1817(b) of the Act (42 U.S.C. 1395i(b)).

d. The Commissioner of Social Security shall serve as Secretary of the Board of Trustees of the Federal Supplementary Insurance Trust Fund pursuant to section 1841(b) of the Act (42 U.S.C. 1395t(b)).

e. The Assistant Secretary for Health shall furnish administrative support to the Health Insurance Benefits Advisory Council established pursuant to section 1867 of the Act (42 U.S.C. 1395dd).

f. The Commissioner of Social Security shall exercise the authority contained in section 1876(b)(2)(B) of the Act (42 U.S.C. 1395mm(b)(2)(B)).

g. The Assistant Secretary for Health shall exercise the authority contained in section 1876(b)(2)(A) of the Act (42 U.S.C. 1395mm(b)(2)(A)).

h. The Assistant Secretary for Health shall exercise the authority contained in sections 1880 (c) and (d) of the Act (42 U.S.C. 1395qq (c) and (d)).

2. *Under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.)*

a. No State plan or amendment thereto submitted pursuant to any statute administered by the Health Care Financing Administration shall be finally disapproved without prior consultation and discussion by the Administrator with the Secretary.

b. The Assistant Secretary for Health shall exercise the authority contained in sections 1903 (m)(1)(B) and (m)(2)(C) of the Act, (42 U.S.C. 1396b (m)(1)(B) and (m)(2)(C)).

3. *Under Part B of title XI of the Social Security Act (42 U.S.C. 1320c et seq.)*

a. The hearings and review under sections 205(b) and 205(g) of the Social Security Act (42 U.S.C. 405(b) and 405(g)) as incorporated by sections 1159(b) and 1160(b)(4) of the Act are conducted by the Appeals Council, its members, and the Administrative Law Judges located in the Bureau of Hearings and Appeals of the Social Security Administration in accordance with the delegations of authority found in section S.D.2. of this Statement.

b. The Assistant Secretary for Health shall be responsible for the National Professional Standards Review Council established pursuant to section 1163 of the Act (42 U.S.C. 1320c–12).

4. *Under the Maximum Allowable Costs of Drugs Program for the Department.*

a. This authority shall be exercised consistent with the authority of the Pharmaceutical Reimbursement Board.

F.60 *Redelegation of Authority.*—Authority contained in Section F.30 of this Statement may be redelegated by the Administrator to such officers and employees of the Health Care Financing Administration and other such officers and employees of the Department as he may deem appropriate, except as otherwise provided therein, and as follows:

a. The authority in sections 1816 (b) and (e), 1842(b) (2) and (4), (42 U.S.C. 1395h (b) and (e), 1395u(b) (2) and (4)) may not be redelegated.

b. The authority in 1878(f), (42 U.S.C. 1395oo(f)) may only be redelegated to the Deputy Administrator, Health Care Financing Administration.

Dated: October 28, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

[FR Doc.77–31757 Filed 11–1–77;8:45 am]

[4310–84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

RECEIPT OF CORAL APPLICATION

Comment Period

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice announces that an application to harvest pink coral in the Kaivi Channel, Hawaii is being considered. The regulations require public notice and invitation of comments on coral harvest applications.

DATE: Comment by December 2, 1977.

ADDRESS: Send comments to: Pacific OCS Office, 300 N. Los Angeles Street, Los Angeles, Calif. 90012.

FOR FURTHER INFORMATION CONTACT:

William E. Grant, 213–688–7234.

SUPPLEMENTARY INFORMATION: The principal author of this document is William E. Grant of the Pacific OCS Office, Bureau of Land Management.

Notice is hereby given that the following application for a permit has been received under 43 CFR 6224, Viable Coral Communities located on the Outer Continental Shelf.

APPLICANT

Mr. Robert M. Taylor, Vice President, Deepwater Exploration, Ltd., 1520 Liona Street, Honolulu, Hawaii 96814.

AREA OF PROPOSED OPERATIONS

5.8 miles off Makapuu Point in the Kaiwi Channel off the island of Oahu. Beginning at a point 21°20'30" N. latitude, 157°32'30" W. longitude; thence westerly along a line to a

point 21°20'30" N. latitude, 157°34'48" W. longitude; thence southerly along a line to a point 21°17'54" N. latitude, 157°34'48" W. longitude; thence easterly to a point 21°17'54" N. latitude, 157°32'30" W. longitude; thence northerly to the point of beginning.

DESCRIPTION OF PROPOSED OPERATIONS

Selective harvesting of pink coral (*Coralium secundum*) and gold coral (*Parazoanthus sp.*), with the submersible Star II is proposed. Applicant will harvest colonies of pink coral larger than 10 inches in height. No size restritcions have been proposed for gold coral. Both species will be used for commercial purposes.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Pacific Outer Continental Shelf Office, 300 N. Los Angeles St., Room 7127, Los Angeles, Calif. 90012.

Interested persons may comment on this application by submitting written data, views or arguments to the Manager, Pacific OCS Office at his address above. All relevant comments received on or before December 2, 1977 will be considered.

MONTE G. JORDAN,
Environmental Assessment Manager, Pacific Outer Continental Shelf Office.

[FR Doc.77-31620 Filed 11-1-77;8:45]

[4310-31]

Geological Survey

ADVISORY COMMITTEE ON WATER DATA FOR PUBLIC USE

Meeting

Pursuant to Pub. L. 92-463, effective January 5, 1973, notice is hereby given that an open meeting of the Advisory Committee on Water Data for Public Use will be held November 29, 30, and December 1, 1977, at the Holiday Inn—Downtown in Houston, Texas. This technical Committee is made up of representatives of water resources oriented groups, including national, state, and regional organizations, professional and technical societies, and the academic community. Its principal responsibility is to represent the interests of the non-Federal community on plans, policies, and procedures related to water-data programs. The Director of the U.S. Geological Survey is Chairman of the Committee.

The meeting will convene at 8:30 on the morning of Tuesday, November 29. Featured items on the Tuesday morning agenda include (1) a review of the progress made over the past year in the implementation of Office of Management and Budget Circular A-67, which provides guidelines for the coordination of water-data acquisition activities of Federal agencies, (2) a progress report on the Federal interagency project to develop the National Handbook of Recommended Methods for Wated Data Acquisition, (3) a report by the Committee's Working Group on River Quality Assessment, and (4) current developments in the ground-water component of the National Water Data Network. A field trip to points of ground water interest in the Houston area is scheduled for Tuesday afternoon.

Wednesday, November 30, is set aside for concurrent working group sessions and Thursday morning for the presentation of working group reports and other business. The meeting will be adjourned about noon on December 1.

Persons wishing to attend the meeting or desiring more information on the meeting should contact Mr. R. H. Langford, Chief, Office of Water Data Coordination, U.S. Geological Survey, 417 National Center, Reston, Va. 22092.

V. E. MCKELVEY,
Director, U.S. Geological Survey.

[FR Doc.77-31638 Filed 11-1-77;8:45 am]

[4310-10]

Office of the Secretary

PRIVACY ACT OF 1974

Systems of Records

OCTOBER 26, 1977.

The Department of the Interior hereby publishes notice that all Privacy Act Systems of Records published in the FEDERAL REGISTER of April 11, 1977[1] (42 FR 18968 et seq.), pursuant to 5 U.S.C. § 552a(e)(4) are current as of August 31, 1977.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

[FR Doc.77-31626 Filed 11-1-77;8:45 am]

[4110-89]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

MEETING

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on Friday, November 18, and Saturday, November 19, 1977. The Committees on Site Visits/Parent Involvement, Indian Education/Migrant, and Legislation will hold all day work sessions on Friday from 9 a.m.-5 p.m. The Committees on Parent Involvement and Indian Education will meet from 9 a.m. to 12 noon; the Committee on Mandated Studies will meet from 1 p.m. to 2:45 p.m.; and the Legislative Committee will hold its session from 3 p.m. to 5 p.m. The regular Council meeting will be held from 9:30 a.m.-2 p.m. on Saturday. The two-day activities will be held at 425 Thirteenth Street NW., Suite 1012, Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The purpose of the committee meetings will be to:

1. Review and develop drafts of Committee reports and annual report outline; and,

2. Review and discuss current and future activities of the individual committees.

The Council meeting is being held to review overall progress toward Council Report activities; review and approve the preliminary draft outline of 1978 Annual Report; and, plan further Council activities to achieve its stated goals for the 1977-78 Calendar year.

The entire meeting will be open to the public. Because of limited space, all persons wishing to attend should call for reservations by November 15, 1977, area code 202 724-0114.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street NW., Suite 1012, Washington, D.C. 20004.

Signed at Washington, D.C. on October 27, 1977.

GLORIA B. STRICKLAND,
Acting Executive Director.

[FR Doc.77-31639 Filed 11-1-77;8:45 am]

[7536-01]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

ADVISORY COMMITTEE RESEARCH GRANTS PANEL

Meeting

OCTOBER 20, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, as amended) notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street, NW., Washington, D.C. 20506, in room 1130, from 9 a.m. to 5:30 p.m., on November 17 and 18, 1977.

The purpose of the meeting is to review the applications submitted to the Editing Program of the National Endowment for the Humanities for projects beginning March 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated Au-

[1] The complete text of the Interior Department systems of records will be published in Volume VI of the Privacy Act Issuances, 1977 Compilation.

gust 2, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202–724–0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc.77-31742 Filed 11-1-77;8:45 am]

[7710–12]

POSTAL SERVICE

COMPLIANCE WITH PROCEDURAL ORDER OF POSTAL RATE COMMISSION PRESIDING OFFICER

Notice and Request for Comment

The Presiding Officer of the Postal Rate Commission issued a procedural order in Docket No. R77–1 on October 20, 1977, on a motion regarding compliance with the National Environmental Policy Act. He ordered, inter alia, that the Postal Service publish in the FEDERAL REGISTER a document designated by a responsible postal official to serve as an official "negative declaration" that the National Environmental Policy Act does not require the preparation of an environmental impact statement in connection with the July 13, 1977, request of the Postal Service for a recommended decision on changes in rates of postage and fees for postal services. Accordingly, the Postal Service gives notice that the attached document is a negative declaration that the National Environmental Policy Act does not require the preparation of an environmental impact statement concerning the rate request in Docket No. R77–1. This notice should not be construed as an admission by the Postal Service of the applicability of the National Environmental Policy Act to it. See 39 CFR 775.1(b) (1976). Even assuming the applicability of the National Environmental Policy Act to the Postal Service in general terms, this action should not be construed as an admission that the environmental impact statement requirements of the Act are applicable to this ratemaking proceeding.

The attached document, a negative declaration of the Postal Service in consonance with 39 CFR 775.2(b) and 775.5, is a memorandum to file by Ralph L. Osborne, Assistant Postmaster General of the Rates and Classification Department at the time of the filing of the Postal Service's request for a recommended decision. Though Mr. Osborne has since left the employment of the Postal Service, he was the responsible official authorized by the Board of Governors of the Postal Service to submit the request of the agency for a recommended decision to the Postal Rate Commission. See 39 CFR 775.2(d) and 775.3(a).

Comments are invited from the public on the negative declaration, which is published in its entirety immediately following this notice. The request of the Postal Service was published by the Postal Rate Commission in the FEDERAL REGISTER on July 20, 1977 (41 FR 37329 et seq.). The request is also on file with the Postal Rate Commission and is available for public inspection at the Commission and the Postal Service during regular business hours.

Comments regarding the negative declaration should be addressed to: Mr. Robert H. Coven, Director, Office of Program Planning, United States Postal Service, 475 L'Enfant Plaza West SW., Washington, D.C. 20260. In accordance with the procedural order of the Presiding Officer of the Postal Rate Commission, copies of any comments on the negative declaration shall be served simultaneously on the Commission. The Presiding Officer's procedural order also specifies that comments must be received within 20 days, or by November 22, 1977.

ROGER P. CRAIG,
Deputy General Counsel.

Subject: Postal Rate and Fee Increases, 1977; Environmental Consideration.

To: The file.

Date: July 13, 1977.

The National Environmental Policy Act (NEPA) directs agencies of the Federal Government to include in every recommendation or report on proposals for major Federal actions significantly affecting the quality of the human environment, a detailed statement on the environmental impact of the proposed action. It is not at all clear whether the NEPA applies to the Postal Service or has any relevance or applicability to postal rate proceedings. Most likely it does not. Nevertheless, it appears appropriate to determine whether, as a matter of fact, the currently proposed increase may be the equivalent of a "major Federal action significantly affecting the quality of the human environment."

Impacts of the proposed increases in postal rates will be of an incremental nature, producing small changes in existing patterns of resource use rather than significant changes in environmental conditions. Such changes will, in fact, be hardly noticeable among changes produced by trends in tastes, demography, technology, and economic conditions. Furthermore, the proposed rates are necessarily nationwide in scope and any impacts should not, therefore, be geographically concentrated.

The impact of the proposed new rates on the users of mail may be assessed by comparing the level of the consumer price index projected for the test year with that of Fiscal 1976, the previous test year for which the current rate schedule was judged appropriate. Between the two dates there is a 17 percent increase. Thus, it may be observed that in real terms, the burden of postal rates will not have grown significantly if the average rate level is increased by 22 percent as proposed, especially since these increases will not be fully effective for several classes of mail until a phasing period has elapsed.

To the extent that the accessibility of postal communication may be regarded as an aspect of the human environment, therefore, the environmental impact of proposed postal rate increases will be minimal. Because the impact is small and temporary, and postage does not constitute a major portion of the typical consumer's budget, long-term effects of the increases on traffic patterns, employment, and demographic trends should not be apparent. No measurable impact on the scheduled construction of postal facilities is anticipated.

The primary means by which the effects of higher postal rates on the physical environmental may be assessed are the resulting changes in mail volume. The projected negative impact of the rate increases on total mail volume in the test year is 4.4 percent.[1] Even after adjustment for this growth inhibiting effect, total mail volume in the test year, March 25, 1978, through March 24, 1979, is expected to exceed that of Fiscal Year 1977 by 1.6 percent, and future growth of incomes and increase in prices of alternative goods and services should enhance the attractiveness of mail use and result in continued volume growth. In addition, the availability of alternatives to mail service will mitigate whatever (beneficial or detrimental) effects may derive from volume growth inhibition.

Generally, the effects of mail volume growth inhibition on the environment will be experienced primarily as an easing of the demand for paper and fuel. Paper, of course, is complementary to mail service in the communication process. Similarly, fuel is used in transportation of mail by road, air, rail, and water, although a slowing of mail volume growth does not result in a proportional curbing of fuel use because of indivisibilities in the size of trucks and airplanes and the observance of fixed schedules by common carriers. A corollary of diminished fuel use will be lessened air pollution and traffic congestion.

These beneficial impacts will be offset to varying degrees through increased resource use by substitutes for mail service. Such substitutes include competitive delivery systems which may be more energy-intensive than the Postal Service because of lower economies of scale, increased use of newspaper and magazine advertising, which may require paper inputs comparable to, or greater than those of mail advertising, and electronic communication whose relative energy intensity is uncertain.

The appended Tables I and II indicate by class of mail the expected consequences of proposed rate increases for mail pieces, weight, and pound-miles in the test year. A brief discussion by mail class follows.

For first class, the volume reduction is 5.2 percent, a decrease of 102 million pounds in weight (mainly paper) to be transported. With the exception of occasional shifts to hand delivery by public utilities, that portion of volume loss which does not represent an absolute reduction in communications will be shifted primarily to telephone at the cost of a negligible increase in energy use. Thus, these figures represent real reductions in the use of natural resources and in air pollution and traffic congestion. Because of relative inelasticity of transportation and nation-wide geographical dispersion of effects, however, the consequences for the environment will be negligible.

For second class, the volume loss is 2.1 percent, representing a reduction of 65 million pounds. Not all volume loss implies reduced resource use, since some newspapers and magazines may expand their use of private delivery systems.

Third class, which also is composed primarily of paper although it includes some small parcels, is projected to experience volume loss and reduction in weight of 4.1 percent and 138 million pounds, respectively. Here, as well, impacts of diminished volume

[1] See Direct Testimony of Bernard Sobin, USPS–T–17.

are offset in part by use of private delivery systems and shifts to newspaper and magazine advertising which may entail equivalent use of resources, and in part by shifts to radio and television advertising with probably slight increments in energy use if time on the air were to increase.

Fourth class contains a significantly lower proportion of paper and, in addition, faces immediate competition both from UPS and other private shippers and from direct retail outlets for books and merchandise. Consequently, the volume loss of 13.7 percent, implying a reduction in weight of 483 million pounds will involve reductions in natural resource use that will be largely offset by increased resource use in other sectors.

In sum, rate increases for the several mail classes will result to varying degrees in diminished consumption of paper and energy and some reductions in air pollution and traffic congestion. As with the effects on mail volume, these beneficial effects will be relatively small, geographically dispersed, and transitory, and will be largely offset by shifts to alternative communications media and competing delivery systems.

I find, accordingly, that the proposed increased rates are not a major Federal action significantly affecting the quality of the human environment. Furthermore, there is no alternative to the recommended course of action available to the Postal Service within our present statutory framework.

RALPH L. OSBORNE,
Assistant Postmaster General,
Rates and Classification Department.

BDS BASE

BREAKDOWN OF VOLUME FORECAST FOR HYBRID YEAR 1978-79

AFTER RATES 5/22/1(

		PIECES			WEIGHTS			CUBAGE				
CLASS	NO	LOCAL	NONLOCAL	TOTAL	LOCAL	NONLOCAL	TOTAL	LOCAL	NONLOCAL	TOTAL	PO-HRS	CU-FT-MI
LST.1CL	1	13,061.137	37,858.031	50,919.168	394.595	1,417.142	1,811.737	25.447	91.374	116.821	743,853.636	47,951.695
UNT.PCO	2	206.542	220.725	427.268	1.033	1.102	2.135	0.067	0.071	0.138	567.691	36.462
PRT.PCO	3	524.152	1,252.782	1,776.934	3.145	7.517	10.662	0.203	0.485	0.688	3,873.321	249.784
AIRMAIL	4	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
PRIORITY	5	12.715	216.612	229.326	19.020	501.458	520.478	1.270	33.153	34.424	424,527.562	28,087.275
2.INCTY	6	796.122	505.308	1,301.430	154.748	135.391	290.139	8.890	8.754	17.644	1,833.412	118.549
2.OCLAS	7	1.413	2,350.803	2,352.216	0.309	417.654	417.963	0.016	21.035	21.051	325,687.191	16,403.145
CLAS.ED	8	0.000	47.775	47.775	0.000	43.060	43.060	0.000	2.127	2.127	37,656.031	1,659.919
DAY.NEW	9	11.606	1,027.001	1,038.607	4.020	423.045	427.065	0.782	29.652	29.934	137,875.806	9,663.824
OTH.NSP	10	3.430	524.702	528.135	1.463	136.964	138.427	0.087	8.086	8.172	60,579.773	3,574.814
O.RCRT	11	121.925	3,143.084	3,264.989	68.198	1,221.725	1,289.923	2.787	50.507	53.294	533,652.134	22,051.543
TRANSRT	12	2.701	23.319	26.020	0.684	8.568	9.232	0.043	0.545	0.588	8,453.575	537.755
CON.CRC	13	38.701	642.709	681.410	13.378	239.859	253.237	0.522	9.365	9.887	291,505.057	11,381.892
3.SBL.P	14	70.198	566.410	636.608	17.314	171.430	188.744	1.093	10.810	11.904	127,067.207	8,012.691
3.CIRCU	15	2,823.223	12,352.081	15,175.303	236.015	1,047.492	1,283.507	11.676	51.820	63.496	956,130.433	47,360.580
3.BKOAT	16	239.993	2,908.704	3,148.696	73.294	795.077	868.371	3.629	39.353	42.982	719,069.277	35,591.126
3.CIRCP	17	2,296.678	4,786.396	7,083.074	77.711	221.057	298.767	4.023	11.444	15.467	202,077.951	10,461.246
3.CATHP	18	29.262	94.036	123.298	4.324	19.578	23.903	0.224	1.013	1.237	17,983.214	930.891
4.2.PCL	19	11.012	267.932	278.944	48.624	1,394.351	1,442.975	5.296	151.863	157.158	1,384,758.312	148,659.683
4.CATLO	20	16.272	50.130	66.402	46.915	142.769	189.684	2.158	6.555	8.713	54,753.994	2,613.795
4.EDUA	21	4.727	259.201	263.928	10.714	1,051.159	1,061.873	0.626	61.446	62.072	1,135,538.607	55,401.796
4.LIBRA	22	2.652	58.027	60.679	5.611	189.239	194.851	0.305	10.269	10.574	91,526.437	4,956.439
PEM USPS	23	82.838	254.134	336.973	12.202	58.180	70.382	0.725	3.453	4.177	42,126.590	2,499.924
PEM OTHR	24	261.869	2,651.103	2,912.972	36.224	570.960	607.184	2.192	33.880	36.033	512,912.456	30,435.822
FRK CONG	25	17.228	443.651	460.878	0.793	14.594	15.386	0.044	0.803	0.847	13,715.558	754.870
FRK OTHR	26	0.954	4.429	5.383	0.066	0.884	0.950	0.003	0.050	0.053	879.268	49.521
4.BLIND	27	2.093	17.813	19.906	4.431	31.529	35.960	0.273	2.047	2.320	18,704.855	1,214.130
SURFC LC	28	0.000	151.631	151.631	0.000	7.876	7.876	0.000	0.457	0.457	8,945.372	518.619
AO	29	0.000	52.834	52.834	0.000	52.423	52.423	0.000	3.041	3.041	55,570.378	3,223.342
PARCELS	30	0.000	6.610	6.610	0.000	58.179	58.179	0.000	6.203	6.203	53,190.220	5,670.952
PUBLISH	31	0.000	127.738	127.738	0.000	46.023	46.023	0.000	2.111	2.111	47,879.867	2,156.512
AIR LC	32	0.000	592.495	592.495	0.000	23.951	23.951	0.000	1.328	1.328	18,655.163	1,047.482
AO	33	0.000	11.517	11.517	0.000	10.553	10.553	0.000	0.585	0.585	7,687.955	425.879
PARCELS	34	0.000	2.771	2.771	0.000	10.754	10.754	0.000	0.986	0.986	7,456.978	683.698
ALL MAIL	35	20,639.442	73,472.474	94,111.916	1,234.812	10,471.548	11,706.360	71.841	654.670	726.511	8,027,335.321	515,445.076

BREAKDOWN OF VOLUME FORECAST FOR HYBRID YEAR 1978-79

SEVENTH FINAL

		PIECES			WEIGHTS			CUBAGE				
CLASS	NO	LOCAL	NONLOCAL	TOTAL	LOCAL	NONLOCAL	TOTAL	LOCAL	NONLOCAL	TOTAL	PO MILES	CU FT MI
LET.1CL	1	13,797.392	39,988.773	53,786.165	416.838	1,496.780	1,913.618	26.882	96.509	123.390	785,482.443	50,635.431
CVT.1CO	2	212.435	227.022	439.457	1.063	1.134	2.196	0.069	0.073	0.142	583.886	37.522
PVT.1CO	3	539.105	1,288.522	1,827.627	3.235	7.731	10.966	0.209	0.499	0.708	3,983.619	256.910
AIRMAIL	4	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
PRIORITY	5	12.362	210.603	222.965	18.492	487.548	506.040	1.235	32.234	33.469	412,781.482	27,268.711
2.1NCTY	6	806.210	511.712	1,317.922	156.709	137.105	293.816	9.002	8.865	17.868	1,856.845	120.051
2.0CYNP	7	1.423	2,367.678	2,369.101	0.312	420.652	420.964	0.017	21.186	21.203	326,025.086	16,520.893
CLAS.RA	8	0.000	48.050	48.050	0.000	43.308	43.308	0.000	2.139	2.139	37,872.692	1,870.620
DAY.REM	9	12.282	1,086.826	1,099.107	4.254	447.888	451.942	0.299	31.379	31.677	145,907.322	10,226.760
OTH.NEW	10	3.515	537.632	541.147	1.499	140.339	141.838	0.089	8.285	8.374	62,072.607	3,662.906
0.RG.AT	1.	124.704	3,214.698	3,339.402	69.753	1,249.569	1,319.322	2.851	51.658	54.509	545,814.664	22,564.350
TRANSAT	12	3.005	25.945	28.950	0.739	9.533	10.272	0.048	0.606	0.654	9,465.699	559.322
CUR.CRC	13	38.939	646.654	685.593	13.460	241.331	254.792	0.525	9.423	9.948	293,294.230	11,451.841
3.SGL.P	14	73.831	595.731	669.562	18.210	180.304	198.515	1.150	11.370	12.520	133,644.992	8,427.678
3.CIRCU	15	2,988.757	13,076.321	16,065.078	249.854	1,108.910	1,358.763	12.360	54.859	67.219	1,012,191.288	50,074.064
3.BRCAT	16	254.569	3,085.366	3,339.934	77.745	843.366	921.112	3.849	41.743	45.592	762,742.448	37,752.780
3.CIRP	17	2,296.678	4,786.396	7,083.074	77.711	221.057	298.767	4.023	11.444	15.467	202,077.951	10,461.246
3.CRNP	18	29.262	94.036	123.298	4.324	19.578	23.903	0.224	1.013	1.237	17,983.214	930.681
4.2.FCL	19	13.332	324.390	337.722	58.870	1,688.166	1,747.036	6.412	183.863	190.275	1,652,337.968	179,980.736
4.CATLG	20	18.120	55.823	73.943	52.242	158.981	211.223	2.403	7.299	9.702	60,671.467	2,799.243
4.ED.MA	21	5.421	297.227	302.647	12.285	1,205.369	1,217.654	0.717	70.460	71.178	1,302,585.838	76,143.234
4.LIBMA	22	2.676	58.543	61.219	5.661	190.921	196.582	0.308	10.380	10.688	92,339.752	5,010.572
FRN USPS	23	82.838	254.134	336.973	12.202	58.180	70.382	0.725	3.453	4.177	42,120.590	2,489.624
FRN OTHR	24	261.869	2,651.103	2,912.972	36.224	570.950	607.184	2.152	33.880	36.033	512,412.456	30,455.822
FAR CONS	25	17.228	443.651	460.878	0.793	14.594	15.388	0.044	0.803	0.847	13,719.558	764.870
FAR OTHR	26	0.954	4.429	5.383	0.066	0.884	0.950	0.003	0.050	0.053	878.268	49.521
4.BLIND	27	2.093	17.813	19.906	4.431	31.529	35.960	0.273	2.047	2.320	18,704.855	1,214.130
SURFC LC	28	0.000	151.631	151.631	0.000	7.876	7.876	0.000	0.457	0.457	6,545.372	518.619
AO	29	0.000	52.834	52.834	0.000	52.428	52.428	0.000	3.041	3.041	55,570.378	3,223.342
PARCELS	30	0.000	6.610	6.610	0.000	58.179	58.179	0.000	6.203	6.203	53,190.220	5,676.662
PUBLISH	31	0.000	127.738	127.738	0.000	46.023	46.023	0.000	2.111	2.111	47,879.897	2,166.512
AIR LC	32	0.000	592.495	592.495	0.000	23.951	23.951	0.000	1.328	1.328	18,895.163	1,047.482
AO	33	0.000	11.517	11.517	0.000	10.553	10.553	0.000	0.585	0.585	7,687.955	425.878
PARCELS	34	0.000	2.771	2.771	0.000	10.754	10.754	0.000	0.986	0.986	7,456.578	683.066
ALL MAIL	35	21,598.998	76,844.672	98,443.670	1,296.973	11,185.283	12,482.255	75.868	710.210	786.078	8,651,885.552	569.515.[illegible]

[FR Doc. 77-31720 Filed 10-28-77;3:49 pm]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 14110, SR-Amex-76-31]

AMERICAN STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

OCTOBER 27, 1977.

On December 30, 1977, the American Stock Exchange, Inc., ("Amex") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to conform Exchange Rule 5 to the provisions of Rule 19c-1 under the Act, by eliminating restrictions on off-board agency transactions. On August 23, 1977, the Amex filed with the Commission an amendment to such rule change to rescind paragraph (d) of Exchange Rule 5 and make minor conforming changes to the remaining provisions of such Rule.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-13932 (September 6, 1977)) and by publication in the FEDERAL REGISTER (42 FR 47902 (September 22, 1977)). Notice of the amendment to the proposed rule change together with the terms and substance of such amendment was given by publication of a Commission Release (Securities Exchange Act Release No. 34-13933 (September 6, 1977)) and by publication in the FEDERAL REGISTER (42 FR 47901 (September 22, 1977)).

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on December 30, 1976, as amended, be, and it hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-31723 Filed 11-1-77;8:45 am]

[8010-01]

[Rel. No. 9977]

NEUWIRTH INCOME DEVELOPMENT CORP. (FORMERLY NEUWIRTH BOND FUNDS, INC.)

Proposal To Terminate Registration

OCTOBER 27, 1977.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion, that Neuwirth Income Development Corporation ("Fund"), registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company as defined in the Act.

The Fund was organized in 1970 under the laws of the State of Delaware. On August 25, 1970, the Fund registered under the Act, and also filed a registration statement (File No. 2-38225) on Form S-5 under the Securities Act of 1933 for the public sale of shares of its common stock. This registration statement was declared effective by the Commission on August 9, 1971.

Information in the Commission's files shows that on August 2, 1974, the Fund's shareholders approved a Plan of Complete Liquidation and Dissolution, pursuant to which the Fund distributed all of its assets to its shareholders on a pro-rata basis. The annual report on Form N-1R for the fiscal year ended November 30, 1974 (last annual report on file) submitted by the Fund to the Commission, states that the Fund was liquidated and all remaining outstanding shares of common stock redeemed on October 11, 1974. The financial statements contained in this annual report indicate that the Fund had no known liabilities as of October 11, 1974.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon ap-

plication, finds that a registered investment company has ceased to be an investment company it shall so declare by order, which may be made upon appropriate conditions if necessary for the protection of investors, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 21, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of this matter will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request, or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-31724 Filed 11-1-77;8:45 am]

[8010-01]

[File Nos. 3-5308, 2-54901, 22-8633]

PHILLIPS PETROLEUM CO. AND PHILLIPS ALASKA PIPELINE CORP.

Application and Opportunity for Hearing

OCTOBER 27, 1977.

Notice is hereby given that Phillips Petroleum Company ("Phillips") and Phillips Alaska Pipeline Corporation ("Phillips Alaska") have filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the trusteeship of Morgan Guaranty Trust Company of New York (the "Bank") under an indenture dated as of November 15, 1975, a qualified indenture, and a new indenture dated as of August 1, 1977 which is not qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trusteee under either indenture.

Section 310(b) of the Act provides, in part, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in this section), it shall within ninety days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden or proving on application to the Commission, and after opportunity for hearing thereon, that trusteeship under the qualified indenture and such other indenture is not likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

Phillips and Phillips Alaska allege that: (1) Phillips has $250,000,000 principal amount of Phillips 8⅝ percent Debentures due 2000, (the "Debentures") which were issued under an indenture dated as of November 15, 1975 entered into between Phillips and the Bank, as trustee, which was qualified under the Act. Phillips Alaska has assumed as between it and Phillips $100,000,000 of the Phillips Debentures in connection with the transfer of Phillips undivided interest in the Trans Alaska Pipeline System to Phillips Alaska. (2) On August 22, 1977, the City of Valdez, Alaska, (the "City") and the Bank entered into an indenture dated as of August 1, 1977 pursuant to which the City issued $20,000,000 aggregate principal amount of its 5⅝ percent Marine Terminal Revenue Bonds, Series 1977 (the "Bonds"). This indenture is not qualified under the Act as the placement was in reliance upon a Section 3(a)(2) exemption under the Securities Act of 1933. The Bonds are being issued to provide funds for a certain profit in the Trans Alaska Pipeline System Marine Terminal which the City has subleased to Phillips Alaska pursuant to a sublease agreement dated August 1, 1977 (the "Sublease"). (3) The Bonds of the indenture dated as of August 1, 1977 will be payable from and secured by subrents derived under the Sublease, which subrents will be sufficient to pay the principal of, premium, if any, and interest on the Bonds. In addition, pursuant to a Guaranty Agreement, dated as of August 1, 1977, Phillips has guaranteed to the Trustee, for the benefit of the holders of the Bonds and of the coupons appertaining thereto, the payments of the principal of, premium, if any, and interest on the Bonds. (4) No default has at any time existed under the 1975 Indenture or the 1977 Indenture. The obligations of Phillips and Phillips Alaska in respect of the Phillips Debentures and the Bonds are wholly unsecured and rank equally pari passu. The 1975 Indenture includes covenants of Phillips relating to limitations on liens, sale and leaseback transactions and consolidation, merger and sale, all of which apply to the future. The covenants of Phillips in the 1975 Indenture with respect to liens and sale and leaseback transactions are also applicable to Phillips Alaska as a "Restricted Subsidiary", as defined therein. Except for the covenant relating to consolidation, merger and sale, there are no other covenants of Phillips included in the 1977 Indenture or the Guaranty Agreement comparable to those in the 1975 Indenture. There are no covenants of Phillips Alaska included in the 1977 Indenture, the Lease or the Sublease comparable to those applicable to Phillips Alaska in the 1975 Indenture. (5) Such differences as exist between the 1975 Indenture and the 1977 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under either indenture. (6) Phillips and Phillips Alaska waive (a) notice of hearing, (b) hearing on the issues raised by this Application and (c) all rights to specify procedures under Rule 8(b) of the Commission's Rules of Practice.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at 500 North Capitol Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than November 18, 1977 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-31772 Filed 11-1-77;8:45 am]

[8010-01]

STANDARD OIL CO. AND SOHIO PIPE LINE CO.

[File Nos. 3-5305, 2-52263 (22-8125), 2-57682 (22-9055)]

Application and Opportunity for Hearing

Notice is hereby given that the Standard Oil Company (an Ohio corporation) ("Sohio") and Sohio Pipe Line Company (a Delaware corporation) ("Sohio Pipe Line") have filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeships of Morgan Guaranty Company of New York (the "Bank") under certain indentures which are qualified under the Act and under two indentures which are not qualified under the Act are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under any of such qualified indentures.

Section 310(b) of the Act provides, inter alia, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the Section), it shall within ninety days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of this Section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeship under the indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

Sohio and Sohio Pipe Line allege that:

1. The Bank, as Trustee, has entered into (i) an Indenture dated as of December 1, 1974 (the "1974 Indenture") with Sohio/BP Trans Alaska Pipeline Finance Inc. (which name has since been changed to Sohio/BP Trans Alaska Pipeline Capital Inc.), a Delaware corporation ("Capital"), pursuant to which there has been issued $250,000,000 principal amount of Capital's 9¾ percent Debentures Due 1999 (the "Capital Debentures") and (ii) three indentures each dated as of December 1, 1976 (collectively, the "1976 Indentures") with Sohio pursuant to which Sohio issued $75,000,000 principal amount of its 6⅛ percent Notes due December 1, 1979, $75,000,000 principal amount of its 6½ percent Notes due December 1, 1981 and $200,000,000 principal amount of its 7½ percent Notes Due December 1, 1986, respectively (collectively, the "Notes"). The 1974 Indenture was filed as Exhibit 4 to Registration Statement No. 2-52263 under the Securities Act of 1933 and the 1976 Indentures were filed as Exhibits 2(a), (b) and (c) to Registration Statement No. 2-57682 under the Securities Act of 1933, and all of such Indentures have been qualified under the Act.

2. Capital is owned 67.8 percent by Sohio Pipe Line, a wholly-owned subsidiary of Sohio, and 32.2 percent by BP Pipelines Inc. ("BP Pipelines"), a wholly-owned subsidiary of The British Petroleum Company Limited ("BP"). Simultaneously with the issuance and sale of the Capital Debentures, Capital applied the proceeds thereof to the purchase of a note of Sohio Pipe Line (the "Sohio Pipe Line Note") in a principal amount equal to 67.8 percent of the Capital Debentures and a note of BP Pipelines in a principal amount equal to 32.2 percent of the Capital Debentures. The Sohio Pipe Line Note is guaranteed by Sohio and has been pledged to the Bank, as Trustee under the Capital Indenture, to secure payment of the Capital Debentures. The Capital Debentures are also secured by the pledge of rights under the completion agreement and throughput agreement of Sohio referred to below. Sohio is obligated with respect to 67.8 percent in principal amount of the Capital Debentures pursuant to its unsecured guarantee of the Sohio Pipe Line Note and it is also committed under a completion agreement and a throughput agreement with Sohio Pipe Line to advance funds sufficient to enable Sohio Pipe Line to pay its share of the construction costs of its interest in the Trans Alaska Pipeline System and all of its financial obligations, including those which relate to the Capital Debentures, as they become due. BP is obligated with respect to the remaining 32.2 percent in principal amount of the Capital Debentures.

3. On July 14, 1977, the City of Valdez, Alaska (the "City") and the Bank, as Trustee, entered into an Indenture dated as of July 1, 1977 (the "1977 Indenture") pursuant to which the City issued $350,000,000 aggregate principal amount of its 6-percent Marine Terminal Revenue Bonds (Sohio Pipe Line Company and BP Pipelines Inc. Projects) Series A, due July 1, 2007 (the "Bonds"). The Bonds are being issued to provide funds for the acquisition, construction and equipping of certain docks, wharves and facilities directly related thereto and real property and interests therein constituting a portion of the Trans Alaska Pipeline System Marine Terminal (the "TAPS Marine Terminal") being constructed in Port Valdex in the City. The City has acquired a leasehold interest in a portion of the undivided interest of Sohio Pipe Line in the TAPS Marine Terminal (the "Sohio Pipe Line Project") pursuant to a Lease, dated as of July 1, 1977 (the "Sohio Pipe Line Lease"), between the City and Sohio Pipe Line, and the City has acquired a leasehold interest in a portion of the undivided interest of BP Pipelines in the TAPS Marine Terminal (the "BP Pipelines Project") pursuant to a Lease, dated as of July 1, 1977 (the "BP Pipelines Lease"), between the City and BP Pipelines. The City has subleased the Sohio Pipe Line Project to Sohio Pipe Line pursuant to a Sublease Agreement, dated as of July 1, 1977 (the "Sohio Pipe Line Sublease"), between the City and Sohio Pipe Line, and the City has subleased the BP Pipelines Project to BP Pipelines pursuant to a Sublease Agreement, dated as of July 1, 1977 (the "BP Pipelines Sublease"), between the City and BP Pipelines. The Bonds will be payable from and secured by subrents derived under the Sohio Pipe Line Sublease, which subrents will be sufficient to pay 67.8 percent of the principal of, premium, if any, and interest on the Bonds, and by subrents derived under the BP Pipelines Sublease, which subrents will be sufficient to pay 32.2 percent of the principal of, premium, if any, and interest on the Bonds. In addition, pursuant to a Guarantee Agreement, dated as of July 1, 1977 (the "Sohio Guarantee Agreement"), Sohio has guaranteed to the Trustee, for the benefit of the holders of the Bonds and of the coupons appertaining thereto, the payment of 67.8 percent of the principal of, premium, if any, and interest on the Bonds, and pursuant to a Guarantee Agreement, dated as of July 1, 1977, BP has guaranteed to the Trustee, for the benefit of the holders of the Bonds and of the coupons appertaining thereto, the payment of 32.2 percent of the principal of, premium, if any, and interest on the Bonds. The obligations of Sohio and BP under the Guarantee Agreements are several and not joint obligations of Sohio and BP, respectively. The Bonds have not been registered under the Securities Act of 1933 on the basis of the exemption provided by Section 3(a)(2) thereof, and the 1977 Indenture has not been qualified under the Act on the basis of the provisions of Section 304(a) thereof.

4. On August 31, 1977, the City and the Bank, as Trustee, entered into an Indenture dated as of August 15, 1977 (the "August Indenture") pursuant to which the City issued $315,000,000 aggregate principal amount of its 6.05 percent Marine Terminal Revenue Bonds (Sohio Pipe Line Company and BP Pipelines Inc. Projects) Series B, due August 15, 2007 (the "Series B Bonds"). The Series B Bonds are being issued to provide funds for the acquisition, construction and equipping of certain docks, wharves and facilities directly related thereto and real property and interests therein constituting a portion of the TAPS Marine Terminal (the "Sohio Pipe Line Project") pursuant to a Lease, dated as of August 15, 1977 (the "Sohio Pipe Line Lease"), between the City and

Sohio Pipe Line, and the City has acquired a leasehold interest in a portion of the undivided interested of BP Pipelines in the TAPS Marine Terminal (the "BP Pipelines Project") pursuant to a Lease, dated as of August 15, 1977 (the "BP Pipelines Lease"), between the City and BP Pipelines. The City has subleased the Sohio Pipe Line Project to Sohio Pipe Line pursuant to a Sublease Agreement, dated as of August 15, 1977 (the "Sohio Pipe Line Sublease"), between the City and Sohio Pipe Line, and the City has subleased the BP Pipelines Project to BP Pipelines pursuant to a Sublease Agreement, dated as of August 15, 1977 (the "BP Pipelines Sublease"), between the City and BP Pipelines. The Series B Bonds will be payable from and secured by subrents derived under the Sohio Pipe Line Sublease, which subrents will be sufficient to pay 67.8 percent of the principal of, premium, if any, and interest on the Series B Bonds, and by subrents derived under the BP Pipelines Sublease, which subrents will be sufficient to pay 32.2 percent of the principal of, premium, if any, and interest on the Series B Bonds. In addition, pursuant to a Guarantee Agreement, dated as of August 15, 1977 (the "Sohio Guarantee Agreement"), Sohio has guaranteed to the Trustee, for the benefit of the holders of the Series B Bonds and of the coupons appertaining thereto, the payment of 67.8 percent of the principal of, premium, if any, and interest on the Bonds, and pursuant to a Guarantee Agreement, dated as of August 15, 1977 BP has guaranteed to the Trustee, for the benefit of the holders of the Series B Bonds and of the coupons appertaining thereto, the payment of 32.2 percent of the principal of, premium, if any, and interest on the Series B Bonds. The obligations of Sohio and BP under the Guarantee Agreements are several and not joint obligations of Sohio and BP, respectively. The Series B Bonds have not been registered under the Securities Act of 1933 on the basis of the exemption provided by Section 3(a)(2) thereof, and the August Indenture has not been qualified under the Act on the basis of the provisions of Section 304(a) thereof.

5. Section 6.08(c)(1) of each of the 1976 Indentures contains the provision permitted by the proviso of Section 310(b)(1) of the Act and specifically permits the Bank to act as Trustee under the 1974 Indenture, as well as under each of the other 1976 Indentures. Accordingly, no conflict is deemed to exist under the 1976 Indentures, each of which has been qualified under the Act, as a result of the Bank's acting as Trustee thereunder and under the 1974 Indenture Under Section 8.09(c)(1) of the 1974 Indenture, the Bank shall not be deemed to have a conflicting interest by reason of acting as Trustee under the 1976 Indentures and the 1974 Indenture if Sohio shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that the trusteeships under the 1974 Indenture and the 1976 Indenture and the 1976 Indentures are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting under one of such Indentures. Pursuant to Section 8.09(c)(1) of the 1974 Indenture, Sohio applied for an exemption under Section 310(b)(1)(ii) of the Act to permit the Bank to continue to act as Trustee under the 1974 Indenture. Such application (File No. 3-5173) was granted by order of the Commission dated March 16, 1977. Accordingly, no conflict is deemed to exist under the 1974 Indenture, which has been qualified under the Act, as a result of the Bank's acting as Trustee thereunder and under the 1976 Indentures.

6. Under Section 6.08(c)(1) of each of the 1976 Indentures, the Bank shall not be deemed to have a conflicting interest by reason of acting as Trustee under the August Indenture if Sohio shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that the trusteeships under the 1976 Indentures and the August Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under one of such Indentures. Under Section 8.09(c)(1) of the 1974 Indenture, the Bank shall not be deemed to have a conflicting interest by reason of acting as Trustee under the August Indenture if Sohio and Sohio Pipe Line shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that the trusteeships under the 1974 Indenture and under the August Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under one of such Indentures.

7. No default has at any time existed under the 1974 Indenture, the 1976 Indentures, the 1977 Indenture or the August Indenture. Sohio's Obligations in respect of the Capital Debentures, the Notes, the Bonds and the Series B Bonds are wholly unsecured and rank equally pari passu. The 1974 Indenture (including the Sohio Pipe Line Note Purchase Agreement referred to therein) and the 1976 Indentures include covenants of Sohio relating to limitations on liens, sale and lease-back transactions, dividends and distributions on stock and consolidation, merger and sale, all of which apply to the future. Except for the covenant relating to consolidation, merger and sale, there are no comparable covenants of Sohio included in the 1977 Indenture or the August Indenture (including the Sohio Pipe Line Note Purchase Agreement referred to therein) includes covenants of Sohio Pipe Line relating to limitations on liens, sale and lease-back transactions and consolidation, merger and sale, all of which apply to the future. There are no comparable covenants of Sohio Pipe Line included in the 1977 Indenture or the August Indenture (including the Sohio Pipe Line Lease and the Sohio Pipe Line Sublease).

8. Such differences as exist among the 1974 Indenture, the 1976 Indentures, the 1977 Indenture and the August Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under any of the said Indentures.

Sohio and Sohio Pipe Line have waived (a) notice of hearing, (b) hearing on the issues raised by said application and (c) all rights to specify procedures under Rule 8(b) of the Commission's Rules of Practice.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street, NW., Washington, D.C.

Notice is further given that any interested person may, not later than November 18, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-31725 Filed 11-1-77;8:45 am]

[8010-01]

[Rel. No. 9976]

STATE STREET INVESTMENT CORP.

Filing of an Application

OCTOBER 27, 1977.

Notice is hereby given that State Street Investment Corp. ("Fund"), a Massachusetts corporation registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, has filed an application on August 1, 1977, and an amendment thereto on October 26, 1977, pursuant to Section 6(c) of the Act for an order of the Commission exempting the Fund from the provisions of Section 22(d) of the Act to permit a

proposed exchange of the Fund's shares at approximately net asset value for substantially all of the assets of Cook Holdings, Inc. ("Cook"), a personal holding company. All interested persons are referred to the application and amendment on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Fund represents that Cook, a Massachusetts corporation, was incorporated in 1923 and until 1962 conducted a jewelry business under the name of A. Stowell and Co., Inc. In that year it sold the jewelry business, changed its name and has since operated as a family private investment company, investing and reinvesting its assets in a diversified portfolio of securities. Substantially all of Cook's assets are in the form of investments in marketable securities, cash and cash items. At the present time Cook has 4 stockholders of record (6 holders of beneficial interest), is a personal holding company for Federal income tax purposes, and is subject to federal and state corporate taxes. The Fund asserts that Cook is excepted from the definition of an investment company by reason of Section 3(c)(1) of the Act.

On February 14, 1977, the Fund and Cook entered into an agreement ("Agreement") whereby substantially all of the assets of Cook are to be acquired by the Fund in exchange for shares of the Fund's common stock. Pursuant to the Agreement, the number of the Fund's shares to be delivered to Cook shall be determined on the closing date as defined in the Agreement by dividing the aggregate value of the assets to be transferred to the Fund, less 1.3% thereof, by the net asset value per share of the Fund.

The application states that the Fund and Cook have applied for a ruling from the Internal Revenue Service (the receipt of which is a condition to the consummation of the proposed transaction) to the effect that the contemplated transaction will constitute a tax-free reorganization and consequently, among other things, the Federal tax basis to the Fund of the assets acquired from Cook will be the same as those assets had in the hands of Cook.

As of June 30, 1977, the market value of the assets of Cook to be delivered to the Fund was approximately $882,000. Following consummation of the transaction, the Fund intends to sell certain securities transferred to it by Cook having a market value of up to, but not in excess of, 30% of the value of the assets of Cook to be transferred to the Fund on the closing date.

The remainder of the assets received will be retained in the Fund's portfolio. When the shares of the Fund are received by Cook, Cook will distribute such shares to its stockholders upon liquidation of Cook. The Fund has been advised that the stockholders of Cook have no present intention of redeeming any substantial number, or otherwise transferring any, of the Fund's shares following the proposed transaction.

The Fund represents that neither Cook nor any shareholder, director or officer of Cook is either an "affiliated person" of the Fund or an "affiliated person" of any "affiliated person" of the Fund and that the Agreement was negotiated at arms-length by the principals of Cook and the Fund.

Section 22(d) of the Act provides, in part, that a registered open-end investment company may sell its shares only at a current public offering price described in the prospectus. The Fund does not have an effective prospectus which describes a current offering price for its shares, and accordingly has filed this application seeking an exemptive order for the proposed transaction from Section 22(d) of the Act.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision under the Act or of any rule or regulation thereunder if, and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The Fund represents that the terms of the proposed exchange are fair to the Fund and are consistent with the Fund's investment policies. It is further represented that the granting of the requested exemption from the provisions of Section 22(d) of the Act is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, and that the proposed acquisition will be beneficial to the Fund's shareholders for the following reasons:

(1) The Fund's investment adviser will bear substantially all of the Fund's major expenses in connection with the exchange, including legal and accounting fees, and the cost of this application;

(2) The proposed reorganization represents an opportunity for the Fund to acquire additional assets in a single transaction without the expense inherent in a sales program and the offering of shares to the public; and

(3) The resultant increase in the assets of the Fund will operate to reduce expenses in relation to net asset value per share because the Fund's investment advisory contract provides for a reduced rate of management fee on net assets in excess of $300,000,000, and as of June 30, 1977, the Fund had an aggregate net asset value of $312,488,897.

Notice is further given that any interested person may, not later than November 21, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on a matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-31726 Filed 11-1-77;8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[License No. 09/12-0150]

CROCKER CAPITAL CORP.

Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Crocker Capital Corp. (Crocker), 111 Sutter Street, Suite 600, San Francisco, Calif. 94104, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to § 107.1004 of the regulations governing small business investment companies (13 CFR 107.1004 (1977)) for approval of a conflict of interest transaction.

Mr. Charles Crocker, President, Director, and indirect owner of 10 or more percent of Crocker's stock, is deemed an Associate of Crocker pursuant to Sections 107.3 (a) and (b) of the Small Business Administration (SBA) Rules and Regulations.

Mr. Crocker is a Director and less than 10 percent shareholder of Cleanweld Products, Inc. (Cleanweld), 4000 Medford Street, Los Angeles, Calif. 90063. He purchased his shares of Cleanweld and became a Director of that company in January 1977. Cleanweld invited Mr. Crocker to make his investment because it desired the availability of his expertise as a shareholder and director.

Crocker financed Cleanweld on December 22, 1976, through the purchase of a $100,000 subordinated debenture and

1,273 shares of common stock at an aggregate price of $140,030.

Since Mr. Crocker is a director and has a financial interest in Cleanweld, Cleanweld is an Associate of Crocker, and the financing falls within the purview of Sections 107.1004 (b) (1) and (f) of SBA Regulations and requires written approval of SBA.

Notice is further given that any person may, not later than November 17, 1977, submit to SBA written comments on the transaction. Any such comments should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A similar copy of this notice shall be published in newspapers of general circulation in San Francisco, Calif. and Los Angeles, Calif.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: October 26, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-31641 Filed 11-1-77;8:45 am]

[8025-01]

[License No. 06/06-0181]

DIMAN FINANCIAL CORP.

Filing of Application for Approval of Conflict of Interest Transactions Between Associates

Notice is hereby given that Diman Financial Corp., (Diman), 13601 Preston Road, Suite 717 Carillon Tower East, Dallas, Tex. 75240, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed with the Small Business Administration (SBA) an application pursuant to Section 107.1004 of the Regulations governing small business investment companies (13 CFR Section 107.1004 (1977)), for approval of these conflict of interest transactions.

Diman (hereafter referred to as "Licensee") was licensed on June 17, 1976, and is wholly owned by The Domino Investment Group, Inc., 13601 Preston Road, Dallas, Tex. 75240. The common stock of the parent company is held by Don R. Dixon and Don Mann as trustees for their children, and the preferred stock of the parent company is owned by Dixon-Mann Associates, Inc.

Don Mann is also the sole owner of DM Development Corp. (DM Development), which in turn is the 75 percent General Partner in Marlborough Square, Ltd. (Marlborough). Since Mr. Mann is the beneficial owner of 10 percent or more of the private capital of the Licensee, DM Development and Marlborough, each of these companies is deemed to be an Associate of the Licensee as defined by § 107.3(f) (2) of the SBA Rules and Regulations.

On January 28, 1977, Marlborough sold 30 lots in Marlborough Square subdivision located in Richardson, Tex., to Dallas/Fort Worth Financial Corp. (DFW Financial), a subsidiary of Navarro Savings Association, a savings and loan association chartered by the State of Texas. Also, DM Development during March and April of 1977, sold 3 lots in Woodland Way, a small subdivision in Richardson, Tex., to DFW Financial. Neither the savings and loan nor DFW Financial are Associates of the Licensee.

The following two small concerns used a part of the loan proceeds provided by the Licensee to purchase these 33 lots from DFW Financial. Therefore, these transactions are subject to the provisions of § 107.1004(b) (5) of the Regulations, which requires an exemption for their validity. SBA is considering a request for such exemption.

(1) Concept Custom Homes, Inc. (Concept), 2418 Fairway, Richardson, Tex. 75080, a small concern engaged in building single family homes, purchased 18 of these lots. Concept is owned 51 percent by James Veteto. The Licensee owns the remaining 49 percent.

(2) Danfor, Inc. (Danfor), 1005 Mountview, Carrollton, Tex. 75006, is a small concern also engaged in building single family homes. Danfor purchased 15 lots located in the Marlborough subdivision. This small concern is owned 51 percent by Daniel Forbes. The Licensee owns the remaining 49 percent.

Notice is further given that any person may, not later than November 17, 1977, submit to SBA, in writing, comments on these transactions. Any such comments should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the Licensee in a newspaper of general circulation in Dallas, Tex. and Richardson, Tex.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: October 26, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-31642 Filed 11-1-77;8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1375, Amendment No. 1]

MISSOURI

Declaration of Disaster Loan Area

The above numbered declaration (see 42 FR 54897) is amended by extending the filing date for applications for loans for physical damage until the close of business on November 21, 1977, and for economic injury until close of business on June 20, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: October 21, 1977.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc.77-31644 Filed 11-1-77;8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1277; Amendment No. 1]

NEW MEXICO

Declaration of Disaster Loan Area

The above numbered Declaration (see 41 FR 45635) is amended by extending the filing date for physical damage until the close of business on December 30, 1977, and for economic injury until the close of business on April 28, 1978.

Dated: October 21, 1977.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc.77-31645 Filed 11-1-77;8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1273, Amendment No. 1]

NEW MEXICO

Declaration of Disaster Loan Area

The above numbered Declaration (see 41 FR 40240) is amended by extending the filing date for physical damage until the close of business on December 30, 1977, and for economic injury until the close of business on April 28, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: October 21, 1977.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc.77-31646 Filed 11-1-77;8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1274, Amendment No. 1]

NEW YORK

Declaration of Disaster Loan Area

The above numbered Declaration (see 41 FR 40240) is amended by extending the filing date for physical damage until the close of business on November 30, 1977, and for economic injury until the close of business on March 31, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 16, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-31647 Filed 11-1-77;8:45 am]

[8025–01]

[Declaration of Disaster Loan Area No. 1267; Amendment No. 2]

NEW YORK

Declaration of Disaster Loan Area

The above numbered Declaration (See 41 FR 32815), and Amendment No. 1 (See 41 FR 34834), are amended by extending the filing date for physical damage until the close of business on November 30, 1977, and for economic injury until the close of busniess on March 31, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

A. VERNON WEAVER,
Administrator.

[FR Doc.77–31648 Filed 11–1–77;8:45 am]

[8025–01]

[Declaration of Disaster Loan Area No. 1286; Amendment No. 1]

NEW YORK

Declaration of Disaster Loan Area

The above numbered Declaration (See 42 FR 6434), is amended by extending the filing date for physical damage until the close of business on November 30, 1977, and for economic injury until the close of business on March 31, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 16, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77–31649 Filed 11–1–77;8:45 am]

[8025–01]

[Declaration of Disaster Loan Area No. 1290; Amendment No. 1]

NEW YORK

Declaration of Disaster Loan Area

The above numbered Declaration (see 42 FR 9737), is amended by extending the filing date for physical damage until the close of business on November 30, 1977, and for economic injury until the close of business on March 31, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 16, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77–31650 Filed 11–1–77;8:45 am]

[8025–01]

[Declaration of Disaster Loan Area No. 1295; Amendment No. 1]

NEW YORK

Declaration of Disaster Loan Area

The above numbered Declaration (see 42 FR 11301), is amended by extending the filing date for physical damage until the close of business on November 30, 1977, and for economic injury until the close of business on March 31, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 16, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77–31651 Filed 11–1–77;8:45 am]

[8025–01]

[Declaration of Disaster Loan Area No. 1296; Amendment No. 1]

NEW YORK

Declaration of Disaster Loan Area

The above numbered Declaration (see 42 FR 12108), is amended by extending the filing date for physical damage until the close of business on November 30, 1977, and for economic injury until the close of business on March 31, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 16, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77–31652 Filed 11–1–77;8:45 am]

[8025–01]

[Declaration of Disaster Loan Area No. 1304; Amendment No. 1]

NEW YORK

Declaration of Disaster Loan Area

The above numbered Declaration (see 42 FR 15485), is amended by extending the filing date for physical damage until the close of business on November 30, 1977, and for economic injury until the close of business on March 31, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 16, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77–31653 Filed 11–1–77;8:45 am]

[8025–01]

[Declaration of Disaster Loan Area No. 1319; Amendment No. 1]

NEW YORK

Declaration of Disaster Loan Area

The above numbered Declaration (See 42 FR 21340), is amended by extending the filing date for physical damage until the close of business on November 30, 1977, and for economic injury until the close of business on March 31, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 16, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77–31654 Filed 11–1–77;8:45 am]

[8025–01]

[Declaration of Disaster Loan Area No. 1346; Amendment No. 1]

NEW YORK

Declaration of Disaster Loan Area

The above numbered Declaration (See 42 FR 38249), is amended by extending the filing date for physical damage until the close of business on November 30, 1977, and for economic injury until the close of business on June 30, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 16, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77–31655 Filed 11–1–77;8:45 am]

[8025–01]

[Declaration of Disaster Loan Area No. 1348; Amendment No. 1]

NEW YORK

Declaration of Disaster Loan Area

The above numbered Declarations (See 42 FR 38249), is amended by extending the filing date for physical damage until the close of business on November 30, 1977, and for economic injury until the close of business on June 30, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 16, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77–31656 Filed 11–1–77;8:45 am]

[8025–01]

[Declaration of Disaster Loan Area No. 1351; Amendment No. 1]

NEW YORK

Declaration of Disaster Loan Area

The above numbered Declaration (See 42 FR 40067), is amended by extending the filing date for physical damage until the close of business on November 30, 1977, and for economic injury until the close of business on June 30, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: Septemer 16, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77–31657 Filed 11–1–77;8:45 am]

[8025–01]

[License No. 05/05–5108]

PAULUCCI VENTURE CAPITAL CORP.

Notice of License Surrender

Notice is hereby given that Paulucci Venture Capital Corporation (Paulucci), 525 Lake Avenue South, Duluth, Minnesota 55806 has surrendered its license to operate as a small business investment

company under section 301(d) of the Small Business Investment Act of 1958, as amended (the Act).

Paulucci was licensed by the Small Business Administration on August 20, 1975.

Under the authority vested by the Act and pursuant to 13 CFR 107.105 (1977), the surrender of Paulucci's license is hereby approved. Accordingly all rights, privileges and franchises derived from the license are hereby terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies).

Dated: October 26, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-31643 Filed 11-1-77;8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

COUNTRY DEVELOPMENT OFFICER/CHAD

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby amend dated November 11, 1974 (39 FR 41266), as follows:

Paragraph 2 is hereby reinstated and revised to read as follows:

Contracts with individuals for the services of the individual alone provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

Except as provided herein, the Redelegation of Authority remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature.

Dated October 13, 1977.

HUGH L. DWELLEY,
Director, Office of Contract Management.

[FR Doc.77-31636 Filed 11-1-77;8:45 am]

[4710-02]

[Redelegation of Authority No. 99.1.60, Amendment No. 2]

COUNTRY DEVELOPMENT OFFICER/MALI

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby amend Redelegation of Authority No. 99.1.60 dated November 11, 1974 (39 FR 41266), as follows:

Paragraph 2 is hereby reinstated and revised to read as follows:

Contracts with individuals for the services of the individual alone provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

Except as provided herein, the Redelegation of Authority remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature.

Dated: October 13, 1977.

HUGH L. DWELLEY,
Director, Office of Contract Management.

[FR Doc.77-31634 Filed 11-1-77;8:45 am]

[4710-02]

[Redelegation of Authority No. 99.1.63, Amendment No. 2]

COUNTRY DEVELOPMENT OFFICER/MAURITANIA

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby amend Redelegation of Authority No. 99.1.63 dated November 11, 1974 (39 FR 41266), as follows:

Paragraph 2 is hereby reinstated and revised to read as follows:

Contracts with individuals for the services of the individual alone provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

Except as provided herein, the Redelegation of Authority remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature.

Dated: October 13, 1977.

HUGH L. DWELLY,
Director, Office of Contract Management.

[FR Doc.77-31637 Filed 11-1-77;8:45 am]

[4710-02]

[Redelegation of Authority No. 99.1.61, Amendment No. 2]

COUNTRY DEVELOPMENT OFFICER/UPPER VOLTA

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby amend Redelegation of Authority No. 99.1.61 dated November 11, 1974 (39 FR 41267), as follows:

Paragraph 2. is hereby reinstated and revised to read as follows:

Contracts with individuals for the services of the individual alone provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

Except as provided herein, the Redelegation of Authority remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature.

Date: October 13, 1977.

HUGH L. DWELLEY,
Director, Office of Contract Management.

[FR Doc.77-31635 Filed 11-1-77;8:45 am]

[4710-02]

[Redelegation of Authority No. 99.1.57, Amendment No. 2]

REGIONAL DEVELOPMENT OFFICER/DAKAR

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby amend Redelegation of Authority No. 99.1.57 dated November 11, 1974, (39 FR 41267), as follows:

Paragraph 2. is hereby reinstated and revised to read as follows:

Contracts with individuals for the services of the individual alone provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

Except as provided herein, the Redelegation of Authority remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature.

Dated: October 13, 1977.

HUGH L. DWELLEY,
Director, Office of Contract Management.

[FR Doc.77-31631 Filed 11-1-77;8:45 am]

[4710-02]

[Redelegation of Authority No. 99.1.58, Amendment No. 2]

REGIONAL DEVELOPMENT OFFICER/NIAMEY

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby amend Redelegation of Authority No. 99.1.58 dated November 11, 1974 (39 FR 41267), as follows:

Paragraph 2. is hereby reinstated and revised to read as follows:

Contracts with individuals for the services of the individual alone provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

Except as provided herein, the Redelegation of Authority remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature.

Dated: October 13, 1977.

HUGH L. DWELLEY,
Director,
Office of Contract Management.

[FR Doc.77-31632 Filed 11-1-77;8:45 am]

[4710-02]

[Redelegation of Authority No. 99.1.59, Amendment No. 2]

REGIONAL DEVELOPMENT OFFICER/ YAOUNDE

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby amend Redelegation of Authority No. 99.1.59 dated November 11, 1974 (39 FR 41267) as follows:

Paragraph 2. is hereby reinstated and revised to read as follows:

Contracts with individuals for the services of the individual alone provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

Except as provided herein, the Redelegation of Authority remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature.

Date: October 13, 1977.

HUGH L. DWELLEY,
Director,
Office of Contract Management.

[FR Doc.77-31633 Filed 11-1-77;8:45 am]

[4810-31]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. Section 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions of each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Adams, Van Buren, Trigg County Jail, P.O. Box 379, Cadiz, Ky., convicted on May 28, 1962, in the Trigg County Circuit Court, Kentucky.

Alvarez, Robert D., 74 South Street, Holbrook, Mass., convicted on January 15, 1958, in the Superior Court, Boston, Suffolk County, Mass.

Antonio, Donald M., 845 East Seventh Street, Erie, Pa., convicted on September 15, 1970, in the Court of Common Pleas, Criminal Division, Erie County, Pa.

Ayers, Thomas Lee, Jr., 505 Botany Road, Greenville, S.C., convicted on April 20, 1977, in the United States District Court, District of South Carolina.

Baker, Luther D., Route 1, Box 56, Westville, Fla., convicted on February 25, 1971, in the United States District Court, Northern District of Florida.

Baldwin, Earl L., 903 Carney Drive, Garland, Tex., convicted on December 17, 1970, in the United States District Court for the Northern District of Texas, Dallas, Tex.

Barnett, Spencer C., 817 North Keowee Street, Dayton, Ohio, convicted on January 14, 1952, in the Cuyahoga Common Pleas Court, Cleveland, Ohio.

Biede, Robert J., 742 Avenue G., Council Bluffs, Iowa, convicted on March 19, 1976, in the District Court of Iowa, Council Bluffs, Iowa.

Born, Thomas, 4345 Manolete, Pensacola, Fla., convicted on August 30, 1972, in the United States District Court for the Northern District of Florida.

Bowman, Clarence R., 1209 Chestnut Street, Harrisburg, Pa., convicted on September 20, 1966, in the Criminal Court, Dauphin County, Pa.

Branham, Larry N., 88 Hutto Court, Columbia, S. C., convicted on July 28, 1975, in the United States District Court, Columbia, S.C.

Brindley, Clayton Lowell, 1245 E. Dodge Street, Fremont, Nebr., convicted on February 17, 1961, in the District Court of Dodge County, Nebr.

Brown, Edward L., 121 East Main Street, Westboro, Mass., convicted on April 20, 1960, in the Superior Court, Middlesex County, Mass.

Burke, William J., 5786 Bishop, Detroit, Mich., convicted on or about August 31, 1956, in the United States Military Court, Barksdale Air Force Base, La.

Burton, Tommy C., 2219 North Fort, Springfield, Mo., convicted on January 19, 1961, in the Circuit Court, Greene County, Mo.

Cardin, Stephen A., U.S. Highway 301 S. & Douglas Road, Starke, Fla., convicted on October 27, 1969, in the Criminal Court, Dade County, Fla.

Cashwell, Thomas E., South Lake Shore Drive, Clermont, Fla., convicted on September 9, 1965, in the Circuit Court, Lake County, Fla.; on September 13, 1965, in the Criminal Court, Hillsborough County, Fla.; and on October 8, 1965, in the United States District Court, Middle District, Tampa, Fla.

Clatt, James G., 3437a North Holton Street, Milwaukee, Wis., convicted on or about March 7, 1969, in the County Court of Milwaukee, Wis.

Coates, William F., 42 Hartford Street, San Francisco, Calif., convicted on July 30, 1969, in the Superior Court, County of San Francisco, Calif.

Conn, Larry P., Route 6, Ventis Lane, Powell, Tenn., convicted on June 14, 1972, in the United States District Court, Western District of Tennessee, Western Division.

Courtney, Hadwen B., Route 3, Box 212, Hillsville, Va., convicted on December 7, 1971, in the Carroll County Circuit Court, Hillsville, Va.

Culbertson, David E., 2002½ St. John, Garden City, Kans., convicted on April 13, 1973, in the District Court for Finney County, Kans.

Daniel, David N., Route 1, Box 88, Lyerly, Ga., convicted on September 29, 1972, in the United States District Court, Northern District of Georgia, Atlanta, Ga.

Davis, James R., 2706 14th Street, Northport, Ala., convicted on April 10, 1972, in the United States District Court, Northern District of Alabama, Western Division, Birmingham, Ala.

DiGiovanni, Carl, 9609 South Ridgeland, Oak Lawn, Ill., convicted on May 2, 1967, in the United States District Court, Northern District, Illinois.

Flores, Samuel V., 619 W. Russell, San Antonio, Tex., convicted on December 10, 1959, in the Superior Court of California, Santa Clara, Calif.

Gamble, Edgar L., 201 East Piper Avenue, Flint, Mich., convicted on March 20, 1964, in the United States District Court, Eastern District, Michigan.

Gay, Ushra B., 32 Orton Street, Pontiac, Mich., convicted on September 10, 1951, in the Oakland County Court, Pontiac, Mich.

Harpe, Kenneth A., 1109 Buckingham Drive, Tallahassee, Fla., convicted on August 1, 1972, in the United States District Court, Northern District, Florida, Tallahassee, Fla.

Harper, Michael G., 518 Marine Drive, Port Angeles, Wash., convicted on March 23, 1970, in the Superior Court, Clallam County, Port Angeles, Wash.

Howell, Ernest N., Jr., 2482 Miles Avenue, Augusta, Ga., convicted on August 25, 1976, in the Superior Court, Richmond County, Augusta, Ga.

Hughes, Bobby Joe, Route 2, Franklin, Ky., convicted on November 14, 1972, in the United States District Court for the Western District of Kentucky, Bowling Green, Ky.

Johnson, Elbert S., 3355 Stanley, Detroit, Mich., convicted on March 23, 1954, in a General Court-Martial, Headquarters Fort Leonard Wood, Missouri.

Jones, Lewis W., 1406 Park Avenue, Paducah, Ky., convicted on April 8, 1969, in the McCracken County Circuit Court, McCracken County, Ky.

Kauth, Steven P., 4450 North 187th Street, Brookfield, Wis., convicted on March 20, 1972, in the Circuit Court of Waukesha County, Wis.

Kiningham, David W., 304 Poplar Street, Cowan, Tenn., convicted on January 4, 1972, in the United States District Court, Eastern District, Chattanooga, Tenn.

Kushner, John, 529A North 25th Street, Milwaukee, Wis., convicted on November 1, 1971, and on January 11, 1972, in the Milwaukee County Circuit Court, Wis.

Ladd, Mary Louise, Route 1, Oak Grove, Ky., convicted on March 25, 1974, in the United States District Court, Western District of Kentucky, Paducah, Ky.

Lane, William R., 4327 Sunnyview Court, Las Vegas, Nev., convicted on September 6, 1968, in the United States District Court, New Mexico.

Langton, Lawrence D., 411 26th Avenue, SW., Cedar Rapids, Iowa, convicted on May 30, 1975, in the Iowa District Court, Linn County, Iowa.

Lee, Thomas W., 7642 Castor Avenue, Philadelphia, Pa., convicted on January 12, 1970, in the Common Pleas Court of Philadelphia, Pa.

Link, Henry L., Route 2, Box 82, South Boston, Va., convicted on March 19, 1962, and on May 28, 1962, in the Circuit Court of the County of Halifax, Va.

Loyd, Henry A., Route 1, Toomsboro, Ga., convicted on November 6, 1939, in the United States District Court, Middle District, Georgia.

McCotter, Ray C., 5840 Werner Road, Bremerton, Wash., convicted on May 18, 1949, in the Washington Superior Court for Yakima County, Wash.

McDonald, Thomas E., Route 4, Box 81C, White Cloud, Mich., convicted on March 1, 1947, in the Circuit Court for the County of Newaygo, Mich.

Marat, Charles J., 715 Reynolds Street, Brunswick, Ga., convicted on July 12, 1974, in the Superior Court of Glynn County, Brunswick, Ga.

Mebans, James W., 7917 Pompey Place, Philadelphia, Pa., convicted on July 27, 1955, and on November 13, 1964, in the Common Pleas Court, Philadelphia, Pa.

Melancon Wayne F., 111½ Vera Street, Houma, La., convicted on September 23, 1974, in the Seventeenth Judicial District Court, Louisiana.

Mitchell, Harry A., Jr., P.O. Box 21, Torrance, Pa., convicted on February 18, 1966, in the Court of Oyer and Terminer, Butler County Court, Butler, Pa.

Osmun, Frederick M., 3631 Hessen Cassel, Fort Wayne, Ind., convicted on February 1, 1960, in the Allen County Circuit Court, Indiana; and on June 30, 1961, in the Huntington County Circuit Court, Indiana.

Owens, Robert L., 2651 Whitney Road, Memphis, Tenn., convicted on September 3, 1976, in the United States District Court, Western District of Tennessee.

Pitre, Robert E., 1002 Abdalla Boulevard, Opehousas, La., convicted on July 21, 1967, in the United States District Court for the Eastern District of Louisiana, Baton Rouge Division.

Pittman, James D., Sr., 899 Biggs, Memphis, Tenn., convicted on February 16, 1962, in the Criminal Court, Shelby County, Tenn.

Price, Clarence J., 715 West Third Street, South Sioux City, Nebr., convicted on June 8, 1960, in the Second Judicial Circuit Court, South Dakota.

Ridgway, Albertus G., III, 516 Cross Street, Newcomerstown, Ohio, convicted on March 5, 1975, in the Tuscarawas County Court of Common Pleas, New Philadelphia, Ohio.

Roberts, Lewis A., Route 9, Box 202, Oklahoma City, Okla., convicted on August 3, 1957, in the District Court of Choctaw County, Okla.; and on November 14, 1963, in the United States District Court, Western District, Oklahoma.

Robinson, Archie L., 1529 Buford Avenue, Columbus, Ga., convicted on April 18, 1960, in the Muscogee Superior Court, Georgia.

Rohde, David F., 15081 Yale, Livonia, Mich., convicted on January 4, 1974, in the United States District Court, Detroit, Mich.

Romano, Gino J., Ridley Road, Emery Mills, Maine, convicted on April 4, 1962, in the Quincy District Court, Massachusetts.

Rubbo, Gregory A., 3321 South Birch, Tucson, Ariz., convicted on November 15, 1974, in the Pima County Superior Court, Arizona.

Salazar, Francisco, 446 Gerry Street, Gary, Ind., convicted on January 21, 1954, in the Lake County Criminal Court, Crown Point, Ind.

Simmons, Donald W., R.D. #2, Greenville, Pa., convicted on June 14, 1974, in the Common Pleas Court, Criminal Division, Mercer County, Pa.

Simpson, Daniel R., 2512 Wilson Boulevard, Winchester, Va., convicted on July 23, 1973, in the Winchester Circuit Court, Winchester, Va.

Staedler, Carl S., 2385 Table Rock Road #65, Medford, Oreg., convicted on September 6, 1974, in the Circuit Court for Baker County, Oreg.

Staton, James R., Sr., 1219 Hibie Street, Norfolk, Va., convicted on April 4, 1972, in the Corporation Court of the City of Norfolk, Va.

Steele, John R., 1719½ East Bowen Avenue, Bismark, N. Dak., convicted on November 15, 1973, in the District Court, Third Judicial District, Richland County, N. Dak.

Sumniers, Vernon L., Box 415 Hamletsburg, Ill., convicted on March 3, 1967, in the Circuit Court, Elkhart County, Goshen, Ind.; and on April 18, 1967, in the Circuit Court, Putnam County, Greencastle, Ind.

Swafford, Ernest C., 808 Humble Road, San Angelo, Tex., convicted on October 4, 1968, in the Fifty-First Judicial District Court of Tom Green County, Tex.

Thomas, Richard M., 5123 North Oak Street, Kansas City, Mo., convicted on May 12, 1965, in the District Court, Story County, Nevada, Iowa.

Tyler, Richard S., Route 1, Box 74, Lawtey, Fla., convicted on February 1, 1971, in the Circuit Court, Bradford County, Fla.

Warren, Lewis D., 13405 Rosemary, Detroit, Mich., convicted on July 20, 1954, in the Wexford County Circuit Court, Michigan.

Wlaschin, Karen M., 3865 Clover Street, Vadnais Heights, St. Paul, Minn., convicted on June 27, 1973, in the Dakota County Court, Hastings, Minn.

Yokum, Woodrow, Beverly, W. Va., convicted on August 5, 1968, in the United States District Court, Northern District, West Virginia.

Young, Eddie J., 6539 Forest Road, Columbus, Ga., convicted on June 13, 1958, in the Muscogee County Superior Court, Columbus, Ga.

Signed at Washington, D.C., this 19th day of October 1977.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.77-31669 Filed 11-1-77;8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 517]

ASSIGNMENT OF HEARINGS

OCTOBER 28, 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 112108 (Sub-No. 4), Leprechaun Lines, Inc., now assigned November 14, 1977, at Poughkeepsie, N.Y., will be held at the Bankruptcy Court, 32-34 Haight Avenue.

MC 138875 (Sub-No. 52), Shoemaker Trucking Co., now assigned November 4, 1977, at Salt Lake City, Utah is canceled and application dismissed.

MC 109397 (Sub-No. 349), Tri-State Motor Transit Co., now assigned November 8, 1977, at Salt Lake City, Utah is canceled and application dismissed.

MC 125978 (Sub-No. 9), Dependable Car Travel Service, Inc., now assigned January 23, 1978, at New York, N.Y., is canceled and reassigned for February 13, 1978 (1 week), at Miami, Fla., location of hearing room will be by subsequent notice.

MC 113388 (Sub-No. 109), Lester C. Newton Trucking Co., now assigned November 14, 1977, at Washington, D.C. is canceled and application dismissed.

MC 135678 (Sub-No. 4), Midwestern Transportation, Inc., now being assigned November 28, 1977 (1 day), at Fort Smith, Ark, and will be held at the Tradewinds Motel, 101 North 11th Street and continued to the 30th day of November, 1977 (1 day), at Clinton, Okla. and will be held at the Ramada Inn, 1200 U.S. Highway 66 and December 2, 1977 (1 day), at Amarillo, Tex. and will be held at the Ramada Inn, Interstate Highway 40 and Nelson Road.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-31730 Filed 11-1-77;8:45 am]

[Fourteenth Revised Exemption No. 129]

[7035-01]

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

OCTOBER 28, 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, ICC-RER 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).

Bessemer and Lake Erie Railroad Co.
Reporting Marks: BLE.

Chicago, West Pullman and Southern Railroad Co.
Reporting Marks: CWP.

* * *[1]

[1] Chicago, Rock Island and Pacific Railroad Co. eliminated.

Detroit and Mackinac Railway Co.
Reporting Marks: D&M–DM.
Illinois Terminal Railroad Co.
Reporting Marks: ITC.
Louisville, New Albany and Corydon Railroad Co.
Reporting Marks: LNAC.
Missouri-Kansas-Texas Railroad Co.
Reporting Marks: MKT.
Missouri Pacific Railroad Co.
Reporting Marks: CEI–MI–MP–TP.
New Hope and Ivyland Railroad Co.
Reporting Marks: NHIR.
Richmond, Fredericksburg and Potomac Railroad Co.
Reporting Marks: RFP.

Effective 12:01 a.m., October 15, 1977, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., October 14, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77–31731 Filed 11–1–77;8:45 am]

[7035–01]

[Ex Parte No. 252 (Sub-No. 2)]

GONDOLAS

Incentive Per Diem Charges

OCTOBER 28, 1977.

A petition was jointly filed October 14, 1977, by Chicago and North Western Transportation Co.; Soo Line Railroad Co.; Chicago, Milwaukee, St. Paul and Pacific Railroad Co.; and Trustee of Rock Island and Pacific Railroad Co., requesting that the Commission reopen the record in this proceeding to receive evidence not available at the time the record was made, or in the alternative to stay the effective date of the Commission orders served April 14, and September 16, 1977, pending judicial review or vacation of the effective date of the application of incentive per diem pending judicial review.

The new evidence offered by petitioner concerns the changed economic conditions and future forecasts of the steel industry that has occured within the last year. Specifically, the petitioner alleges that the Commission's conclusion regarding future steel production and hence a shortage of gondola cars has been thoroughly impeached by the report issued on Friday, October 7, 1977, by the Administration's Council on Wage and Price Stability. The Chessie and Norfolk and Western Railway replied in opposition.

In order to allow the Commission sufficient time to consider in full the merits of the petition, the effective date of the incentive per diem regulations is postponed for a period of 30 days.

It is ordered:

(1) That the regulations prescribed in the Commission report, 353 ICC 612, and modified by Commission order dated September 14, 1977, to be effective November 1, 1977, is postponed for a period of 30 days, and

(2) That a notice of this order shall be delivered to the FEDERAL REGISTER, for publication therein.

Decided: October 28, 1977.

By the Commission, Chairman O'Neal.

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

[FR Doc.77–31733 Filed 11–1–77;8:45 am]

[7035–01]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY ELIMINATION OF GATEWAY LETTER NOTICES

OCTOBER 28, 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 Commisison 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 on or before November 14, 1977. 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.

Successively 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 2607 (Sub-No. E48), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 North Dupont Highway, Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete Pipe*, from points in Pennsylvania, to points in Worcester, Wicomico and Somerset Counties, Md. The purpose of this filing is to eliminate the gateways of points in Caroline, Dorchester and Talbot Counties, Md. and Wyoming, Del.

No. MC 2607 (Sub-No. E66), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 North Dupont Highway, Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 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, between points in Pennsylvania on, north and west of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 220 to the Maryland-Pennsylvania State line, on the one hand, and, on the other, points in Cecil and Kent Counties, Md. The purpose of this filing is to eliminate the gateway of points in Kent County, Md.

No. MC 2607 (Sub-No. E67), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 North Dupont Highway, Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 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, between points in Pennsylvania, on the one hand, and, on the other, points in Worcester, Wicomico, and Somerset Counties, Md. The purpose of this filing is to eliminate the gateways of points in Talbot, Caroline, and Dorchester Counties, Md.

No. MC 2607 (Sub-No. E85), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 North Dupont Highway, Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods, applebutter, ketchup and pickles* in containers, from points in New York on and east of a line beginning at Waverly, N.Y., thence along New York Highway 34 to junction New York Highway 224, thence along New York Highway 224 to junction New York Highway 14, thence along New York Highway 14 to junction New York Highway 14A, thence along New York Highway 14A to junction New York Highway 364, thence along New York Highway 364 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 63, thence along New York Highway 63 to Lake Ontario, to the District of Columbia. The purpose of this filing is to eliminate the gateways of points in Caroline, Talbot, and Dorchester Counties, Md. and Wyoming, Del.

No. MC 2607 (Sub-No. E86), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 North Dupont Highway, Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods, applebutter, ketchup and pickles* in containers, from points in New York on and east of a line beginning at Waverly, N.Y., thence along New York Highway 34 to junction New York Highway 224, thence along New York 224 to junction New York Highway 14, thence along New York Highway 14 to junction New York Highway 14A, thence along New York Highway 14A to junction New York Highway 364, thence along New York Highway 364 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 63, thence along New York Highway 63 to Lake Ontario, to Richmond, Va. The purpose of this filing is to eliminate the gateways of points in Caroline, Tal-

bot and Dorchester Counties, Md. and Wyoming, Del.

No. MC 2607 (Sub-No. E94), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 North Dupont Highway, Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods, applebutter, ketchup and pickles* in containers, from points in New Jersey, to Richmond, Va., and Norflok, Va. The purpose of this filing is to eliminate the gateways of points in Caroline, Dorchester, and Talbot Counties, Md. and Wyoming. Del.

No. MC 2607 (Sub-No. E111), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 North Dupont Highway, Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs* (except commodities in bulk), from points in Maryland (except points in Garrett, Allegany, Frederick, and Washington Counties, Md), to points in Rhode Island. The purpose of this filing is to eliminate the gateways of Wyoming, Del. and points in Caroline, Dorchester, and Talbot Counties, Md.

No. MC 2607 (Sub-No. E112), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 North Dupont Highway, Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, (except commodities in bulk), from points in Worcester, Wicomico and Somerset Counties, Md., to point in Pennsylvania. The purpose of this filing is to eliminate the gateways of Wyoming, Del. and points in Caroline, Dorchester, and Talbot Counties, Md.

No. MC 2607 (Sub-No. E113), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 North Dupont Highway, Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs* (except commodities in bulk), from points in Maryland (except points in Garrett, Allegany, Frederick, and Washington Counties, Md.), to points in Connecticut. The purpose of this filing is to eliminate the gateways of Wyoming, Del., and points in Caroline, Dorchester, and Talbot Counties, Md.

No. MC 2607 (Sub-No. E114), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 North Dupont Highway, Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs* (except commodities in bulk), from points in Maryland (except points in Garrett, Allegany, Frederick, and Washington Counties, Md.), to points in Massachusetts. The purpose of this filing is to eliminate the gateways of Wyoming, Del. and points in Caroline, Dorchester, and Talbot Counties, Md.

No. MC 2607 (Sub-No. E115), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Highway, Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs* (except commodities in bulk), from points in Kent, Queen Annes, Somerset, Worcester and Wicomico Counties, Md., to points in New York. The purpose of this filing is to eliminate the gateways of Wyoming, Del. and points in Caroline, Talbot and Dorchester Counties, Md.

No. MC 2607 (Sub-No. E116), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Highway, Dover, Del. 19901. Applicant's representative: Robert J. Gallagher. Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs* (except commodities in bulk), from points in the District of Columbia, within 90 miles of Wyoming, Del., to points in New York on, north and east of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 11 to junction New York Highway 11, thence along New York Highway 12 to the St. Lawrence River, N.Y. The purpose of this filing is to eliminate the gateways of points in Caroline, Dorchester and Talbot Counties, Md. and Wyoming, Del.

No. MC 2607 (Sub-No. E117), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Highway, Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods, applebutter, ketchup, and pickles* in containers, from points in Pennsylvania on, north and east of a line beginning at the Delaware-Pennsylvania State line, thence along Pennsylvania Highway 41 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to Reading, Pa., thence along Pennsylvania Highway 61 to Ashland, Pa., thence along Pennsylvania Highway 54 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line, to the District of Columbia. The purpose of this filing is to eliminate the gateways of points in Carolina, Dorchester and Talbot Counties, Md. and Wyoming, Del.

No. MC 2607 (Sub-No. E118), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Highway, Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods, applebutter, ketchup and pickles* in containers, from points in Pennsylvania on, north and east of a line beginning at the Delaware-Pennsylvania State line, thence along U.S. Highway 202 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York–Pennsylvania State line, to Richmond, Va. The purpose of this filing is to eliminate the gateways of points in Caroline, Dorchester and Talbot Counties, Md. and Wyoming, Del.

No. MC 2607 (Sub-No. E119), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Highway, Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs* (except commodities in bulk), from points in Pennsylvania on, north and east of a line beginning at the Delaware-Pennsylvania State line, thence along U.S. Highway 202 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to junction U.S. Highway 422, thence along U.S. Highway 422 to Reading, Pa., thence along Pennsylvania Highway 61 to Ashland, Pa., thence along Pennsylvania Highway 54 to junction Interstate Highway 81 to the New York–Pennsylvania State line, to points in Anne Arundel, Prince Georges, Calvert, Charles and St. Marys Counties, Md. The purpose of this filing is to eliminate the gateways of points in Caroline, Dorchester and Talbot Counties, Md.

No. MC 2607 (Sub-No. E124), filed June 4, 1974. APPLICANT: BERRY VAN LINES, 747 N. Dupont Highway, Dover Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods, applebutter, ketchup and pickles* in containers, from points in Pennsylvania on, north and east of a line beginning at the Maryland-Pennsylvania State line, thence along Interstate Highway 83 to junction Interstate Highway 76,

thence along Interstate Highway 76 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 322, thence along U.S. Highway 322 to Franklin, Pa., thence along U.S. Highway 62 to junction Pennsylvania Highway 358, thence along Pennsylvania Highway 358 to the Ohio-Pennsylvania State line, to Norfolk, Va. The purpose of this filing is to eliminate the gateways of points in Caroline, Dorchester and Talbot Counties, Md., and Wyoming, Del.

No. MC 2607 (Sub-No. E126), filed June 4, 1974. APPLICANT: BERRY VAN LINES, 747 N. Dupont Highway, Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods, applebutter, ketchup and pickles* in containers, from points in New Jersey on and east of a line beginning at the South Amboy, N.J., thence along U.S. Highway 9 to Newark, N.J., thence along New Jersey Highway 23 to U.S. Highway 202, thence along U.S. Highway 202 to the New York-New Jersey State line, to the District of Columbia. The purpose of this filing is to eliminate the gateways of points in Caroline, Talbot and Dorchester Counties, Md. and Wyoming, Del.

No. MC 2607 (Sub-No. E132), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Highway, Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe*, from points in New York, to points in Wicomico, Worcester and Somerset Counties, Md. The purpose of this filing is to eliminate the gateways of points in Caroline, Talbot and Dorchester Counties, Md. and Wyoming, Del.

No. MC 2607 (Sub-No. E133), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Highway, Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe*, from points in New Castle County, Del., to points in Worcester, Wicomico and Somerset Counties, Md. The purpose of this filing is to eliminate the gateways of points in Caroline, Dorchester and Talbot Counties, Md. and Wyoming, Del.

No. MC 2607 (Sub-No. E134), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Highawy, Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe*, from points in New Jersey, to points in Wicomico, Worcester and Somerset Counties, Md. The purpose of this filing is to eliminate the gateways of points in Caroline, Talbot and Dorchester Counties, Md. and Wyoming, Del.

No. MC 19227 (Sub-No. E1) (Partial correction), filed April 25, 1974, published in the FEDERAL REGISTER issues of May 29, 1974, and September 23, 1977, and republished, as corrected, this issue. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N.W. 20th Street, Miami, Fla. 33152. Applicant's representative: William O. Turney, 2001 Massachusetts Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (B) (1) *Commodities*, the transportation of which because of their size or weight require the use of special equipment and (2) *self-propelled articles*, each weighing 15,000 lbs., and/or more and related machinery, tools, parts, and supplies in connection therewith, between points in Yuma County, Ariz., on the one hand, and, on the other, points in Alabama (east and south of Limestone, Lawrence, and Marion Counties), Georgia, and South Carolina. Between points in Maricopa, Gila, Pinal, Graham, Greenlee, Pima, Cochise, and Santa Cruz Counties, Arizona, on the one hand, and, on the other, points in Alabama (east and south of Jackson, Marshall, Cullman, Winston, Marion, and Lamar Counties), Georgia and South Carolina. Between points in Mohave, Coconin, Navajo, Apache, and Yavapai Counties, Arizona, on the one hand, and, on the other, points in Alabama (east and south of De Kalb, Marshall, Blount, Walker, Marion, and Lamar Counties), Georgia (east and south of Murray, Whitfield, Walker, and Chattosa Counties), South Carolina, between points in Valencia, Catron, Grant, Hidalgo, Luna, Bernalillo, Socorro, Sierra, Dona Ana, Torrance, Lincoln, Otero, Guadalupe, DeBaca, Chaves, Eddy, Curry, Roosevelt, and Lea Counties, New Mexico, on the one hand, and, on the other, points in Alabama (east and south of Cherokee, Etowa, Saint Clair, Jefferson, Bibb, Perry, Dallas, Wilcox, Monroe, Conecuh, and Escambia Counties), Georgia and South Carolina.

Between points in San Juan, McKinley, Rio Arriba, Sandoval, Taos, Santa Fe, Colfax, Mora, San Miguel, Union, Harding, and Quay Counties, New Mexico, on the one hand, and, on the other, points in Alabama (east and south of Cherokee, Calhoun, Saint Clair, Shelby, Chilton, Autauga, Dallas, Wilcox, Monroe, and Escambia Counties), Georgia (east and south of Rabun, Habersham, White, Lumpkin, Dawson, Cherokee, Bartow and Polk Counties), and South Carolina. The commodities sought in (2) above are restricted to those commodities which are transported on trailers. The purpose of this filing as to those commodities described in B(1) above is to eliminate the gateways of (1) points in that part of Texas west of the eastern boundary lines of Lipscomb, Hemphill, Wheeler, Collingsworth, Hall, Motley, Dickens, Kent, Scurry, Howard, Glascock, Reagan, Crockett, and Val Verde Counties, Tex., and (2) points in Florida; and as to those commodities described in B(2) to eliminate the gateways of (1) points in Texas, and (2) points in Florida. (D) (1) Airplane parts, and airplane supplies and equipment, etc. The purpose of this filing is to eliminate the gateway of points in Florida.

NOTE.—The purpose of this partial correction is to state the correct territorial description in B (1) and (2) above and to state the correct commodity description in D(1) above. The remainder of this letter-notice remains as previously published.

No. MC 19227 (Sub-No. E2) (Partial correction), filed May 13, 1974, published in the FEDERAL REGISTER issues of June 7, 1974, and September 23, 1977, and republished, as corrected, this issue. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: William O. Turney, 2001 Massachusetts Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (B) (1) *Commodities* (except oilfield equipment), the transportation of which because of their size or weight require the use of special equipment or handling, and (2) *self-propelled articles* (except oilfield equipment), each weighing 15,000 lbs., or more and related machinery, tools, parts, and supplies moving in connection therewith, restricted to commodities which are transported on trailers, between points in Modoc, Shasta, Lassen, Tehama, and Plumas Counties, Calif., on the one hand, and, on the other, points in Arkansas and Louisiana; between points in Del Norte, Siskiyou, Humboldt, Trinity, Mendocino, Lake, Glenn, Butte, Sierra, Colusa, Sutter, Yuba, Nevada, Placer, Sonoma, Yolo, El Dorado, Napa, Sacramento, Amador, Alpine, Mono, Tuolumne, Calaveras, San Joaquin, Marin, Contra Costa, San Mateo, Santa Cruz, Santa Clara, Merced, Stanislaus, Alameda, Mariposa, Madera, Fresno, San Benito, and Monterey Counties, Calif., on the one hand, and, on the other, points in Arkansas, Louisiana, between points in California (south of Monterey, Fresno, and Mono Counties), on the one hand, and, on the other, points in Arkansas and Louisiana. The purpose of this filing is to eliminate the gateways of points in Arizona, within 25 miles of Yuma, including Yuma, and points in that part of Texas west of the eastern boundary lines of Lipscomb, Hemphill, Wheeler, Collingsworth, Hall, Motley, Dickens, Kent, Scurry, Howard, Glasscock, Reagan, Crocket, and Val Verde Counties, Tex., for (B) above.

NOTE.—The purpose of this partial correction is to state the correct territorial description for B (1) and (2) above. The remainder of this letter-notice remains as previously published.

No. MC 61825 (Sub-No. E1059) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of September 23, 1977, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box

385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, Wyoming, and those points in Nebraska on and south and west of a line beginning at the Missouri-Nebraska State line and extending along U.S. Highway 136 and extending west along U.S. Highway 136 to junction Nebraska Highway 4, to junction U.S. Highway 81, to junction U.S. Highway 6, to junction Nebraska Highway 10, to junction Nebraska Highway 2, to junction Nebraska Highway 61, to the Nebraska-South Dakota State line, those points in South Dakota on and west of a line beginning at the Nebraska-South Dakota State line, and extending along South Dakota Highway 73, to junction U.S. Highway 12, thence along U.S. Highway 12 to the South Dakota-North Dakota State line; those points in North Dakota on and west of a line beginning at the North Dakota-South Dakota State line, and extending along North Dakota Highway 31, to junction North Dakota Highway 21, to junction North Dakota Highway 6, to junction U.S. Highway 83 to the Canadian-United States international boundary line, to points in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line, and extending along New Jersey Highway 33, thence east along New Jersey Highway 33 to U.S. Highway 9 to Raritan Bay. The purpose of this filing is to eliminate the gateway of Smyth County, Va., and Martinsville, Va.

NOTE.—The purpose of this republication is to reflect the correct EO E-number above. In the September 23, 1977, FEDERAL REGISTER, was listed as E1509.

No. MC 61825 (Sub-No. E1071) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of October 3, 1977, and partially republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in the States of Arizona, California, and those points in Arkansas on, south, and west of a line beginning at the Arkansas-Missouri State line, and extending along Arkansas Highway 25 to junction Interstate Highway 25, to junction Interstate Highway 40, thence along Interstate Highway 40 to the Arkansas-Oklahoma State line; points in Washington on and west of a line beginning at the Washington-Oregon State line, and extending along U.S. Highway 12, to junction U.S. Highway 395, to junction Washington Highway 17, to junction U.S. Highway 97 to the Canadian-United States international boundary line. The purpose of this partial republication is to correct the territorial description for the States of Arkansas and Washington. The remainder of this letter-notice remains as previously published.

No. MC 61825 (Sub-No. E1119), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware*, except commodities in bulk, those of unusual value, commodities requiring special equipment, between points in Roane, Wirt, and Wood Counties, W. Va., and those points in Jackson and Mason Counties, W. Va., within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Columbiana and Mahoning Counties, Ohio, and those points in Portage County, Ohio, within 50 miles of Steubenville, Ohio. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E1120), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware*, except commodities in bulk, those of unusual value, commodities requiring special equipment, between points in Braxton, Calhoun, Gilmer, Pleasants, and Ritchie Counties, W. Va., and those points in Clay and Nicholas Counties, W. Va., within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Carroll, Columbiana, Harrison, and Jefferson Counties, Ohio, and those points in Mahoning, Portage, and Stark Counties, Ohio, within 50 miles of Steubenville, Ohio. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E1121), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware*, except commodities in bulk, those of unusual value, commodities requiring special equipment, between points in Grant, Marion, Mineral, Monongalia, Taylor, Tucker, and Preston Counties, W. Va., and those points in Hampshire, Hardy, and Pendleton Counties, W. Va., within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Carroll, Columbiana, Harrison, Jefferson, and Mahoning Counties, Ohio, and those points in Portage, Stark, and Tuscarawas Counties, Ohio, within 50 miles of Steubenville, Ohio. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E1122), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware*, except commodities in bulk, those of unusual value, commodities requiring special equipment, between points in Marshall and Ohio Counties, W. Va., on the one hand, and, on the other, points in Carroll, Columbiana, Harrison, and Jefferson Counties, Ohio, and those points in Mahoning, Portage, Stark, and Tuscarawas Counties, Ohio, within 50 miles of Steubenville, Ohio. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E1123), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware*, except commodities in bulk; those of unusual value, commodities requiring special equipment, between points in Barbour, Doddridge, Harrison, Lewis, Tyler, Upshur, and Wetzel Counties, W. Va., and those points in Pocahontas, Randolph, and Webster Counties, within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Columbiana County, Ohio, and those points in Mahoning, Portage, and Stark Counties, Ohio, within 50 miles of Steubenville, Ohio. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E1124), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware*, except commodities in bulk, those of unusual value, commodities requiring special equipment, between points in Ashland, Ashtabula, Carroll, Columbiana, Cuyahoga, Geauga, Holmes, Huron,

Jefferson, Lake, Lorain, Mahoning, Medina, Portage, Richland, Stark, Summit, Trumbull, Tuscarawas, and Wayne Counties, Ohio, and those points in Crawford, Erie, and Fostoria Counties, Ohio, within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Monongalia County, W. Va., within 50 miles of Steubenville, Ohio. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E1125), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products and hardware*, except commodities in bulk, those of unusual value commodities requiring special equipment, between points in Athens, Belmont, Coschocton, Fairfield, Guernsey, Hocking, Knox, Licking, Meigs, Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Vinton, and Washington Counties, Ohio, and those points in Delaware, Franklin, Gallia, Jackson, Marion, Pickaway, and Ross Counties, Ohio, within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Allegheny, Beaver, and Washington Counties, and those points in Butler, Fayette, Lawrence, and Westmoreland Counties, within 50 miles of Steubenville, Ohio. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W.Va.

No. MC106603 (Sub-No. E60), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, 200 Colrain Street, SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing and roofing materials*, from those points in Ohio on and east of a line beginning at Lake Erie and extending southeasterly on U.S. Highway 422 to the Ohio-Pennsylvania State line, to those points in Illinois on, south, east and north of a line beginning at the Illinois-Indiana State line and extending west on Interstate Highway 70 to junction Interstate Highway 57, thence southerly on Interstate Highway 57 to junction U.S. Highway 50, thence easterly along U.S. Highway 50 to the Illinois-Indiana State line. Gateway to be eliminated: Whiting, Ind. (2) *Insulated brick siding*, from those points in Ohio on and east of a line beginning at Lake Erie and extending southeasterly on U.S. Highway 422 to the Ohio-Pennsylvania State line, to those points in Illinois, on, south, east and north of a line beginning at the Illinois-Indiana State line and extending west on Interstate Highway 70 to junction Interstate Highway 57, thence southerly on Interstate Highway 57 to junction U.S. Highway 50, thence easterly on U.S. Highway 50 to the Illinois-Indiana State line. Gateway to be limited: Lowell, Ind.

No. MC 113843 (Sub-No. E789) (partial correction), filed May 19, 1974, published in the FEDERAL REGISTER issue of July 18, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and berries, and frozen fruit and berry concentrates*, (1) from those points in Pennsylvania bounded by a line beginning at the Pennsylvania-New York State line and extending along New York Highway 249 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction Pennsylvania Highway 414, thence along Pennsylvania Highway 414 to junction Pennsylvania 44, thence along Pennsylvania Highway 44 to junction Pennsylvania Highway 664, thence along Pennsylvania Highway 664 to Lock Raven, thence along U.S. Highway 220 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, to those points in Missouri on and west of a line beginning at the Mississippi River and extending along U.S. Highway 54 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Missouri Highway 146, thence along Missouri Highway 146 to the Mississippi River. The purpose of this filing is to eliminate the gateway of Penn Yan, N.Y.

NOTE.—The purpose of this partial correction is to state the correct destination territory. The remainder of this letter-notice remains as previously published.

No. MC 113974 (Sub-No. E22), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Dravosburg, Pa. 15034. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except such of those commodities as may, because of size or weight, require special equipment for their transportation), (1) from points in Ohio, and West Virginia within 125 miles of Wheeling, W. Va., to Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of points in Mahoning, Columbiana, Jefferson, Harrison, Carroll, and Belmont Counties, Ohio; Allegheny, Westmoreland, Fayette, Greene, Washington, Indiana, Armstrong, Butler, Beaver, Lawrence, Somerset, Clarion, and Mercer Counties, Pa.,; and Monongalia, Marion, Wetzel, Marshall, Ohio, Brooke, and Hancock Counties, W. Va., (2) from points in Pennsylvania on and west of a line beginning at the Pennsylvania-Maryland State line, thence north along U.S. Highway 220 to junction U.S. Highway 322 at Port Matilda, Pa., thence along U.S. Highway 322 to junction Interstate Highway 80 at Clearfield, Pa.; thence along Interstate Highway 80 to junction Pennsylvania Highway 153, thence along Pennsylvania Highway 153 to junction Pennsylvania Highway 255, thence along Pennsylvania Highway 255 to junction Pennsylvania Highway 321, thence along Pennsylvania Highway 321 to junction U.S. Highway 6 at Kane, Pa., thence along U.S. Highway 6 to junction U.S. Highway 9, thence along U.S. Highway 9 to Erie, Pa., to points in Maine, Vermont, and New Hampshire. The purpose of this filing is to eliminate the gateways of points in Allegheny, Westmoreland, Fayette, Greene, Washington, Indiana, Armstrong, Butler, Beaver, Lawrence, Somerset, Clarion and Mercer Counties, Pa.

No. MC 113974 (Sub-No. E41), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Dravosburg, Pa. 15034. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such equipment, materials, and supplies used in the installation of sheet metal products which because of their size or weight require the use of special equipment, from points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island, to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Texas, West Virginia, and Wisconsin. The purpose of this filing is to eliminate the gateway of points in New York and New Jersey and the plant site and warehouse facilities of Acme Manufacturing Company at Philadelphia, Pa.

No. MC 113974 (Sub-No. E42), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Dravosburg, Pa. 15034. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such equipment, materials, and supplies used in the installation of sheet metal products* which because of their size or weight require the use of special equipment, from points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, Texas, and Wisconsin. The purpose of this filing is to eliminate the gateway of points in New York and New Jersey and the plant site of Berger Brothers Co., Lower Southampton Township (Bucks County), Pa.

No. MC 113974 (Sub-No. E43), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Dravosburg, Pa. 15034. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, power plant equipment, transformers, construction equipment, structural steel, building materials, timbers, wire and cable, poles, boilers, stacks and tanks* (except lumber and lumber products), restricted to transportation requiring special equipment, between points in Massachusetts and Connecticut bounded by a line beginning at the New York-Connecticut State line and Highway 1 to New Haven, Conn., thence along Connecticut Highway 15 via East Hartford to the Connecticut-Massachusetts State line, thence along Massachusetts Highway 15 to U.S. Highway 20, thence along U.S. Highway 20 to junction Massachusetts Highway 12, thence along Massachusetts Highway 12 via Worcester to Fitchburg, Mass., thence along Massachusetts Highway 2A (formerly portion Masachusets Highway 2) to junction Massachusetts Highway 2 near Westminster, Mass., thence along Massachusets Highway 2 to the Massachusetts-New York State line, to the point of beginning, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of points within New York within 65 miles of Poughkeepsie and points in Pennsylvania.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-31732 Filed 11-1-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

CONTENTS

[6320–01]

1

CIVIL AERONAUTICS BOARD

The CAB will meet:

TIME AND DATE: 10 a.m., November 1, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Docket 31533, Domestic General Fare Increase (Memo No. 7544, BFR).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, 202–673–5068.

SUPPLEMENTARY INFORMATION: The Board's staff has submitted to the Board a recommendation concerning an increase in domestic fares which has been proposed for effect November 4. In order to advise carriers early and to limit confusion in the marketplace as to travel agents and passengers whether or not the fare increase will be approved, a Board meeting must be held as soon as possible. Accordingly, the Board votes that agency business requires that the Board meet on less than seven days notice and that no earlier announcement was possible.

ALFRED E. KAHN,
Chairman.
G. JOSEPH MINNETTI,
Member.
LEE R. WEST,
Member.

[S–1739–77 Filed 10–31–77;3:35 pm]

[3410–05]

2

COMMODITY CREDIT CORPORATION

CANCELLATION OF MEETING SCHEDULED FOR NOVEMBER 3, 1977

TIME AND DATE: 3 p.m., November 3, 1977.

PLACE: Room 210–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20013.

SUBJECT:

1. Minutes of CCC Board meeting on September 30, 1977.
2. Docket SCP 137a, Amendment 2 re: 1977-crop barley, corn, oats, rye, sorghum and wheat loan, purchase and payment programs.
3. Docket ICX 310a re: Commodities available for sale to foreign governments, international organizations and relief organizations during fiscal year 1978.
4. Docket IMP 307 re: Purchase and distribution of agricultural commodities and other foods for domestic distribution with FNS and Section 32 funds.

STATUS: Open except for agenda item 4 which will be closed to the public.

PERSON TO CONTACT:

Bill Cherry, Acting Secretary, Commodity Credit Corporation, Room 202–W, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20013, Telephone 202–447–7583.

SUPPLEMENTARY INFORMATION: The meeting scheduled for November 3, 1977 is cancelled and rescheduled for November 30, 1977 at 10 a.m.

Dated: October 31, 1977.

[FR Doc.S–1733–77 Filed 10–31–77;12:26 pm]

[6351–01]

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., November 4, 1977.

PLACE: 8th Floor Conference Room, 2033 K Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance Meeting.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254–6314.

[S–1734–77 Filed 10–31–77;12:26 pm]

[6712–01]

4

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: Follows 9:30 a.m. Open Meeting, Wednesday, November 9, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

Hearing—1—Application for review of a final decision and three interlocutory rulings of the Review Board in the Pomona; Calif., Domestic Public Land Mobile Radio Service (DPLMRS), comparative proceeding involving three applicants for additional DPLMRS frequencies (Docket Nos. 20084–20086).

Hearing—2—Consent Order granting renewal to Station WHBB, Selma, Ala.

General—1—Industry participation in Initial Delegation Group for 1979 World Administrative Radio Conference, (WARC) Docket No. 20271.

Cable Television—1—Motion for Declaratory Order filed by Service Electric Cable TV, Inc., in Docket No. 20218.

Complaints and Compliance—1—Applications of WPRA, Inc. (BRH–2335 and BR–932), for renewal of licenses of Stations WRPC–FM, San German, Puerto Rico and WPRA, Mayaguez, Puerto Rico.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, Telephone number 202–632–7260.

Issued: October 28, 1977.

[S–1740–77 Filed 10–31–77;3:35 pm]

[6712–01]

5

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: Followed 9:30 a.m. Open Meeting, Thursday, October 27, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission meeting.

MATTER CONSIDERED:

The Commisison's Public Notice issued October 20, 1977, 42 FR 56696, stated that prior to the consideration of the Hearing Agenda Items 1–3, in closed session on Thursday, October 27th, the Commissioners as a first order of business would vote on the matter of considering the items in closed session. A vote was taken on October 27, 1977, and Commissioners Ferris (Chairman), Lee, Quello, Washburn, Fogarty and White voted to consider the items in closed session.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, Telephone number 202-632-7260.

Issued: October 28, 1977.

[S-1741-77 Filed 10-31-77;3:35 pm]

[6715-01]

6

FEDERAL ELECTION COMMISSION: Federal Register No. S-1689-77.

PREVIOUSLY-ANNOUNCED DATE AND TIME: Thursday, November 3, 1977 at 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

CHANGE IN MEETING:
Please Add Under Portions Closed to the Public: "Computer Contract".

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer, telephone 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-1742-77 Filed 10-31-77;3:41 pm]

[6740-02]

7

FEDERAL ENERGY REGULATORY COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR S7004, October 31, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., November 2, 1977.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

G-0.—CP75-362, El Paso Natural Gas Company.
G-23.—RP72-89, Columbia Gas Transmission Corporation.
G-24.—RP77-108, Transcontinental Gas Pipe Line Corporation.
G-25.—RP72-99, Transcontinental Gas Pipe Line Corporation.
G-26.—RP78-1, East Tennessee Natural Gas Company.
G-27.—RP77-136.1, Southern Natural Gas Company.
G-28.—CI77-329, Texaco, Inc. CP77-304 and CP64-97, Sabine Pipe Line Company.
G-29.—CI77-721, Harkins & Company (Operator), et al. CI77-758, Amerada Hess Corporation.
G-30.—CI77-724, C & K Petroleum Inc., et al.
G-31.—CI77-412, Phillips Petroleum Company.
G-32.—CI77-246, The Gordon Oil Company, Inc.
G-33.—CI77-507, Pacific Transmission Supply Company.
G-34.—RI77-116, Sun Oil Company (Delaware).
G-35.—CP74-322, Michigan Gas Storage Company. CP75-3, Trunkline Gas Company. CI74-738, Northern Michigan Exploration Company.
G-36.—CP74-299, Kansas-Nebraska Natural Gas Company.
G-37.—CP77-419, *et al.*, Tennessee Gas Pipeline Company, a division of Tenneco Inc., *et al.*
G-38.—CP76-424, Kentucky-West Virginia Gas Company.
G-39.—CP77-38, Tennessee Gas Pipeline Company, a division of Tenneco Inc., and National Fuel Gas Supply Corporation.
G-40.—CP77-542. Transcontinental Gas Pipe Line Corporation.
G-41.—CP77-428, United Gas Pipe Line Company.
G-42.—(A) CP77-384, Natural Gas Pipeline Company of America. CP77-618, Sea Robin Pipeline Company. (B) CI77-469, Mobil Oil Corporation. CI77-717, Chevron U.S.A. Inc.
G-43.—CP70-24, Midwestern Gas Transmission Company.
G-44.—CP77-525, United Gas Pipeline Company. CP77-529, Delhi Gas Pipeline Company.
G-45.—CP76-389, Northwest Pipeline Corporation.
G-46.—CP77-255, El Paso Natural Gas Company.
G-47.—CP77-403, Transcontinental Gas Pipe Line Corporation.

KENNETH F. PLUMB,
Secretary.

[S-1730-77 Filed 10-31-77;10:04 am]

[6740-02]

8

FEDERAL ENERGY REGULATORY COMMISSION.

OCTOBER 28, 1977.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 8552B:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: 4:15 p.m., October 28, 1977.

PLACE: 825 North Capital Street.

STATUS: Open.

MATTERS TO BE CONSIDERED:
Docket No. E-9574, Florida Power & Light Company.
Docket No. CP76-322, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. and East Tennessee Natural Gas Company.
Docket No. CP76-622, et al., Transcontinental Gas Pipe Line Corporation, et al.
Docket No. RP72-99, Transcontinental Gas Pipe Line Corporation.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

[S-1729-77 Filed 10-31-77;9:11 am]

[6720-01]

9

FEDERAL HOME LOAN BANK BOARD.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 208, page 56838, Friday, October 28, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., October 31, 1977.

PLACE: 320 First Street, NW., Room 630, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Michael Scanlon, 202-376-3012.

CHANGES IN THE MEETING:

The time and date of the meeting has been changed to: 2:00 p.m., November 1, 1977.

No. 91, October 31, 1977.

[FR Doc. S-1738-77 Filed 10-31-77;2:50 pm]

[6750-01]

10

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10:00 a.m. and 10:15 a.m., Friday, November 4, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

Open Session: 10:00 a.m.:

Review of Fiscal Years 1977 and 1978 budgets for the Administration and Management and Executive Direction and Policy Planning Missions as part of the Quarterly Budget Review process.

Closed Session: 10:15 a.m.:

As part of the Quarterly Budget Review phocess, review of Fiscal Years 1977 and 1978 budgets for the following three Missions: Consumer Protection Mission, Maintaining Competition Mission, Economic Support Mission.

PERSON TO CONTACT FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830; Recorded message, 202-523-3806.

[S-1731-77 Filed 10-31-77;10:04 am]

[7030-01]

11

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m., November 9, 1977.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open to the Public: Docket 206, Squaxin; Docket 229, Navajo.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street, NW., Washington, D.C. 20006, telephone 202-653-6174.

[S-1732-77 Filed 10-31-77;10:14 am]

[7910-01]

12

RENEGOTIATION BOARD.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 56839, October 28, 1977.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: 10:00 a.m., Wednesday, November 2, 1977.

CHANGE IN MEETING: Cancellation.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street, NW., Washington, D.C. 20446, 202-254-8277.

Dated: October 31, 1977.

GOODWIN CHASE,
Chairman.

[FR Doc.S-1736-77 Filed 10-31-77;2:45 pm]

[7910-01]

13

RENEGOTIATION BOARD.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 56839, October 28, 1977.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: 1:30 p.m., Wednesday, November 2, 1977.

CHANGE IN MEETING: Cancellation.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street, NW., Washington, D.C. 20446, 202-254-8277.

Dated: October 31, 1977.

GOODWIN CHASE,
Chairman.

[S-1737-77 Filed 10-31-77;2:46 pm]

[7905-01]

14

U.S. RAILROAD RETIREMENT BOARD.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Oct. 27, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., November 3, 1977.

CHANGES IN THE MEETING:

Additional items to be considered at the portion of the meeting open to the public:

(15) Reports on seminars.

(16) Medical consulting services to be furnished by the medical services section—division of disability benefits.

(17) Quarterly status report on pending appeals.

[S-1735-77 Filed 10-31-77;2:46 pm]

federal register

WEDNESDAY, NOVEMBER 2, 1977
PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

[4210-01]

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-3046]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Coral Springs, Broward County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Coral Springs, Broward County, Fla. These base (100-year) 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: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Coral Springs, Fla.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Coral Springs, are available for review at City Hall, 9429 West Sample Road, Coral Springs, 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 Coral Springs, Fla.

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 1917.4(a)). 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 has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rainwater ponding.	University Dr. south of Ramblewood Dr.	11
	Atlantic Blvd. west of the point ¼ mi west of canal C-2.	10
	Sample road west of the point 0.4 mi west of Coral Springs Dr.	10
	Coral Ridge Dr. north of Wiles Rd.	10

(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: October 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-31375 Filed 11-1-77;8:45 am]

[4210-01]

[Docket No. FI-3188]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Caldwell Parish, La.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Caldwell Parish, La. These base (100-year) 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: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Caldwell Parish, La.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Caldwell Parish, are available for review at Courthouse, Main Street, Columbia, La. 71418.

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 Caldwell Parish, La.

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 1917.4(a)). 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 has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hurricane Creek...	Missouri Pacific RR..	129
	U.S. Highway 165....	141
	State Highway 126....	154
	Caldwell Parish High School.	164

(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: October 3, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-31376 Filed 11-1-77;8:45 am]

[4210-01]

[Docket No. FI-2756]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Township of Covert, Van Buren County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Covert, Van Buren County, Mich. These base (100-year) 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: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Covert, Mich.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Covert, are available for review at Township Hall, Route 1, Covert, 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 Covert, Mich.

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 1917.4(a)). 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 has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Michigan	Vicinity of west end 29th Ave.	584

(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: October 3, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–31377 Filed 11–1–77;8:45 am]

[4210–01]

[Docket No. FI–3031]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Tupelo, Miss.

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 Tupelo, Miss.

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 Tupelo, Miss.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Tupelo are available for review at City Hall, Tupelo, Miss.

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 Tupelo.

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 base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Coonewah Creek.	State Highway 6	300
Kings Creek, tributary 4.	Robindale Dr	308
	Private Rd	306
	Natchez Trace Parkway.	306
	Lumpkin Ave	284
	George St	277
Kings Creek, tributary 3.	Natchez Trace Parkway.	313
	North Thomas St	291
	North Foster Dr	285
	Lumpkin Ave [1]	280
Kings Creek, tributary 2.	Lawndale Dr [2]	289
	do	277
	Milford St	273
	Industrial Rd	271
Kings Creek, tributary 1.	U.S. Highway 78	291
	Antler Dr [1]	291
	do [2]	290
	West Jackson	279
	Leake St	276
	Blair St	276
	St. Louis-San Francisco RR.	274
	West Jefferson St	273
	West Main St	273
Kings Creek	Natchez Trace Parkway.	286
	Trace Ave	284
	Jackson St	274
	St. Louis-San Francisco RR.	272
	Blair St	271
	West Main St. (State Highway 6).	271
	Rankin Blvd	269
	U.S. Highways 45 and 278.	268
	Green St	266
	Day-Brite Dr	266
	Illinois Central Gulf RR.	265
	Frontage Rd	263
	U.S. Highway 78	263
	Frontage Rd	263
	Eason Blvd	263
Mud Creek	East Main St	266
	St. Louis-San Francisco RR.	264
Town Creek, Tributary 1.	U.S. Highways 45 and 278.	277
	Illinois Central Gulf RR.	269
Town Creek	U.S. Highways 45 and 278.	271
	Illinois Central Gulf RR.	268
	East Main St	265
	St. Louis-San Francisco RR.	264
	Eason Blvd	263
Tulip Creek	U.S. Highway 78	278
	Tulip Rd	273
	Briar Ridge Rd	264
	St. Louis-San Francisco RR.	258

[1] Upstream.
[2] Downstream.

(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: September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–31378 Filed 11–1–77;8:45 am]

[4210–01]

[Docket No. FI–2987]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Nehalem, Tillamook County, Oreg.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Nehalem, Tillamook County, Oreg.

These base (100-year) 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: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Nehalem, Oreg.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Nehalem, are available for review at 1188 Tohls Avenue, Nehalem, Oreg.

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 Nehalem, Oreg.

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 1917.4(a)). 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 has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet*
Nehalem River	Corporate limits (mi 2.14).	11
	Corporate limits (mi 1.85).	11
	Corporate limits (mi 1.80).	11
	Corporate limits (mi 1.04).	10

*Vertical datum is the 1947 adjustment to 1929 sea level datum.

(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: October 3, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–31379 Filed 11–1–77;8:45 am]

[4210–01]

[Docket No. FI–3077]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for Township of Shenango, Lawrence County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Shenango, Lawrence County, Pa.

These base (100-year) 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: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Shenango, Lawrence County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Shenango, Lawrence County, Pa., are available for review at the Township Building, 900 Allegheny Avenue, New Castle, Pa. 16101.

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 Shenango, Lawrence 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 1917.4(a)). 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 has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Big Run	Willowbrook Rd.	997
	Butler Ave.	992
	East Washington St.	984
	Pennsylvania Ave.	872
	Greenhouse Rd.	856
	Township line bridge and corporate limits.	822
Big Run tributary No. 1.	Old Pittsburgh Rd.	1,032
	Savannah Rd.	1,011
Big Run tributary No. 2.	Hoover Rd.	1,052
	U.S. Route 422 bypass.	1,027
	Willowbrook Rd.	1,005
McKee Run	Foot bridge.	1,073
	Old Pittsburgh Rd.	1,060
	Private driveway.	942
	Savannah Rd.	898
	Union Valley Rd.	883
	Confluence with tributary No. 1.	858
	Downstream corporate limits.	848
Snake Run	1,935 ft above corporate limits.	988
	Downstream corporate limits.	969

(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: October 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–31380 Filed 11–1–77;8:45 am]

[4210–01]

[Docket No. FI–2922]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Borough of Sylvania, Bradford County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the borough of Sylvania, Bradford County, Pa.

These base (100-year) 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: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the borough of Sylvania, Bradford County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the borough of Sylvania, Bradford County, Pa., are available for review at the Borough Hall, Route 6, Sylvania, 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 Sylvania, Bradford 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 1917.4(a)). 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 has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Sugar Creek	Eastern corporate limits.	1,234
	Roosevelt Highway and Porter Rd.	1,246
	Mill St.	1,268
	Austinville Rd.	1,277
	Confluence with Morgan creek.	1,288
Morgan Creek	Cottage Ave. (extended).	1,296
Spring Creek	Austinville Rd.	1,288

(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: October 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-31381 Filed 11-1-77;8:45 am]

[4210-01]

[Docket No. FI-2997]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Township of Upper Southampton, Bucks County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Upper Southampton, Bucks County, Pa.

These base (100-year) 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: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Upper Southampton, Bucks County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Upper Southampton, Bucks County, Pa., are available for review at the Township Building, 939 Street Road, Upper Southampton, 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 township of Upper Southampton, Bucks 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 1917.4(a)). 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 has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Mill Creek	Southeast corporate limits.	99
	Bustleton Pike	105
	Gravel Hill Rd.	127
	Rydal Rd.	136
	Churchville Rd.	143
	Con Rail bridge	154
	Bristol Rd.	236
Southampton Creek	Southwest corporate limits.	185
	Meadowfield Dr. (extended).	191
	Toll Dr.	193
	Tulip Dr. (extended)	211
	Davisville Rd.	234

(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: October 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-31382 Filed 11-1-77;8:45 am]

[4210-01]

[Docket No. FI-2946]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for Waccamaw Neck Flood District, Georgetown County, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Waccamaw Neck Flood District, Georgetown County, S.C. These base (100-year) 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: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Waccamaw Neck Flood District, Georgetown County, S.C.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Waccamaw Neck Flood District, Georgetown County, S.C., are

available for review at the Georgetown County - Development Commission, Georgetown County Courthouse, Prince and Screven Streets, Georgetown, S.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 Waccamaw Neck Flood District, Georgetown County, S.C.

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 1917.4(a)). 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 has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Atlantic Ocean	At south end of Cedar Island.	14
	At North Santee Bay Inlet.	14
	At Winyah Bay Inlet	14
	At North Inlet	14
	At Pawleys Island end of Waverly Rd.	14
	At east end of Penwick Dr.	14
	At Murrells Inlet	14
	Where Waccamaw Dr. crosses northern county boundary.	14
	At north end of Cedar Island.	13
	At confluence of Duck Creek and Big Duck Creek.	13
	In Winyah Bay north of Marsh Islands.	13
	North of Brass Hole Bay.	13
	In Winyah Bay at Hare and Rabbit Islands.	12
	At mouth of Waccamaw River.	11
	At Tysons Trail Rd. (extended).	10
	At West end of Waverly Rd. (extended).	9
	At Springfield Island	8
	Where Waccamaw River crosses northern county boundary.	7

(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: October 3, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–31383 Filed 11–1–77;8:45 am]

[4210–01]

[Docket No. FI–3000]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Loudon, Loudon County, Tenn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Loudon, Loudon County, Tenn. These base (100-year) 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: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Loudon, Loudon County, Tenn.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Loudon, Loudon County, Tenn., are available for review at the City Hall, Alma Street, Loudon, Tenn.

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 Loudon, Loudon County, Tenn.

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 1917.4(a)). 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 has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Tennessee River	Downstream corporate limit.	781
	Southern Ry	784
	U.S. Route 11	784
	Upstream corporate limits.	786
Steekee Creek	Main St	784
	Pecan St. (extended)	785
	Corporate limits	789
	500 ft upstream corporate limit.	761
	1,000 ft upstream corporate limit.	763

(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: October 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–31384 Filed 11–1–77;8:45 am]

[4210–01]

[Docket No. FI–3005]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Wytheville, Wythe County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Wytheville, Wythe County, Va. These base (100-year) 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: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Wytheville, Wythe County, Va.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Wytheville, Wythe County, Va., are available for review at the Municipal Building, 185 West Spring Street, Wytheville, Va.

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 Wytheville, Wythe 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 1917.4(a)). 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 has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Cedar Run	Service Rd.	2,266
	Washington St.	2,259
	Union St.	2,245
	Marshall St.	2,217
	Norfolk and Western R.R.	2,202
Reed Creek	Upstream corporate limits.	2,092
	U.S. Route 21	2,088
Tributary A	Confluence of tributary B.	2,180
	Upstream side of Chapman Rd.	2,178
	Industry Rd.	2,179
	Downstream corporate limits.	2,176
Tributary B	Marshall St.	2,198
	Confluence with tributary A.	2,180

(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: October 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-31385 Filed 11-1-77;8:45 am]

[4210–01]

[Docket No. FI–3205]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Everett, Snohomish County, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Everett, Snohomish County, Wash.

These base (100-year) 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: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Everett, Snohomish County, Wash.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Everett, Snohomish County, Wash., are available for review at the Everett City Hall, 3002 Wetmore, Everett, Wash. 98201.

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 Everett, Snohomish County, Wash.

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 1917.4(a)). 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 has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Snohomish River	Between Burlington Northern RR. and Larmer Rd., opposite the head of Ebby Slough.	18
	Head of Ebby Slough east of Burlington Northern RR.	16
	U.S. Route 2	12
	Interstate Route 5	10
	U.S. Route 99	8
Possession Sound	From the mouth of the Snohomish River to a point 1,200 ft southwest of the mouth of Pigeon Creek No. 1.	8
	From a point 1,100 ft northeast of the mouth of Pigeon Creek No. 2 to the corporate limits.	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: October 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-31386 Filed 11-1-77;8:45 am]

[4210–01]

[Docket No. FI–3210]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Superior, Douglas County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Superior, Douglas County, Wis.

These base (100-year) 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: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Superior, Wis.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations

for the City of Superior, are available for review at City Hall, 1409 Hammond Avenue, Superior, Wis.

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 Superior, Wis.

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 1917.4(a)). 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 has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bear Creek	Chicago and Northwestern RR. Duluth, Missabe and Iron Range RR. culvert.	631
	East 3d St. culvert	625
	U.S. Highways 2 and 53 and STH 13 culvert.	622
	Burlington Northern RR. culvert.	617
Bluff Creek	Chicago and Northwestern RR. culvert.	612
	U.S. 53	606
	Duluth, Missabe and Iron Range RR.	604
	Burlington Northern RR.	604
	Itasca St	604
Nemadji River	CTH C	628
	Duluth, Missabe and Iron Range RR.	626
	Burlington Northern RR.	625
	64th St	623
	Soo Line RR	620
	Woodlawn Rd	617
	Chicago and Northwestern RR.	606
	STH 53	605
	Burlington Northern RR.	605
Unnamed tributary.	Tower Ave	657
	31st St	652
	Hammond Ave. culvert.	651
	29th St. culvert	646
	Catlin Ave culvert	639
	21st St. culvert	631
	Soo Line RR. yard culvert.	625
	Hill Ave. culvert	621
Pokegama River	STH 105	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: October 3, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–31387 Filed 11–1–77;8:45 am]

[4210–01]

[Docket No. FI–2782]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Two Rivers, Maintowoc County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Two Rivers, Manitowoc County, Wis.

These base (100-year) 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: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Two Rivers, Wis.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Two Rivers, are available for review at City Hall, East Park Street, Two Rivers, Wis.

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 Two Rivers, Wis.

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 1917.4(a)). 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 has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Twin River	State Trunk Highway 42.	584
	Chicago & North Western RR. Madison St.	584
East Twin River	17th St	584
	22d St	584
	County Trunk Highway VV.	585

(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: October 3, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–31388 Filed 11–1–77;8:45 am]

federal register

WEDNESDAY, NOVEMBER 2, 1977

PART III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

■

CONVERSION OF SECTION 23 PROGRAM TO SECTION 8 PHA MANAGEMENT

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 882]

[Docket No. R-77-475]

CONVERSION OF SECTION 23 PROGRAM TO SECTION 8 AND PHA MANAGEMENT

Proposed Rules

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Proposed rule.

SUMMARY: The proposed rule will amend the Section 8 Existing Housing Program Regulations in several respects:

1. The proposed rule clarifies the Department's policy regarding the conversion of the lower income housing program under Section 23 to that under Section 8. It requires Public Housing Agencies (PHAs) to continue such conversions, subject to the prior rights of an Owner or tenant under the Lease. It specifies that all Section 23 existing units shall be converted to Section 8 by September 30, 1978, except under special circumstances authorized by HUD, and then only until September 30, 1979. It emphasizes that, in carrying out conversions, the PHAs shall make every effort to prevent evictions by providing maximum assistance to families determined to be eligible for the Section 8 program in locating alternative assisted housing.

2. In light of amendments made to the U.S. Housing Act of 1937 by the Housing and Community Development Act of 1977, the proposed rules stipulate that HUD will consider allowing PHAs to perform the management functions if there is adequate documentation that this is necessary to provide housing for eligible families, particularly large or very low-income families, in the locality.

3. Additional procedures for implementing the conversions as well as for administering the leased projects currently under Section 23 are provided in this rule.

DATES: Comments must be received on or before December 1, 1977.

ADDRESSES: Written comments should refer to the docket number and date and should be submitted to the Rules Docket Clerk, Office of the Secretary, Room 5218, 451 Seventh Street SW., Washington, D.C. 20410. A copy of each such communication will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT:

Patricia S. A. Arnaudo, Deputy Director, Project Management Division, Office of Assisted Housing Management, Department of Housing and Urban Development, Room 6248, 451 7th Street SW., Washington, D.C. 20410, 202-755-6460. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Section 8 Existing Housing Regulations, 24 CFR Part 882, were last published in their entirety on May 13, 1976. Miscellaneous amendments were published for interim effect on July 6, 1977; others were published for comment on the same day.

Proposed Amendments Regarding the Conversion of the Section 23 Program to Section 8

HUD proposes to amend the regulations on conversions to clarify and revise Departmental policy.

1. Section 882.101(b)(1) would be revised to specify HUD policy that PHAs shall complete the orderly conversion of their Section 23 Existing Housing to the Section 8 program by September 30, 1978. This deadline may be extended under special circumstances, as authorized by HUD, but only until September 30, 1979.

2. Section 882.101(b)(1)(i) is a revision of § 882.101(b)(1) which states that no HUD policy or procedure shall affect the rights of the Owner or tenant under a Lease. The policy is rephrased, in light of the new language in the Housing and Community Development Act of 1977, to clarify that the rights of the Owner include any rights under the Lease to renew, subject to the maximum term permitted by law.

3. Section 882.101(b)(1)(ii) describes the Departmental policy regarding evictions now stated in other terms in § 882.101(b)(3). The revised section provides that the PHAs shall avoid evictions, to the maximum extent possible, by helping families determined to be eligible for the Section 8 program in locating units. Families determined to be ineligible for any reason, shall be notified in accordance with § 882.209(f). Examples of reasons to deny an applicant a certificate are given in the regulation.

4. Section 882.101(b)(1)(iii) is a restatement of § 882.101(b)(5)(i) indicating that where Section 23 Existing Housing is to be converted to Section 8, HUD will, to the extent of available contract authority and budget authority, approve one Section 8 unit for each Section 23 unit converted.

5. Section 882.101(b)(1)(iv) is a restatement of § 882.101(b)(7) stating that the applicable Fair Market Rents shall be those for Section 8 Existing Housing, except that for any unit which was completed less than six years prior to the leasing thereof the applicable rent shall be determined in accordance with § 882.120(b).

6. Section 882.101(b)(1)(v) is a restatement of § 882.101(b)(4) regarding the inapplicability of the conversion policy to the HUD Experimental Housing Allowance Program.

7. Section 882.101(b)(2) is a revision of § 882.101(b)(7) specifying that any completed Section 23 new construction and substantial rehabilitation projects may be converted to Section 8 under contractual arrangements agreed to by all parties and approved by the Assistant Secretary for Housing. It also indicates that in planning and carrying out such conversions, the provisions of § 882.101(b)(1)(i)-(iv) shall be applicable.

Clarification of Policies Regarding the Remaining Section 23 Projects

Section 882.101(b)(3) would revise Departmental policy on Section 23 existing projects which are not converted. A recent audit by the HUD Inspector General has indicated a need for more controls and supervision by HUD over these projects.

1. Section 882.101(b)(3)(i) and (ii) would restrict the continuation of the Section 23 program by specifying that no additional Leases may be entered into, and that Lease extensions and renewals for occupied units may only extend until September 30, 1978, and then only be permitted with respect to the units which are decent, safe and sanitary. This deadline may be extended under special circumstances, as authorized by HUD, but only until September 30, 1979.

2. Section 882.101(b)(3)(iii) would specify that, subject to the Lease, rent increases may only be made with respect to occupied units which HUD has determined are decent, safe, and sanitary. The requirement in the current § 882.101(b)(5)(ii) which specifies that any such increase must be funded by the elimination of units authorized under the Section 23 ACC but not leased unless approved by HUD for special circumstances would be retained in § 881.101(b)(3)(iv).

3. Section 882.101(b)(3) would require PHA certification in the submission of the quarterly requisition that the units are decent, safe, and sanitary. Further, to insure that there is more effective monitoring of the Section 23 program, this proposed rule would mandate annual inspections by HUD for compliance with the terms and conditions of the Lease and the ACC.

Proposed Rule Regarding PHA Management

In accordance with the HCD Act of 1977, which amends the U.S. Housing Act of 1937 and authorizes the Secretary to permit a PHA implementing a Section 8 Existing Housing Program to undertake management functions for the Owner of a unit covered by the Program, new §§ 882.116(s) and 882.117(c) would be added. The Department proposes to implement this provision on a demonstration basis in localities where there is documentation by the PHA that performance of these functions by the PHA is necessary to provide housing for eligible families, particularly large or very low-income families, in a locality.

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

NOTE.—It is hereby certified that the economic and inflationary impact of these pro-

posed rules have been carefully evaluated in accordance with Executive Order No. 11821.

Accordingly, the Department proposes to amend Title 24 CFR Part 882 as follows:

1. Amend § 882.101(b) to read as follows:

§ 882.101 Applicability and scope.

* * * * *

(b) *Conversion of Section 23 Housing Projects* (1) Policy for Section 23 Existing Housing Conversions. Each PHA shall complete the orderly conversion of their Section 23 Existing Housing to the Section 8 program by September 30, 1978. This deadline may be extended under special circumstances, as authorized by HUD, but only until September 30, 1979.

(i) Conversions shall not affect the prior rights of an Owner or tenant as stipulated under the provisions of a Lease entered into under Section 23 of the Act, including the Owner's rights under the Lease to renew, subject to the maximum term permitted by law.

(ii) In planning and carrying out conversions, PHAs shall avoid, to the maximum extent possible, the eviction of families receiving assistance under the Section 23 program who are determined to be eligible for the Section 8 program by providing assistance to eligible families in locating alternative assisted units. Families determined to be ineligible on the basis of income or family composition or for any reason, such as past performance in meeting financial obligations under Leases, a record of disturbance of neighbors or destruction of property, and a history of criminal activity involving crimes of physical violence to persons or property, shall be notified in accordance with § 882.209(f).

(iii) Where Section 23 Existing Housing is to be converted to Section 8, HUD will, to the extent of available contract authority and budget authority, approve one Section 8 unit for each Section 23 unit converted.

(iv) The applicable Fair Market Rents shall be those for Existing Housing under this part, except that for any unit which was completed less than six years prior to the leasing thereof the applicable rent shall be determined in accordance with § 882.120(b).

(v) Housing under ACCs implementing the HUD Experimental Housing Allowance Program shall not be subject to the provisions of this paragraph (b).

(2) Policy for Section 23 New Construction and Substantial Rehabilitation Conversions. Each PHA shall plan for the orderly conversion of any completed (legally available for occupancy) Section 23 new construction or substantial rehabilitation project to Section 8 under contractual arrangements for such term and under such conditions as may be agreed to by all the parties and approved by the Assistant Secretary for Housing. In planning and carrying out such conversions, the provisions of § 882.101(b)(1)(i)–(iv) shall be applicable.

(3) Policy for Section 23 Existing Housing Units not Converted. Where Section 23 existing units are not converted, the following shall apply.

(i) No Leases for additional units shall be entered into.

(ii) Subject to prior rights of Owners and Families, Lease renewals and extensions may be entered into only with respect to occupied units which HUD has determined are decent, safe, and sanitary. The terms of such renewals and extensions shall not extend beyond September 30, 1978. This deadline may be extended under special circumstances, as authorized by HUD, but only until September 30, 1979.

(iii) Rent increases shall only be made with respect to occupied units, except as otherwise provided in the Lease, which HUD has determined are in decent, safe, and sanitary condition. The PHA shall certify with the requisition to HUD for payments under the ACC that the units are decent, safe, and sanitary. Inspections of the units shall be made annually by HUD for compliance with the terms and conditions of the Lease and the ACC.

(iv) Any increases in rents and/or operating costs for occupied units must be funded by the elimination of units authorized under the Section 23 ACC but not leased; Section 23 ACC amounts shall not be increased, except under special circumstances as authorized by HUD.

(2) Add § 882.116(s) to read as follows:

§ 882.116 Responsibilities of the PHA.

* * * * *

(s) The PHA may cantract with an Owner to perform the management and maintenance functions listed in § 882.117(a)(1)–(6) after approval by HUD pursuant to § 882.117(c).

3. Add § 882.117(c) to read as follows:

§ 882.117 Responsibilities of the Owner.

* * * * *

(c) Notwithstanding the provisions of paragraph (b) of this section and § 882.121(c)(1), HUD will consider authorizing PHAs on request to perform the management functions on behalf of Owners of Section 8 existing units if there is adequate documentation that performance of these functions by the PHA is necessary to provide housing for eligible families, particularly large or very low-income families, in a locality.

Issued at Washington, D.C., October 26, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing,
Federal Housing Commissioner.

[FR Doc.77-31662 Filed 11-1-77;8:45 am]

federal register

WEDNESDAY, NOVEMBER 2, 1977

PART IV

ENVIRONMENTAL PROTECTION AGENCY

Municipal Sludge Management

■

ENVIRONMENTAL FACTORS; TECHNICAL BULLETIN

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 810-7]

MUNICIPAL SLUDGE MANAGEMENT

Environmental Factors; Technical Bulletin

On June 3, 1976, in the FEDERAL REGISTER (41 FR 22532), the Environmental Protection Agency published for public comment a proposed technical bulletin, "Municipal Sludge Management: Environmental Factors." The Bulletin has been prepared to assist EPA Regional Administrators in evaluating grant applications for construction of publicly owned treatment works under Section 203(a) of the Federal Water Pollution Act as amended. It also provides designers, municipal engineers and others with information for selecting a sludge management option. The Bulletin addresses only factors important to the environmental acceptability of a particular sludge management option and does so in a general manner to allow maximum flexibility.

Written comments on the proposed Technical Bulletin were invited and received from interested parties. EPA has carefully considered all comments received. All written comments are on file with the Agency, and are available for examination at the Municipal Construction Division, Office of Water Program Operations.

Many of the comments received clearly expressed concerns over the need for regulations, criteria and detailed guidelines to provide better control of sludge disposal and utilization activities. Although this Bulletin will exercise some control over the design of sludge management systems, it does not address in detail the control of operating systems. Efforts pursuant to the recently passed Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580) are underway to develop specific criteria and guidelines for sludge management activities.

Comments were received from a wide variety of sources (Federal agencies, State regulatory agencies, environmental groups, municipalities/counties/cities, consultants, university extension and research groups, special interest groups and the general public). These comments indicated both support for and opposition to a number of points made in the proposed Technical Bulletin. Conflicting points of view were often noted among comments received on a particular topic, even when received from the same type of reviewer. In many cases, agreement was indicated by numerous commenters who favored or supported a certain position. Modifications were made to the document wherever there was clear and strong support for change.

The principal comments received and the responses to them are summarized below:

(a) Several comments requested that public hearings be held prior to final publication of the Technical Bulletin. Numerous versions of the proposed document have been extensively reviewed and the comments received were carefully considered. The major issues raised were generally the same issues that were identified during the early efforts to develop this document and center on regulatory concerns. The need for specific criteria and guidelines for the control of land disposal and utilization practices was the major concern expressed in the comments. Criteria for State regulatory programs for the control of solid waste activities, including municipal sludge management, are being developed as part of implementation of the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580). Public Hearings will be conducted as part of efforts to establish criteria and guidelines under that Act.

(b) Many comments were received that indicated a need to clarify the roles of the Food and Drug Administration (FDA) and the U.S. Department of Agriculture (USDA) in the development and review of facility plans addressing sludge management. The detailed monitoring, review and approval activities by USDA and FDA for certain projects as indicated in the proposed document could lead to excessive manpower and funding requirements for these Agencies. The final version recognizes FDA as the agency which should establish recommended acceptable levels of various contaminants in human foods and animal feeds. In addition to indicating the availability of USDA assistance to municipalities, the Bulletin encourages USDA to continue to develop and provide site-specific recommendations on the best agricultural practices for use of municipal sewage sludge by farmers on privately owned lands. The objectives of such recommendations are to minimize or eliminate monitoring requirements on the farm while protecting farmland for future agricultural use, maintaining normal productivity, and assuring continued farm income. Technical assistance is a major role and will be available from FDA, various USDA extension and research offices, as well as EPA and the State Agricultural Experiment Stations.

(c) Numerous comments were received regarding the need for establishing allowable levels for heavy metals and other contaminants in sludges applied to the land. This document is not intended to be regulatory in nature, but rather to provide information on items to be considered in evaluating construction grant applications. More specific guidance on acceptable levels of contaminant additions to agricultural land from solid waste (including sludge) are planned to be developed and published under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580).

In an effort to provide the most current state-of-the-art information available on the potential effects on agricultural crops and animals by heavy metals in sewage sludges applied to cropland, EPA has recently published a report titled "Application of Sewage Sludge to Cropland: Appraisal of Potential Hazards of the Heavy Metals to Plants and Animals" prepared by the Council for Agricultural Science and Technology (EPA 430/9-76-013; November 1976). This report and others that are planned for publication in the near future will provide in-depth presentations of available information on topics of major interest and concern related to municipal sewage sludge management.

The revised Bulletin recommends that adequate testing of the sludge be undertaken to provide the user with a basis for designing and operating the system and for developing future control mechanisms. It recommends that all sludges be analyzed to determine the range of levels of heavy metals (especially Cd, Zn, Mo, Ni and Cu), persistent organic compounds (such as chlorinated pesticides, and PCB's), and other chemical or biological contaminants of concern whenever land application of sludge is proposed.

(d) Numerous comments addressed the section on "Projects of Minimal Concern." In response to these comments and other factors, this section has been rewritten to only address demonstration projects. For demonstration projects where significant resources and manpower are available for control and monitoring, it is indicated that recommendations within the Bulletin may be exceeded in an effort to investigate new approaches for sludge management. General guidance for "dedicated" utilization or disposal sites is provided in other sections.

(e) Numerous comments expressed the need for additional detailed information to be included in the Bulletin covering each utilization and disposal option. The final Bulletin has been maintained as short and precise as possible while providing general guidance to the Construction Grants Program on those environmental factors to consider when reviewing proposed municipal sewage sludge management projects. It was not written as a regulatory document or design manual. Current pertinent regulations are either cited or referenced. Criteria and guidelines for solid waste (including sludge) disposal onto land which are planned to be developed and issued under Pub. L. 94-580 should provide more specific guidance. Detailed reports are being planned to supplement the Bulletin and provide the detailed data base and information on other topics of concern to municipal sludge management.

(f) Clearly conflicting comments were received regarding the general tone of the proposed bulletin towards land application of municipal sewage sludge. Many comments indicated that the intent of the Bulletin was far too restrictive on agricultural use of sludge. Others felt that the coverage of cropland uses was too liberal. Both support of and opposition to the application of municipal

sludge to parklands, disturbed land and forests were indicated by different commenters. The revised document attempts to encourage the beneficial utilization of municipal sludge as a resource, and cites experience as guidance in evaluating construction grant applications on sludge uitilization procedures that have experienced no known environmental problems.

(g) Numerous comments were received concerning the intent of this document towards supporting the utilization or disposal of municipal sludges. Since land application of many sludges can be beneficial to the soil and crops, this method would be preferable to sludge disposal practices that preclude these beneficial effects. Of course, these practices should be implemented in a manner that is also environmentally acceptable. The guidance given in the Bulletin concerning the utilization of sludge by land application is intended to provide maximum flexibility to minimize possible environmental problems, since the available information is still limited.

(h) Comments received in regard to the monitoring requirements of the proposed document generally favored the need for some monitoring of sludge disposal and utilization projects, but disagreed on the extent to which monitoring should be required. The revised document recommends the development of an adequate baseline analysis for specific heavy metals and persistent organic compounds in the sludge to provide the basis for additional site-specific monitoring requirements. The monitoring plan developed for a land application project should be designed for the local site conditions, project operation and sludge analysis.

(i) Numerous comments were received regarding the importance of adequate pretreatment requirements to control industrial discharges of contaminants into publicly-owned sewage treatment works that may eventually create sludge management problems. The Bulletin strongly emphasizes the importance of pretreatment as a means of reducing the contaminant levels in sludges, while not specifically addressing possible pretreatment actions. The Agency has embarked on an accelerated program under Pub. L. 92-500 to develop (1) pretreatment standards for the most significant polluting industries, and (2) standards pertaining to the discharge of designated toxic pollutants. Additionally, the Agency has recently issued revised pretreatment guidelines to assist municipalities in developing local pretreatment requirements.

(j) A number of comments were received regarding the determination of appropriate application rates for sludges applied to the land. Most agreed with the approach taken in the proposed document calling for maximum application rates to be based upon crop nitrogen needs and groundwater concerns. Therefore, this approach was maintained in the final document.

(k) Numerous comments were received indicating a need for defining, or at least clarifying, the meaning of such terms as "stabilization," "food chain and non-food chain crops," "utilization and disposal," "agricultural and non-agricultural uses," "high/average/low sludge quality" and "application rates." Efforts were made in the final bulletin to provide definitions or at least clear indications as to the intended meaning of such terms. In addition, an appendix is included that provides typical values observed for various contaminants in municipal sludge under different circumstances.

(l) Numerous comments were directed at the technologies available to meet the stabilization requirements of various sludge management practices. It was generally agreed that the stabilization discussion in the proposed document was too restrictive. In the revised Bulletin, efforts were taken to establish the need for stabilization, but not to provide a complete list or details of available stabilization technologies. The reader should refer to the "Process Design Manual for Sludge Treatment and Disposal" (EPA 625/1-74-006; October 1974) for more specific information on sludge stabilization techniques.

(m) Several comments were received indicating the need for clearer guidance on when additional pathogen reduction techniques are required and what pathogens need to be controlled. The final Bulletin indicates that under certain site-specific project conditions, pathogen reduction list of methods that have been used to further reduce pathogen levels in sludge. Since the conditions that would require the need for additional pathogen reduction are generally site- or project-specific, no attempt was made to identify when this would be required, except with regard to the production of directly consumed human foods.

(n) Numerous comments were received regarding the restrictions recommended for the protection of food products and agricultural land. Most, but not all, reviewers agreed that this section was too restrictive as presented in the proposed document. Many reviewers strongly opposed the restrictions requiring (1) three years after sludge application before human food crops may be grown to be eaten raw, and (2) the sludge applied to be negative for *Salmonella* and *Ascaris* ova if applied to soils where crops are grown which are normally cooked in the home before consumption, but marketed without being subjected to a process which is lethal to pathogenic microorganisms and pathogens.

The revised document encourages the use of stabilization methods together with additional precautions to minimize pathogen, parasite and viral content of sludge used in agriculture. Application methods that prevent direct contact of the sludge with the portion of the crop to be consumed are encouraged. The Bulletin also recommends that projects conform to any limitations for crop quality (both human and animal feeds) established by FDA, USDA or State agencies.

The Technical Bulletin exclusive of the cited appendices is printed below. A copy of the complete Bulletin, including appendices, may be obtained by writing to the General Services Administration (8FFS), Centralized Mailing Lists Services, Bldg. 41, Denver Federal Center, Denver, Colo. 80225. Please indicate the title of the publication and the document number: MCD-28 (EPA 430/9-77-004).

Dated: October 26, 1977.

THOMAS C. JORLING,
Assistant Administrator,
Water and Hazardous Materials.

TECHNICAL BULLETIN

MUNICIPAL SLUDGE MANAGEMENT: ENVIRONMENTAL FACTORS

CONSTRUCTION GRANTS PROGRAM, OFFICE OF WATER PROGRAM OPERATIONS, U.S. ENVIRONMENTAL PROTECTION AGENCY, WASHINGTON, D.C. 20460

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U.S. ENVIRONMENTAL PROTECTION AGENCY

TECHNICAL BULLETIN

MUNICIPAL SLUDGE MANAGEMENT: ENVIRONMENTAL FACTORS

Foreword

This Technical Bulletin has been prepared to assist Environmental Protection Agency (EPA) Regional Administrators in evaluating grant applications for construction of publicly owned treatment works under section 203(a) of the Federal Water Pollution Control Act as amended. It also provides designers, municipal engineers and others with information on sludge management options.

The Bulletin was developed from the outputs of an Agency workgroup that attempted to prepare an Agency policy statement and guidelines on sludge management. These efforts were undertaken with substantial assistance provided by individuals from the Council on Environmental Quality, the U.S. Department of Agriculture, the Food and Drug Administration, and the Department of the Army.

The relative risks, benefits and costs of various sludge management practices should be thoroughly considered when evaluating potential alternatives for specific projects. While some degree of risk is inherent in any sludge management option, trade-offs among risks, benefits and costs should help direct projects toward the selection of both an environmentally and economically viable utilization or disposal alternative.

The Bulletin addresses only factors important to the environmental acceptability of particular sludge management options and does so in a general manner to allow a maximum flexibility in its interpretation to meet varying Regional needs and site specific factors. It was not written as a regulatory document or design manual. An environmental assessment/environmental impact statement procedure is used to determine the acceptability at a specific site. This procedure is described in EPA's regulations for "Preparation of Environmental Impact Statements" (40 CFR 6, Appendix I).

The cost-effectiveness of a proposed sludge management option is of great importance. Information on the EPA cost-effectiveness program is contained in Appendix I. Detailed information on pretreatment guidelines and regulations, sample collection/preservation/analysis procedures, as well as in-depth reviews of the somewhat controversial potential environmental impacts of land application are or will be covered in additional supporting documents.

While the main body of the Bulletin includes considerable detailed information on land application alternatives, it is not intended to indicate a preference for this or any other sludge management option. The Bulletin emphasizes land application alternatives since no EPA guidance has been issued on this subject in the past. It incorporates existing Agency guidance (and regulations where applicable) on the other major options—incineration, landfill, and ocean disposal—mainly by means of references and appendices. It is important that all of the available options must be considered, including incineration and landfilling as well as land application, to assure that the best alternative, in terms of environmental acceptability, cost-effectiveness, and benefit, is selected.

The requirements of the Act for higher levels of wastewater treatment will result in a substantial increase in the quantity of sludge produced at publicly owned treatment works. Disposition of these sludges is not simple. Methods used in the past are now restricted by specific laws or regulations, or are subject to other constraints in view of new information of environmental significance.

EPA, continuing the work of its predecessor agencies, has been developing environmentally acceptable methods for the management of municipal sludge since the enactment of the first Federal water pollution control laws. The initial phases of the research program were concerned with the characteristics and dewatering properties of primary and secondary sludge because of the need to dewater sludge before its ultimate disposal. The current program emphasis has shifted toward development of improved technology for returning the sludges to the environment in an acceptable manner. Also, the Agency is requiring new measures, such as source control and pretreatment, which should reduce the heavy metals problem associated with sewage sludges.

The Agency has been aware of the growing sludge disposal problem and the need to verify and expand the technology that is now being utilized. For example, a long-term land application project has been directed at determining the beneficial uses of sludge for strip mine reclamation and for soil enrichment in crop production. These studies have carefully monitored the heavy metals uptake in various forage and grain crops.

A large increase in the amount of sludge generated has occurred with the use of chemical precipitants for nutrient control and the upgrading of secondary treatment facilities. The Agency has been actively developing new technology for solving the problem, including recovery and reuse of the chemical additives.

EPA will continue its broad based research program for municipal wastewater sludge management. Depending on the availability of resources, we will concentrate on demonstration of new technologies which will recycle or reuse resources, reduce energy requirements, or recover residuals contained in sludges.

For example, new technologies are being examined to determine if there are cost-effective methods for producing or recovering marketable products in the processing of sludge. These products may include: metals recovery, simple organic acids, fertilizer bases, soil conditioners, the recovery of process heat, fuels for energy production, and activated carbon.

Health effects research will include investigation into land application, disinfection, composing, and airborne contaminants from incineration. The improved technology for reducing or eliminating pollutant emissions to the environment will be evaluated from a health and ecological effects standpoint. It is also EPA's intent to continue cooperative agreements with local, State, and other Federal agencies.

The Technical Bulletin is based on current knowledge. It will be modified from time to time as additional information becomes available from current and future research, development, and demonstration projects as outlined above. New research, development, and demonstration projects which offer potential for reducing costs or improving technology are encouraged; this includes projects that do not meet the specific recommendations of the bulletin, if there is reason to believe that they will eventually be acceptable. This Bulletin will also be supplemented by a series of detailed technical reports on topics of major concern. The first: "Application of Sewage Sludge to Cropland: Appraisal of Potential Hazards of the Heavy Metals to Plants and Animals" (EPA 430 9/76-013) is already available. (A copy of this report can be obtained by writing to the General Services Administration (8 FFS), Centralized Mailing Lists Services, Bldg. 41, Denver Federal Center, Denver, Colo. 80225. Please indicate the title of the publication and MCD-33.)

It is believed that the techniques discussed in this bulletin can be environmentally acceptable if properly designed, constructed and managed. It must be well understood that proper operation, maintenance, and monitoring of any sludge management system are essential. The operators of such systems must clearly demonstrate the managerial capability and resources necessary to achieve and maintain the expected performance on a continuing basis.

The guidance and recommendations in this technical bulletin are subject to revision based on future experience in the field. All users are encouraged to submit suggested revisions and information to the Director of the Municipal Construction Division (WH-547), Office of Water Program Operations, U.S. Environmental Protection Agency, Washington, D.C. 20460.

Dated: October 26, 1977.

THOMAS JORLING,
Assistant Administrator, Water and Hazardous Materials.

U.S. ENVIRONMENTAL PROTECTION AGENCY

TECHNICAL BULLETIN

MUNICIPAL SLUDGE MANAGEMENT: ENVIRONMENTAL FACTORS

Chapter I

Introduction

1-1. The treatment of wastewaters for pollutant removal produces not only relatively clean water for discharge, but also a significant quantity of residue material. For domestic sewage, treated in publicly owned plants, this residue is essentially organic in nature, although measurable quantities of metals, minerals, and other compounds are also invariably present. The residue may also contain pathogenic organisms which survive the wastewater treatment process. Where industrial wastewaters are treated together with domestic sewage, the potential for addi-

tional materials of concern in the resulting sludge is increased.

1–2. Depending upon the composition of the wastewater treatment plant sludge and the quantity involved, disposal of this residue material can have a significant impact on the environment. It is essential for wastewater treatment installations to consider the proper disposal of treated wastewater, as well as all byproducts and residues such as sludge. The requirements of the Federal Water Pollution Control Act, as amended (Pub. L. 92–500), emphasize the need for environmentally sound means for sludge utilization or disposal. The national requirement under Pub. L. 92–500 for secondary treatment, for example, will result in production of greater quantities of sludge.

1–3. The disposition of wastewater treatment plant sludges is a complex problem. It can affect the quality of air, land, and water, and requires considerations of human health, animal health, plant growth, and protection of ground and surface water from pollution. EPA Regional Administrators must consider all these matters as they evaluate sludge management systems included in the design of publicly owned treatment works for which construction grant applications are made. Despite the still limited information available on the complex issue of sludge utilization and disposal, the need for definition of a baseline of acceptable sludge utilization or disposal practice remains. Such a baseline is planned for development under the authorities of the Resource Conservation and Recovery Act (Pub. L. 94–580).

1–4. For the reasons cited above, a description of items to consider when selecting a specific sludge utilization or disposal alternative are presented in this document. This technical bulletin provides general guidance on the factors to be considered in the environmental assessment and to be used in reviewing the facts of a particular situation. For the utilization and disposal methods discussed no attempt is made to limit the implementation of innovative technologies or to imply that any particular method is optimum for sludge utilization or disposal. The final determination of acceptability should be based on the environmental assessment and, if necessary, the environmental impact statement for a specific project.

1–5. The bulletin is divided into two distinct parts. The first part includes methods in which the sludge is utilized as a resource by land application. The second part describes those methods where a beneficial use is not emphasized. System involving the recovery and utilization of energy or residuals contained in sludges are not specifically covered in this document. Examples of such systems are the production and utilization of digester gas, incinerator gas or steam; recovery and reuse of chemical conditioners; recovery and sale of metals. However, the environmental impacts associated with energy recovery systems would be similar to those identified for the sludge incineration practices covered in this bulletin.

1–6. Methods which may have future promise, but which have not been used in existing facilities, are not included. As these developing technologies are demonstrated in practical use, and as supporting information is obtained, they will be added in updates of this bulletin. Because it is the policy of EPA to encourage and, where possible, assist in the development of new or advanced wastewater treatment procedures, Federal grant funds may be awarded for the construction of sludge utilization or disposal facilities not addressed in the bulletin, provided sufficient information is presented by the grant applicant to determine that these facilities would meet applicable statutory and regulatory requirements and would be environmentally acceptable.

1–7. Proper operation, maintenance, and monitoring of sludge utilization or disposal practices are essential to ensure that adverse environmental effects do not result. Grant applicants must demonstrate that they will have managers, operators, and resources necessary to achieve and maintain the required performance on a continuing basis.

1–8. Efficient energy utilization, conservation and recovery are increasingly critical topics. Full consideration of these factors is necessary in the comparison of alternatives in the selection of a sludge management method.

Chapter II

Land Application of Sludge

2–1. *General.* In order to contribute to energy and resource conservation in wastewater treatment facilities, sludge management technologies which will beneficially recycle or reuse sludges are actively encouraged. Because land application of sludge provides an excellent soil conditioner while conserving and recycling organic matter, nitrogen, phosphorus, and certain essential trace elements, such utilization is encouraged when it is supported by an environmental assessment.

Specifically, the use of stabilized sludge by land application for enhancement of parks and forests and reclamation of poor or damaged terrain should be considered for the utilization of sludge. Application of stabilized sludge to agricultural lands may also be regarded as an environmentally acceptable method of sludge utilization/disposal, but must be examined closely in terms of protection of human health and future land productivity. This is due to the present limited knowledge and uncertainties as to the extent to which this practice could result in the entry of toxic substances into the human food chain and pose a health risk.

Regulations, criteria, and guidelines being developed under the authorities of Pub. L. 92–500, TSCA, RCRA and other recent environmental legislation may impact the future acceptance of various land application practices in various ways. The development of criteria and guidelines under RCRA will define acceptable levels of pollutants for land application of solid wastes. The implementation of the anticipated Agency pretreatment strategy now under development will substantially reduce contaminant concentrations of many municipal wastewater treatment plant sludges (especially cadmium and persistent organics). These efforts should further enhance the acceptability of sludges for agricultural uses. By this emphasis on prevention of future problems, we hope to move toward a goal of waste recovery and recycling.

The environmental concerns associated with the beneficial utilization of sludge by land application practices are discussed at length in the following paragraphs.

2–2. *Information for Project Evaluation.*

2–2.1 *Sludge characteristics.* Sludge from existing plants should be tested to determine nutrient values, heavy metals, and other constituents which may be economically recycled or cause environmental damage (Appendix VII). The type of tests and their scheduling is site specific and dependent on regulatory requirements, the intended use of the sludge, the contaminants likely to be present, and the intended use of the crop if one is grown. For new projects, it will be necessary to estimate the sludge characteristics; the application rates actually used on a project should, however, be based upon actual sludge analyses. Some indication may be available from pilot plant studies, but such studies are rarely conducted at smaller plants.

When sludges are to be applied to land, for beneficial purposes, appropriate non-domestic users of municipal wastewater treatment works should be required to pretreat their wastewaters to minimize the presence of potentially harmful heavy metals and other sludge contaminants from industrial sources. Pretreatment requirements should meet Federal pretreatment standards. (Current pretreatment regulations are covered in 40 CFR Parts 128 and 403. Also, see "Federal Guidelines: State and Local Pretreatment Programs," EPA 430/9–76–017 a, b, c) However, quantities of these materials also may be present in wastewaters usually considered of non-industrial origin.

2–2.2 *Site soils.* Soils receiving sludge for agricultural purposes, should be tested for phosphorus, potassium, pH, and heavy metals. There should also be knowledge of the approximate soil cation exchange capacity. Soils data and surveys are available through the Soil Conservation Service. Soil testing also can be arranged through local county agricultural extension agents, State Agricultural Experiment Stations and private laboratories. The number and extent of these tests may be minimal for largely domestic sludges where the application rates are low (paragraphs 2–3.10 and 2–4), or where certain soil survey information already exists.

2–2.3 *Groundwater.* A review of existing information and/or an investigation of groundwater conditions should be made for sites where sludge is to be applied to the land at greater than crop fertilizer rates (paragraph 2–3.8). Attention should be paid to the sites' geology and soil physical properties to avoid areas underlaid by highly porous, fractured or statified formations. The extent of the evaluation should be based on the size of the project and the potential impact on groundwater. Maintaining the pH of the combined soil and sludge above 6.5 will help prevent solubilization and migration of most metal ions into the groundwater.

2–3. *General Requirements for Land Application of Sludges.*

2–3.1 *Stabilization.* Under most circumstances sludge should be stabilized (by means of chemical, physical, thermal, or biological treatment processes that result in the significant reduction of odors, volatile organics and pathogenic organics) before land application to reduce public health and to prevent nuisance odor conditions. The stabilization method most frequently used has been anaerobic digestion, but there are numerous other methods producing comparable results. Discussions involving stabilized sludge in this document are based on a product equivalent to, or better than anaerobically digested sludge.

Experience shows that consistent and effective control of odors is a major factor in the public attitudes toward sludge transport, sludge storage and land application techniques. The order conditions are closely related to anaerobic bacterial action on volatile organic matter in both the liquid and solid portions of the sludge. The degree of volatile matter reduction achieved by anaerobic digestion may vary greatly, depending on the basic digestor design and the percentage of volatile solids in the raw sludge. Well designed and carefully operated high rate anaerobic digestors can digest sludge to control odors and reduce pathogen concentrations when the sludge is digested for a least 10 days at 95° F. Such high rate digestion requires close operational control for successful per-

ard rate digestion. [Although digestion can reduce the number of influent fecal coliforms by 97 percent or more, the remaining levels of microorganisms may still have public health significance.]

Other methods to prepare sludge for land application may be used. Some examples are: composting of raw as well as digested sludge, aerobic digestion, chemical treatment (lime treatment, etc.), heat stabilization, or heat drying. In cases where stabilization is determined to be necessary, the grant applicant should show that the performance of the alternative used for preparing the sludge is equivalent to anaerobic digestion in reducing odor potential and volatile organics.

Chemical treatment of sludges may only provide temporary inhibition of odors. Incorporation of the sludge into the soil is recommended for those sludges which have odor potential (paragraph 2–3.7).

At some plants, stabilized sludge is spread on drying beds or temporarily stored in properly designed sludge lagoons. These methods decrease subsequent odor problems from sludge applied to land since additional stabilization occurs with time. Caution must be exercised, however, to ensure that there are no objectionable odors from the storage site.

2–3.2 *Additional pathogen reduction.* Under certain conditions (e.g., due to State regulatory requirements controlling public access or for projects involving hospital wastes), it may be necessary to achieve additional bacteria, parasite, and/or virus reduction or deactivation beyond that attained by stabilization. The following methods have been used:

a. Pasteurization for 30 minutes at 70° C.

b. High pH treatment, typically with lime, at a pH greater than 12 for 3 hours.

c. Long-term storage of liquid-digested sludge for at least 60 days at 20° C or 120 days at 4° C.

d. Complete composting at temperatures above 55° C as a result of oxidative bacterial action and curing in a stockpile for at least 30 days.

e. Both gamma and high energy electron ionizing radiation under various application procedures including combination treatment with thermal conditioning and oxygenation.

2–3.3 *Crops suitable for sludge application.* Crops vary in their reaction to sludge-enriched soils. Most crops benefit from the nutrients, such as nitrogen and phosphorus, and organic matter present in the sludge. However, some crop species may be adversely affected by excess heavy metals or other contaminants. Additionally, the crop may take up and accumulate certain of these trace elements, and possibly inhibit future use of the harvested materials, particularly those in the human food chain.

The degree of contaminant uptake by different crops and specific plant tissues is highly variable. For example, vegetative portions of grasses generally contain higher levels of heavy metals than the grain. Factors such as soil type, pH, moisture, and organic matter content, crop species and variety (and for cadmium, the annual and accumulative application rates) are all important and affect plant uptake rates of specific contaminants. Vegetables such as lettuce, spinach, and chard, as well as tobacco are among the highest accumulators of heavy metals such as cadmium. USDA extension and research offices and State Agricultural Experiment Stations are available for additional guidance on the selection of crops which can be satisfactorily grown on sludge enriched soils in specific geographic areas.

Forest sites and reclamation projects offer special opportunities for beneficial use of sludge to improve soil fertility and increase plant growth without significant risk to public health. In these cases it will still be necessary to comply with regulatory requirements pertaining to impacts on air, surface waters, and groundwaters, in a manner similar to that described for agricultural uses (paragraph 2–3.8).

2–3.4 *Public access* should be controlled in a positive manner where applications are above rates for agricultural use. In such instances, posted notices, and/or simple barriers, fences, remoteness of the site should be adequate.

2–3.5 *Groundwater protection.* Projects for land application of sludges will be designed so that the permanent groundwaters (groundwater which is not removed from the ground by an underdrain system or other mechanical means) in the zone of saturation (where the water is not held in the ground by capillary tension) will be protected from pollution. Consideration should be given to the extent of the project, the quality of the groundwaters, and the fact that groundwater is typically used for drinking water supply with little or no additional treatment. Also, in some areas, groundwater recharge of surface streams may be significant. Specific groundwater criteria will be developed under Pub. L. 94–580. Until such criteria are developed under Pub. L. 94–580, criteria contained in the EPA publication, "Alternative Waste Management Techniques for Best Practicable Waste Treatment," EPA 430/9–75–013 should be followed. An extract on groundwater is reproduced as Appendix II to this Bulletin.)

2–3.6 *Controlling surface water runoff.* Sound engineering practice requires the control of surface runoff that may leave the site as well as that which will enter the site from contiguous properties. Controlled release of runoff from sludge application areas and effective erosion control methods must be practiced as necessary. Consideration should also be given to materials which may leach out of the sludge. Surface water criteria are to be developed under Pub. L. 94–580.

2–3.7 *Sludge application methods.* Techniques for applying liquid sludge to the land include: tank truck, plowing, injection, or ridge and furrow spreading. Dewatered sludge, or composted sludge, may also be spread upon the land. If desired, the sludge can be incorporated into the soil by plowing, discing, or other similar methods. The use of incorporation and injection methods is encouraged as a means of improving public acceptance of sludge application by decreasing possible odor generation and unsightly deposits on crops.

Sprinkler application of digested sludge to the land is acceptable when the transport of aerosols beyond the boundaries of the application area is minimized. The use of low pressure sprinklers, short risers, or remoteness of application sites is suggested. When sprinkling at low pressures, it is good engineering practice to screen the sludge or otherwise prevent nozzle plugging.

2–3.8 *Application rates.* The sludge application rate per acre should be determined in a manner to ensure that environmental requirements are met. Nitrogenous substances usually limit annual application rates. The rate of sludge application to land should be consistent with the requirement to prevent nitrate pollution of groundwater as previously defined (paragraph 2–3.5). The information required to establish the maximum sludge application rate based on plant available nitrogen includes: (1) total and inorganic nitrogen content of sludge; (2) nitrogen, phosphorus, and potassium requirements of crop proposed; and (3) soil test for available nitrogen, phosphorus and potassium. Supplemental fertilizer, especially potassium, may be needed if optimization of crop production is desired.

As a guide, sludge application rates should provide total plant available nitrogen equivalent to the nitrogen fertilizer requirement of the crop grown, although some experience in applying 1½ to 2 times the crop's nitrogen fertilizer requirement has not lead to the development of groundwater problems. Plant available nitrogen includes that mineralized from the soil, the inorganic sludge nitrogen (ammonium and nitrate), plus a mineralization rate of 15 to 20 percent of sludge organic nitrogen (mineralizable organic nitrogen) for the first growing season following application, and three percent of the residual sludge organic nitrogen for three subsequent growing seasons. Volatilization of ammonia from surface applied sludge should be taken into account; experience has shown that about 50 percent of this nitrogen may be lost if the material is not immediately incorporated. Denitrification may also be a factor accounting for significant nitrogen losses under certain conditions.

Sludge nitrogen mineralization, volatilization, and denitrification rates may vary considerably for different climatic areas of the Nation. USDA extension and research offices, and State Agricultural Experiment Stations should be contacted to obtain specific regional information on nitrogen transformation rates, plant nitrogen, phosphorus and potassium requirements and soil test information for the local area.

An excess of certain salts, phosphorus compounds, heavy metals, persistent organic compounds, radionuclides and other materials in sludges may also limit application rates. Each prospective land application site should be assessed on an individual basis, with adequate consideration given to sludge characteristics, soil characteristics, crops to be grown, and other factors such as surface water and groundwater protection. Control of the total and annual application rates along with soil pH control and intensive monitoring programs are possible approaches which can be used to avoid problems with major contaminants of concern such as cadmium (section 2–4.2). A useful procedure for calculating the rate of sludge application to the land based on the nitrogen requirement of the crop grown and the nitrogen and metal content of the sludge is given in Appendix VIII.

Sludge is generated continuously throughout the year, but continuous field application may not be possible. A mass balance is necessary to determine the amount of sludge storage required during intervals when the sludge is not applied to the land.

2–3.9 *System operation.* The grant applicant should show the capability to manage and operate the system. Operational aspects to be described in the operation and maintenance manual include the monitoring plan, review of monitoring data, action to be taken when monitoring indicates a problem, and a commitment to use expert guidance when required. The operation and maintenance manual should specifically indicate what actions can be taken to either upgrade the site to acceptable levels or discontinue its use if it is shown to be in violation of future requirements developed by Federal or State regulatory agencies.

USDA extension and research programs are also available to help develop and provide site specific recommendations for the best agricultural practices for use of municipal sewage sludge by farmers on privately owned lands. Extracts from such guidance that has been developed for the North Central and Western states is provided in Appendix VIII. These recommendations may include suggestions to help minimize or eliminate some monitoring requirements on the farm while protecting farmland for future agricultural use, maintaining normal productivity, and assuring continued farm income.

2-3.10 *Monitoring.* The grant applicant should develop and implement a plan for adequate monitoring of each land application site where the application rate may impose a significant nitrogen loading on receiving ground or surface waters (paragraph 2-3.8), where greater rates of metals are applied than indicated in section 2-4.2 or where hazards are expected from other sludge constituents such as pathogens are persistent organics. Groundwater monitoring generally should not be required where the application rate is based upon the nitrogen fertilizer needs of the crop (paragraph 2-3.8).

It will always be necessary to know the characteristics of sludge (paragraph 2-2.1) to be applied. For new projects, it may be necessary to monitor more frequently until successful performance is assured.

The monitoring plan should be specifically designed for local conditions including site and sludge characteristics, proposed rate of application, crops to be grown, size of the project, etc. Where necessary, the plan should consider monitoring heavy metals, persistent organics, and pathogens, as well as nitrates in groundwater, surface water, sludge and soils. In addition to these recommendations and local or State requirements, additional monitoring requirements may be developed under Pub. L. 94-580.

2-3.11 *Surveillance of operation and monitoring.* The operation and monitoring data of the system must be periodically reviewed by the responsible regulatory Agency or agencies to ensure satisfactory performance. Where there is no local or state program for this purpose, an alternative independent review should be established. The grant application should show the arrangements made for surveillance.

Operational and monitoring data must be available to authorized local, State, EPA and other Federal agency representatives on request.

2-4. *Additional requirements for sludge application to agricultural lands.* In addition to the foregoing general requirements, the application of sludge to agricultural lands should be accomplished so as to ensure cropland resources are protected and harmful contaminants are not accumulated in the human food chain to create a risk to public health. Review of projects which include application of sludge to agricultural lands must be based on informed judgment and fully consider the conditions specific to a given site.

2-4.1 *Research, development and demonstration projects.* As indicated earlier (paragraph 1-6), it is the policy of EPA to encourage and, where possible, assist in the development of new or advanced wastewater treatment procedures, including sludge processing, utilization and disposal practices. Therefore, proposals involving the demonstration of new and innovative technologies for sludge management should be encouraged and expedited.

For such demonstration projects (e.g., reclamation of disturbed land with sludge), where significant resources and manpower are available for control and monitoring, the recommendations within this Bulletin may be exceeded in an effort to investigate new approaches for sludge management. An environmental assessment should verify that this is the case for particular projects. Some demonstration projects have the capability (including in-house effort and consultant assistance) to intensively monitor and evaluate the project as it develops. Work on these projects should be closely coordinated with EPA, USDA and FDA, as well as State and local authorities, to ensure satisfactory results including acceptable crop quality if crops grown are to be marketed (as described under section 2-4.2 B). Control criteria for these projects should be subject to continuing modification as information is developed. For these research, development and demonstration projects, the Agency review should assure that adequate resources are made available for the evaluation of project performance, arrangements are established for surveillance of the project, and review of project data is arranged for EPA and other interested agencies such as FDA, USDA, State Agriculture and Health Departments.

2-4.2 *Protection of food products and agricultural lands.* Regulations exist to control the level of mercury and persistent organic chemicals, such as pesticides and polychlorinated biphenyls (PCB's), in certain components of the human food chain. However, similar regulations have not been established for all contaminants in foods. When other regulations are implemented, those sludge land application projects involving the production of crops in the human food chain will have to produce crops that conform to these regulations. Contaminants of particular concern in municipal sludge as related to the production of human food and animal feed crops are cadmium and lead, as well as mercury, arsenic, selenium, and persistent organics such as pesticides and PCB's.

A wide variety of site specific conditions and management variables can affect the level of heavy metals entering crops. These variables have been and continue to be examined by many groups within FDA, USDA and State agencies. It is therefore recommended that projects conform to limitations for crop quality (human food or animal feed) established by these agencies.

The available information concerning the benefits and potential impacts of applying municipal sludge to agricultural land has been reviewed and summarized elsewhere. This available information indicates that many municipal sewage sludges can be applied to agricultural land when good agricultural management practices are employed. Upper limits on annual heavy metals loadings were suggested by various sources, based upon the currently available data base, with the anticipation that modifications will be made in time based upon additional research.

As discussed in section 2-1 elsewhere, regulations, criteria and guidelines being developed under authorities of Pub. L. 92-500, TSCA, RCRA and other recent environmental legislation may impact the future acceptance of various land application practices in various ways. Pretreatment requirements and solid waste disposal and utilization criteria and guidelines currently under development will provide numerical limitations aimed at reducing the levels of pollutants discharged into the environment, including allowable cadmium additions to agricultural soils through solid waste (including municipal sludge) application. As a result of progressively imposing more stringent pretreatment regulations on industrial wastes discharged into municipal systems, there should be a corresponding reduction of sludge borne contaminants.

Until regulatory requirements are established, the following guidance will allow for the application of most sludges to agricultural land at crop nitrogen fertilizer rates (paragraph 2-3.8).

A. *Privately owned agricultural lands.* The following guidance is suggested for application of municipal sludge to privately owned and managed cropland. These recommendations should protect private farmlands for future agricultural use, maintain their normal productivity, and assure continued farm income while minimizing monitoring requirements to those normally used for assuring good soil management:

(i) *Annual cadmium loadings.* The maximum annual loading of cadmium that should not be exceeded when applying sludge to agricultural land depends upon site conditions and management practices employed. The annual cadmium loadings that have been used successfully range from less than 1 kg/ha up to 2 kg/ha. While lower cadmium application rates are preferable, in those cases where good site conditions (i.e., high pH soils) and good management practices (i.e., soil pH control, monitoring, selecting crop species and varieties that do not readily take up heavy metals, etc.) prevail, annual loadings of 2 kg/ha have been employed. Because of the concern over potential health effects from increased ingestion of cadmium in foods, it is the intent of EPA to move toward minimizing cadmium additions to cropland. Movement toward lower cadmium additions will be reflected in the criteria for land application of solid wastes to be developed and issued under the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580).

(ii) *Soil/sludge pH control.* The pH of the soil/sludge mixture should be controlled to limit heavy metal uptake by plants. A pH of 6.5 or greater will minimize uptake of most heavy metals by most crops. As soil pH drops, heavy metal solubility in soil and availability to crops is increased. Under some site specific conditions (as in many strip-mined areas), availability of metals present in the soil before sludge application can acually be reduced by the application of sludge, because sludge addition in itself may tend to raise soil pH of a highly acid soil and because binding of the heavy metals into organic complexes may occur. But it is rare that the final pH will be 6.5 or greater. Therefore, consideration should be given to including supplemental liming. Additional guidance on tailoring soil/sludge pH to specific cropping systems may be gained from local agricultural extension agents, State Agricultural Experiment Stations, USDA, etc. The pH level maintained should be designed to meet the intent of limiting heavy metal solubility in soil and possible movement of heavy metals into groundwater or into crops by uptake.

(iii) *Total cumulative metal loadings.* It has been demonstrated that the following total cumulative metal loadings from applying municipal sludge to agricultural land have not led to observed problems (when soil pH is controlled):

Metal	Soil cation exchange capacity (milliequivalent per 100 g)*		
	0-5	5-15	>15
	Amount of metal (kilogram per hectare)		
Pb	500	1,000	2,000
Zn	250	500	1,000
Cu	125	250	500
Ni	50	100	200
Cd	5	10	20

* Cation exchange capacity (CEC) determined on soil prior to sludge application by pH 7 ammonium acetate procedure.

NOTE.—It is recognized that soil CEC is not the only factor important in setting levels of metal additions to soil. While its use as an index is recommended (providing that soil pH is also controlled) other factors such as soil colloidal, organic and sesquioxide contents may be equally or more important in limiting metal availability.

(iv) *Calculating sludge application rates.* A useful procedure for calculating the rate of sludge applications to the land (paragraph 2-3.8) based on the nitrogen and metal content of the sludge is given in Appendix VIII.

In addition to the above, the following measures are also suggested as possible means

to overcome problems of dealing with highly contaminated sludges:

(v) *Ratio of cadmium to zinc in sludges.* It is suggested that in naturally acid soils the ratio of cadmium to zinc in sludge should be considered in addition to total annual rates of application. An important premise of this concept is that with poor management (e.g., mproper crop selection and low soil pH), high enough zinc concentrations in soil to kill plants would result before cadmium could accumulate to levels in foods considered hazardous to animals and humans. The preferred practice suggested by USDA and some researchers is to apply sludges (to naturally acid soils) with a Cd/Zn $\leq$0.015 to these privately owned croplands.

(vi) *Pretreatment programs.* Implementation of a local pretreatment program aimed at reducing metals discharged into the municipal system may help overcome the problems that must be faced when considering the application of highly contaminated sludges to cropland.

(vii) *Other technology.* Use of other technology or management aimed at minimizing impact upon soil, groundwater and surface water, crops and/or the human food chain such as the use of selective crop species and varieties that minimize contaminant uptake or application of sludge at less than crop nitrogen needs. In any case, an expanded monitoring program should be implemented to assure control of pollutant migration and quality assurance of the project. The monitoring plan should be capable of noting trends in crop productivity decline, contaminant uptake in final marketed products, groundwater and surface water quality.

B. *Publicly controlled agricultural lands.* When municipal sludge is applied to publicly controlled (owned or leased) land and crops are grown and harvested, higher rates of application may be used if: (1) the use of these rates is acceptable to the responsible regulatory agency(s), and (2) a detailed monitoring program is established to assure acceptable crop quality and to provide close surveillance of groundwater, surface water and soils. If metal additions exceed those recommended in (A) above, priority consideration should be given to growing crops that are not directly consumed by humans.

If human foods or animal feeds are grown and harvested, higher rates of sludge application may be acceptable if resulting levels of cadmium in the crops or meats marketed are comparable to those levels present in similar crops or meats produced locally or as established by FDA or other responsible regulatory agencies. For example, strip mined land which has been reclaimed through high rate sludge application may be used for producing animal feeds; however, organs (e.g., kidneys and livers) which may accumulate cadmium in animals fed such feeds should not be sold for human consumption unless their cadmium levels are comparable to those found in animals produced locally.

C. *Sites previously dedicated for disposal.* The dedication of publicly controlled or owned land for high rate application (including trenching) to allow maximum utilization of the "dedicated site" for the disposal of municipal sludge has been practiced. This is a particularly useful practice for sludges with high contamination levels or where very high loadings of sludge are desired. Project monitoring is generally established to assure close surveillance of groundwater and surface water as discussed under monitoring of landfills (paragraph 3–1.7).

In cases where crops are grown following the disposal of municipal sludge to such "dedicated sites," the crops are generally not harvested for use as human foods or animal feeds. However, if human foods or animal feed crops are grown and harvested for further use, the marketing of crops and meats produced should be handled as in (B) above.

In all cases where the application of municipal sludge to agricultural lands and production of human foods or animal feeds is proposed (whether on private land, publicly controlled land, or "dedicated sites"), the project should be coordinated at the State and local levels to include the approval of appropriate regulatory agencies.

Experience has shown that under special conditions specific organisms may survive in the soil for extended periods of time. Therefore, unless pathogen reduction by methods such as those listed in 2–3.3, or other suitable measures have been employed to minimize human exposure to such organisms in sludge, additional precautions should be taken to assure that the impact of pathogenic bacteria, parasites and viruses in sludge used for certain agricultural purposes, will be minimal. Measures that have been used include the following:

(a) Sludge-treated land should not be used for growing human food crops to be eaten raw if the edible portion of the plant is in direct contact with the sludge or soils receiving sludges until one year after final sludge application or longer if there are positive indications of viable *Ascaris* ova. The available data base indicates that *Ascaris* ova may remain viable in soil for three years or longer.

(b) Use of application methods to prevent direct contact of the sludge with the portion of the crop to be consumed.

(c) Application to pasture land should be done in a manner that avoids contact between the freshly applied sludge and grazing animals raised mainly for milk. Forage and pasture crops should not be consumed by these animals when physically contaminated by freshly applied sludge. Particular attention should be given to avoiding problems with lead, cadmium, and PCB's contaminating the milk through direct ingestion of contaminated sludge.

Although crop quality standards have not been established to date for many contaminants, efforts are underway by FDA to develop such limitations. FDA has, however, provided their recommendations to limit the applications of sludge to land used to grow human or animal foods (Appendix IX).

2–4.3 *Project review.* When the project includes application to agricultural land, especially if it involves high application rates (paragraph 2–3.8), or sludges with a high concentration of contaminants (paragraphs 2–2.1 and 2–4.2 and Appendix VII), it may be necessary for the Regional Administrator to consult with USDA and FDA as part of the review process. This is especially true for large agricultural projects. The review must ensure that all applicable State and Federal regulatory requirements are met. Technical assistance during preparation of the grant application and facility plan development is available from these same agencies as well as the appropriate State offices.

2–4.4 *Additional monitoring requirements.* In addition to the monitoring requirements presented in 2–3.10, baseline sludge analysis should be conducted to serve as a sound basis for setting of application rates, selection of crops and determining other monitoring requirements. Sludges should be characterized in terms of the range of their contaminant concentration including heavy metals (such as cadmium, zinc, molybdenum, copper, nickel, lead, mercury, arsenic and selenium) and persistent organic compounds (such as chlorinated pesticides and PCB's). The sludges should also be analyzed for parameters (such as pH, nitrogen, phosphorus, potassium, and organic content, and possibly calcium and magnesium).

Where products are grown for human consumption on soils, especially to which greater levels of metals or organics have been applied than in this suggested guidance, crop monitoring may be necessary for suspected problem metals, organics, as well as pathogens and parasites.

Records including analyses should be kept by the sludge generating municipality that include sludge quality, locations receiving sludge, annual and total sludge application rates, crops grown and soil pH.

The monitoring plan should be specifically designed for local site conditions and take into account applicable local, State and Federal regulatory requirements by including consideration of sludges, soils, crops, surface water and groundwater quality.

2–4.5 *Technical assistance and use of other sludges.* In recognition of the fact that the guidance in the preceding paragraphs is based on limited information, technical assistance for planning and designing land application projects is available from several sources. These include EPA Headquarters and National Environmental Research Centers (especially the Municipal Environmental Research Laboratory in Cincinnati, Ohio), FDA, USDA extension and research elements, State Agricultural Experiment Stations, and other sources (Appendix X).

In addition to municipal sludge, other sludges (e.g., sludges produced by treatment of food processing and brewery wastes) may also be acceptable for land application under carefully defined and controlled practices. Because of the potential benefits to agriculture from sludge application carried out under sound agricultural management conditions, full exploration of this and other beneficial use options is encouraged.

Chapter III

Sludge Disposal Methods

3–1. *Sanitary Landfill.*

3–1.1 *General.* Sanitary landfill of sludge, either separately or along with municipal solid waste, is acceptable when supported by an environmental assessment.

3–1.2 *Landfill procedures.* A sanitary landfill accepting sludge should be designed and operated in accordance with EPA Guidelines for Land Disposal of Solid Wastes (40 CFR 241 Appendix III). Although it does not directly address landfilling of sewage sludge, specific guidance for the proper design and operation of a sanitary landfill are included in EPA's publication, "Sanitary Landfill Design and Operation" (SW–65ts). Each site should also comply with appropriate criteria and guidelines being developed under Pub. L. 94–580 for landfilling of sewage sludge. Proposals involving research, development and demonstration of new and innovative landfill technologies should be encouraged and expedited (as discussed for land application technologies in paragraph 2–4.1).

3–1.3 *Odor Control.* The sanitary landfill must be operated so as to prevent nuisance odors. Normally, the sludge must be stabilized as described for land application (paragraph 2–3.1).

3–1.4 *Precautions for protection of public health.* Sludge stabilization and the daily soil cover are generally adequate protection from direct health hazards. Additional precautions may be necessary if the public has unrestricted access to the landfill site.

3–1.5 *Groundwater protection.* The groundwater underlying the sanitary landfill accepting sludge must be protected and the sanitary landfill must meet applicable State

groundwater protection requirements. A geohydrologic assessment should be undertaken to determine the adequacy of the site prior to use as a sludge landfill.

3–1.6 *Operation.* If a sanitary landfill accepting sludge is not operated by the wastewater treatment authority, a binding agreement should be required between the wastewater treatment authority and the operator of the sanitary landfill. Such a binding agreement should include necessary assurances of compliance with the requirements and recommendations of the EPA guidelines (40 CFR 241 Appendix III) and criteria being developed under Pub. L. 94–580.

3–1.7 *Monitoring.* A plan should be developed and implemented to provide for adequate monitoring for each sanitary landfill accepting sludge. This plan should be specifically designed to protect groundwater and to ensure protection of surface waters, in the following manner:

a. Groundwater observation wells tested for heavy metals, persistent organics, pathogens, and nitrates;

b. Where the surface water could be affected by direct runoff or leachate from the landfill receiving sludge, surface water monitoring tested for indicators (such as chemical oxygen demands and total dissolved solids). Additional testing may be necessary if it is determined that a poor quality leachate is entering surface waters.

3–2. *Incineration.*

3–2.1 *General.* Sludge incineration and disposal of the resulting ash is an environmentally acceptable method for the disposal of sludge when the environmental assessment shows it to be appropriate. Incineration alone is a volume reduction method rather than ultimate disposal. Volume reduction, however, can be an important consideration where land availability is a problem. After incineration, ash, either dry or in scrubber water, remains to be disposed of to the land. Ash disposal must be designed to protect groundwater, to minimize dust production, and to ensure protection of surface waters. Each site should comply with the criteria being developed under Pub. L. 94–580. Proposals involving research, development and demonstration of new and innovative incineration technologies should be encouraged and expedited (as discussed for land application technologies in paragraph 2–4.1).

Due to the increasing costs and limited availability of energy resources, acceptability and viability of incineration processes is dependent on the ability to recover or reclaim energy from the process. Data available to date indicate that fuel requirements of incineration processes can be reduced by available energy recovery technologies. In some cases, energy recovery can possibly even offset a substantial portion of the energy requirements for the entire wastewater treatment plant. While the basic concepts of energy recovery from incineration of wastes are not new, the application of these concepts to wastewater treatment and sludge management facilities generally require special design considerations. New facilities can be designed from the outset to incorporate the necessary equipment to utilize energy recovered from incineration processes. In existing plants, retrofitting of equipment capable of using recovered energy will be necessary and could be considered to facilitate incineration where cost-effective. When energy aspects are addressed in incineration system designs, they should evaluate future as well as current energy conservation and recovery considerations.

3–2.2 *Industrial wastewaters.* When introduced into a municipal wastewater treatment works that practices sludge incineration, industrial wastewaters should be pretreated to reduce to a minimum the amounts of mercury, persistent organics, and radioactive materials. In developing pretreatment programs, special attention must be given to the disposal of sludge created or materials removed during the pretreatment process. Disposal of these materials must be in an environmentally sound manner.

3–2.3 *Air Quality.* The emissions from the sludge incinerator must not result in violation of ambient air quality standards and must meet the EPA air pollution emission standards of performance contained in the New Source Performance Standards for Sludge Incinerators (40 CFR 60.15, Appendix IV). Sewage sludge incinerator discharges into the atmosphere are not to exceed particulate matter at a rate in excess of 0.65 g/kg dry sludge input (1.30 lb/ton dry sludge input) and gases are not to exhibit 20 percent opacity or greater (except where the presence of uncombined water is the only reason for failure to meet the opacity requirement). These emission limits are based on a venturi scrubber, but any similar equipment which meets the standard is acceptable. Sludge incineration is known to vaporize any mercury present in the incoming sludge. EPA has published Amendments to National Emission Standards which do limit mercury emissions from the incineration and drying of wastewater treatment plant sludges to a maximum of 3200 grams per 24 hour period (40 CFR 61.52, included as Appendix V of this document).

3–2.4 *Specific emissions.* Tests have shown that sludge incinerator emissions can contain volatilized mercury as well as persistent organic compounds, such as polychlorinated biphenyls, and particulates containing trace amounts of metals such as lead and cadmium. The effect of these compounds which are emitted from the incinerator must be assessed and the sludge should be tested to determine the quantities of compounds present. If the PCB's exceed 25 mg/kg dry sludge, then special measures should be taken to ensure at least 95 percent destruction of persistent organic compounds in incineration. This could consist of testing the performance of an incinerator design to verify satisfactory performance or making allowances in the design. Increased temperature and residence time increase the assurance of destruction.

Regulations being developed under the Toxic Substances Control Act (Pub. L. 94–469) and the Resource Conservation and Recovery Act (Pub. L. 94–580) should be consulted regarding current standards for disposal of PCB containing substances. Proposed rules on PCB's disposal under TSCA (Pub. L. 94–469) were published in the FEDERAL REGISTER on May 24, 1977. Incineration conditions specified therein for materials (PCB mixtures, waste materials, and sludges) that contain 500 ppm or greater of PCB chemical substances (on a dry weight basis) are 1200° C (100° C) for a two second dwell time. While municipal sewage sludges seldom have contamination levels over 500 ppm, final rules promulgated under Pub. L. 94–469 and those being developed under Pub. L. 94–580 should be consulted regarding the disposal of PCB containing municipal sewage sludge.

3–2.5 *Monitoring.* A plan must be developed and implemented to provide for adequate monitoring of each sludge incinerator. The stack gas emissions from sludge incinerators must be monitored to ensure compliance with 40 CFR 60.15 (Appendix IV). In addition, mercury, either in the sludge or in stack gas emissions, must be periodically tested to demonstrate compliance with 40 CFR 61.5 (Appendix V). Wastewater from industrial users must be monitored if it is determined that such users will be a significant source of mercury in the municipal sludge. Additional monitoring for organic pesticides, PCB's or heavy metals other than mercury, may be necessary for specific projects.

3–3. *Ocean Disposal.*

3–3.1 *General.* Although approximately 15 percent of the current sludge volume produced in municipal treatment plants is now disposed of into the oceans; the practice of ocean dumping is now being done only under interim ocean dumping permits, because the sludges do not meet existing ocean dumping criteria. Sludge dumping is scheduled to be phased out by the end of 1981.

The Federal Water Pollution Control Act as amended (Pub. L. 92–500), and the Marine Protection, Research and Sanctuaries Act of 1972 (Pub. L. 92–532) have established a Federal program of marine pollution abatement and control. EPA has issued regulations and criteria (40 CFR 220–227, Appendix VI) to govern the disposal of wastes to the marine environment. EPA controls such disposal by a system of permits for the discharge, transportation, and dumping of all waste materials into the marine environment, except for dredged material which is controlled by the Corps of Engineers, subject to EPA Criteria. Ocean discharge of sludge through outfalls is regulated by EPA under the National Pollutant Discharge Elimination System (NPDES).

3–3.2 *Permits.* Information available to EPA from permit applications to date indicates that those sludges currently being dumped exceed the criteria and are therefore being dumped under interim permits. One of the conditions of these interim permits is the requirement for an implementation plan to either reduce the toxicity of the materials to meet the criteria or find an alternative method of disposal. Interim permits are granted for one year only and the issuance of new interim permits is based on the progress demonstrated by the permittee on this implementation plan.

3–3.3 *Dumping sites.* Ocean disposal of sewage sludge is strictly controlled by EPA. Currently EPA will approve only existing dumping sites presently in use for the disposal of particular kinds of waste, unless there is extremely strong evidence in favor of approval of a new location.

[FR Doc.77–31625 Filed 11–1–77;8:45 am]

federal register

WEDNESDAY, NOVEMBER 2, 1977
PART V

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

■

PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Increase in Loan Amount and Term

[4210-01]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-474]

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Increase in Loan Amount and Term

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: The following amendments increase the maximum loan amount for a property improvement loan from $10,000 to $15,000, the maximum term from 12 years and 32 days to 15 years and 32 days, the maximum loan amount for a "single wide" mobile home to $16,000 and to $24,000 for a mobile home composed of two or more modules. These changes were authorized by the Housing and Community Development Act of 1977.

EFFECTIVE DATE: November 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. William B. Stansbery, Title I Loan Insurance Division, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-8686.

SUPPLEMENTARY INFORMATION: The Secretary has determined that these regulatory changes confer a benefit and that advance notice and public procedure are unnecessary and that good cause exists for making the amendments effective upon publication.

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

Accordingly, Chapter II is amended as follows:

Subpart A—Property Improvement Loans

1. In § 201.2 paragraph (d)(2) is amended to read as follows:

§ 201.2 Eligible notes.

* * * * *

(d) * * *

(2) *Maximum maturity.* The maximum permissible maturity of a note evidencing:

(i) A Class 1(a) loan is 15 years and 32 days from the date of the note.

(A) A Class 1(b) or 2(a) loan is 12 years and 32 days.

* * * * *

2. In § 201.3 paragraphs (a) and (c) are amended to read as follows:

§ 201.3 Maximum amount of loans.

(a) *Class 1(a) loan.* A Class 1(a) loan shall not involve a principal amount, exclusive of financing charges, in excess of $15,000.

(b) * * *

(c) *Class 2 loans.* A Class 2 loan shall not involve a principal amount, exclusive of financing charges, in excess of $15,000.

* * * * *

Subpart B—Mobile Home Loans

3. In § 201.530 paragraph (a) is amended to read as follows:

§ 201.530 Maximum loan amount.

(a) *Basic limitation.* The mobile home loan proceeds shall not exceed the lesser of $16,000 ($24,000 where the mobile home is composed of two or more modules) * * *, if the inclusion of such items does not increase the total loan proceeds to more than $16,000 ($24,000 where the mobile home is composed of two or more modules.)

Subpart D—Combination and Mobile Home Lot Loans

4. In § 201.1504 paragraph (a) is amended to read as follows:

§ 201.1504 Maximum loan amounts and terms.

(a) Maximum insurable loan amounts and terms shall not exceed:

(1) $21,000 for 15 years and 32 days for the purchase of a single-wide mobile home and an undeveloped lot (but not to exceed $16,000 for the mobile home).

(2) $23,500 for 15 years and 32 days for the purchase of a single-wide mobile home and a developed lot (but not to exceed $16,000 for the mobile home).

(3) $29,000 for 20 years and 32 days for the purchase of a mobile home composed of two or more modules and an undeveloped lot (but not to exceed $24,000 for the mobile home).

(4) $31,500 for 20 years and and 32 days for the purchase of a mobile home composed of two or more modules and a developed lot (but not to exceed $24,000 for the mobile home).

(Sec. 7(d), 79 Stat. 670 (42 U.S.C. 3535(d)); 2, 1246 (12 U.S.C. 1703) as amended.)

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order No. 11821.

Issued at Washington, D.C., November 1, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc.77-31665 Filed 11-1-77;8:45 am]

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WEDNESDAY, NOVEMBER 2, 1977

PART VI

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

■

NATIONAL HOUSING ACT

Changes in Maximum Mortgage Amounts; Minimum Downpayment Requirements; Mortgage Insurance Premiums; Mortgage Insurance Under Section 203(o)

[4210–01]

Title 24—Department of Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R–77–473]

CHANGES IN MAXIMUM MORTGAGE AMOUNTS: MINIMUM DOWNPAYMENT REQUIREMENTS: MORTGAGE INSURANCE PREMIUMS: MORTGAGE INSURANCE UNDER SECTION 203(o) OF NATIONAL HOUSING ACT

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: These regulations increase the maximum mortgage amounts and decrease the minimum downpayment requirements under sections 203(b)(2), 220(d)(3)(A), 221(d)(2)(A), 222(b)(3), 234(c), 235, and 245 of the National Housing Act; increase the maximum mortgage amount under section 203(i) of the National Housing Act, establish the requirements for the insurance of mortgages under section 203(o) of the National Housing Act and increase the amount of the mortgage insurance premiums on certain types of single family insured mortgages.

EFFECTIVE DATE: November 2, 1977.

FOR FURTHER INFORMATION CONTACT:

William A. Rolfe, Director, Single Family Mortgage Insurance Division, Office of Insured and Direct Loan Programs, Department of Housing and Urban Development, Washington, D.C. 20410, 202–426–8914.

SUPPLEMENTARY INFORMATION: The following amendments are being made to this chapter to increase the maximum mortgage amounts and to decrease the minimum downpayment requirements under sections 203(b)(2), 220(d)(3)(A), 221(d)(2)(A), 222(b)(3), 234(c), 235, and 245 of the National Housing Act; to increase the maximum mortgage amount under section 203(i) of the National Housing Act; to establish the requirements for the insurance of mortgages under section 203(o) of the National Housing Act and to increase the mortgage insurance premiums charged on certain types of single family insured mortgages. The Secretary has determined that such amendments are necessary to comply with the purposes and intent of the Housing and Community Development Act of 1977, in accordance with her authority contained in 12 U.S.C. 1715(b). The Secretary has, therefore, determined that advance notice and public procedure are unnecessary and that said cause exists for making this amendment effective November 1, 1977.

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

NOTE.—It is hereby certified that the economic and inflationary impacts of these amendments have been carefully evaluated in accordance with Executive Order 11821.

Accordingly, the Secretary of Housing and Urban Development amends Chapter II of 24 CFR as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

In § 203.18, paragraph (a) (1), (2), and (3) and (d)(1) are revised to read as follows:

§ 203.18 Maximum mortgage amounts.

(a) *Occupant Mortgagors.* * * *

(1) *Dollar limitation.* A dollar limitation of:

(i) $60,000 for a one-family residence.

(ii) $65,000 for a two-family residence.

(iii) $65,000 for a three-family residence.

(iv) $75,000 for a four-family residence.

(2) *Loan-to-value limitation—approval prior to construction.* * * *

(ii) 95 percent of such value in excess of $25,000.

(3) *Loan-to-value limitation—no prior approval.* A loan-to-value limitation of 90 percent of the entire appraised value of the property, as of the date the mortgage is accepted for insurance, if the dwelling does not meet the requirements in the introductory text of paragraph (a)(2) of this section.

* * * * *

(d) *Outlying area properties.* * * *

(1) 75 percent of the limit on the principal obligation applicable to a one-family residence under § 203.18(a)(1).

* * * * *

In § 203.28 add a new paragraph (e) as follows:

§ 203.28 Economic soundness of projects.

* * * * *

(e) To a mortgage in a federally impacted area described in § 203.43e.

After § 203.43c, a new § 203.43d is added to read as follows:

§ 203.43d Eligibility of mortgages in certain communities.

Notwithstanding any other requirements of this subpart, a mortgage covering a 1–4 family property occupied by the owner shall be eligible for insurance if the following requirements are met:

(a) The property is located in a community where the Secretary determines that:

(1) Temporary adverse economic conditions exist throughout the community as a direct and primary result of outstanding claims to ownership of land in the community by an American Indian tribe, band, or Nation;

(2) Such ownership claims are reasonably likely to be settled, by court action or otherwise;

(3) As a direct result of the community's temporarily impaired economic condition, owner occupants of homes in the community have been involuntarily unemployed or underemployed and have thus incurred substantial reductions in income which significantly impair their ability to continue timely payment of their mortgages;

(4) As a result, widespread mortgage foreclosures and distress sales of homes are likely in the community; and

(5) Fifty or more individuals were joined as parties defendant or were members of a defendant class prior to December 31, 1976 in litigation involving claims to ownership of land in the community by an American Indian tribe, band or Nation.

(b) The mortgagor, as a direct result of the community's temporarily impaired economic condition, has been involuntarily unemployed or underemployed and has thus incurred a substantial reduction in income which significantly impairs the owners ability to continue timely payment of the mortgage.

(c) The mortgagee certifies that the security instrument has been recorded and is a good and valid first lien on the property except for the claims specified in paragraph (a)(1) of this section.

(d) The mortgagee agrees upon insurance of the mortgage to assign such mortgage to the Secretary within 30 days from the date of the issuance of the insurance certificate and if such assignment does not take place, the contract of insurance is terminated and becomes null and void.

(e) Any individual, organization, institution or governmental agency shall be considered a mortgagee for the purposes of this section.

(f) Mortgages complying with the requirements of this section shall be insured under this subpart pursuant to Section 203(o) of the National Housing Act. Such mortgages shall be insured under and be the obligation of the Special Risk Insurance Fund.

(g) The mortgage was executed and filed for record on or before October 12, 1977.

Add a new § 203.43e as follows:

§ 203.43e Eligibility of mortgages covering houses in Federally impacted areas.

(a) A mortgage executed in connection with the construction, repair, rehabilitation or purchase of property located near any installation of the Armed Forces of the United States in federally impacted areas shall be eligible for insur-

ance pursuant to this part if the Secretary finds the following additional requirements are met;

(1) The benefits to be derived from such use outweigh the risk of probable cost to the Government; and

(2) The Secretary of Defense certifies that there is no intention to curtail substantially the personnel assigned or to be assigned to such installation.

(b) Mortgages complying with the requirements of this section shall be insured under this subpart pursuant to section 238(c) of the National Housing Act. Such mortgages shall be insured under and be the obligation of the Special Risk Insurance Fund.

Paragraph (b) of § 203.45 is amended to read as follows:

§ 203.45 Eligibility of graduated payment mortgages.

* * * * *

(b) The mortgage amount shall not exceed the lesser of:

(1) The limits prescribed by §§ 203.18 (a) and 203.18(b) or,

(2) An amount which, when added to all accrued mortgage interest which will be unpaid pursuant to a financing plan approved by the Secretary, shall not exceed 97 percent of the appraised value of the property covered by the mortgage as of the date the mortgage is accepted for insurance. However, if the mortgagor is a veteran, the mortgage amount, when added to all accrued mortgage interest which will be unpaid pursuant to a financing plan approved by the Secretary, shall not exceed the applicable limits prescribed for veterans in § 203.18(a).

* * * * *

Subpart B—Contract Rights and Obligations

Add a new § 203.279 as follows:

§ 203.279 MIP in Federally Impacted Areas.

All of the provisions of §§ 203.265, 203.268, and 203.275 shall apply to mortgages meeting the eligibility requirements of § 203.43e except that the amount of the premiums specified therein shall be calculated on the basis of one percent in lieu of ½ percent.

Section 203.351(c) is amended to read as follows:

§ 203.351 Application for insurance benefits and fiscal data.

* * * * *

(c) Title evidence for mortgages insured under § 203.43d as set forth in § 203.385 shall accompany the application for insurance benefits.

Section 203.436 and the centered caption preceding it which were added on August 10, 1977 is redesignated as § 203.437 as follows:

COOPERATIVE UNIT MORTGAGES

§ 203.437 Mortgages involving a dwelling unit in a cooperative housing development [Redesignated from § 203.436]

* * * * *

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart A—Eligibility Requirements—Homes

Section 220.25 is revised to read as follows:

§ 220.25 Maximum mortgage amounts—dollar limitation.

Depending upon the design of the structure, a mortgage shall not exceed the lesser of the following:

(a) $60,000 for a one-family residence.

(b) $65,000 for a two-family residence.

(c) $65,000 for a three-family residence.

(d) $75,000 for a four-family residence.

(e) $75,000 plus not to exceed $7,700 for each additional family unit in excess of four.

Section 220.30(a)(1)(ii), (2), (3)(ii) and (4) are amended to read as follows:

§ 220.30 Maximum mortgage amounts—loan-to-value limitation.

(a) *Occupant mortgagors.* A mortgage executed by a mortgagor who is an occupant of the property shall not exceed the following:

(1) * * *

(i) * * *

(ii) 95 percent of such estimate in excess of $25,000.

(2) *New construction—no prior approval.* If the mortgage covers a new dwelling under construction which is approved for mortgage insurance after the beginning of construction, 90 percent of the Commissioner's estimate of the replacement cost of the property as of the date the mortgage is accepted for insurance.

(3) * * *

(i) * * *

(ii) 95 percent of such estimate in excess of $25,000.

(4) *Existing construction—no prior approval.* If the mortgage covers an existing dwelling which was not approved for mortgage insurance prior to the beginning of construction and the construction of which has been completed less than one year, 90 percent of the sum of the Commissioner's estimate of the cost of repair or rehaiblitation added to the Commissioner's estimate of the value of the property before rehaiblitation.

* * * * *

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Low Cost Homes

Section 221.10 is revised to read as follows:

§ 221.10 Maximum mortgage amount—dollar limitation.

A mortgage executed by a mortgagor who is an occupant of the property shall not exceed:

(a) $31,000 for a one-family residence, except that such amount may be increased to $36,000 in the case of a family with five or more persons.

(b) $35,000 for a two-family residence.

(c) $48,600 for a three-family residence.

(d) $59,400 for a four-family residence.

Section 221.11 (a) through (d) is revised to read as follows:

§ 221.11 Increased mortgage amount—high cost areas.

* * * * *

(a) $36,000 for a one-family residence, except that such amount may be increased to $42,000 in the case of a family with five or more persons.

(b) $45,000 for a two-family residence.

(c) $57,600 for a three-family residence.

(d) $68,400 for a four-family residence.

Section 221.50(b)(1)(ii) and (2) are revised to read as follows:

§ 221.50 Mortgagor's minimum investment.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(ii) 95 percent of such value in excess of $25,000.

(2) *Loan to value limitation-no prior approval.* A loan-to-value limitation of 90 percent of the appraised value of the property as of the date the mortgage is accepted for insurance is required if the dwelling does not meet the requirements contained in paragraph (b)(1) of this section.

* * * * *

PART 222—SERVICEMEN'S MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

Section 222.3 is revised to read as follows:

§ 222.3 Maximum mortgage amount; dollar limitation.

The mortgage shall involve a principal obligation in an amount not in excess of $60,000, except that a mortgage meeting the requirements of §§ 203.18(d), 221.10, or § 221.11 of this chapter shall not exceed the dollar limitation provided in the applicable section.

In § 222.4, paragraphs (a) and (b) are revised to read as follows:

§ 222.4 Maximum mortgage amount: Ratio of loan-to-value limitation.

* * * * *

(a) 97 percent of the first $25,000 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 95 percent of such value in excess of $25,000, if:

* * * * *

(b) 90 percent of the entire appraised value of the property, as of the date the mortgage is accepted for insurance, if the dwelling does not meet the requirements of paragraph (a) of this section.

* * * * *

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

In § 234.27, paragraph (a)(1) and (2) are revised to read as follows:

§ 234.27 Maximum mortgage amounts.

(a) *Occupant mortgagors.* * * *

(1) $60,000.

(2) 97 percent of the first $25,000 of the Commissioner's estimate of appraised value of the family unit, as of the date the mortgage is accepted for insurance, and 95 percent of such value in excess of $25,000.

Add a new § 234.69 as follows:

§ 234.69 Eligibility of mortgages covering houses in federally impacted areas.

(a) A mortgage executed in connection with the construction, repair, rehabilitation or purchase of property located near any installation of the Armed Forces of the United States in federally impacted areas shall be eligible for insurance pursuant to this part if the Secretary finds the following additional requirements are met:

(1) The benefits to be derived from such use outweigh the risk of probable cost to the Government; and

(2) The Secretary of Defense certifies that there is no intention to curtail substantially the personnel assigned or to be assigned to such installation.

(b) Mortgages complying with the requirements of this section shall be insured under this subpart pursuant to Section 238(c) of the National Housing Act. Such mortgages shall be insured under and be the obligation of the Special Risk Insurance Fund.

Paragraph (b) of § 234.75 is revised to read as follows:

§ 234.75 Eligibility of graduated payment mortgages.

* * * * *

(b) The mortgage amount shall not exceed the lesser of

(1) The limits prescribed in §§ 234.27 (a) and 234.27(c) or

(2) An amount which, when added to all accrued mortgage interest which will be unpaid pursuant to a financing plan approved by the Secretary, shall not exceed 97 percent of the appraised value of the property covered by the mortgage as of the date the mortgage is accepted for insurance.

* * * * *

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart A—Eligibility Requirements—Homes for Lower Income Families

In § 235.2 paragraph (d) is revised to read as follows:

§ 235.2 Basic program outline.

* * * * *

(d) The mortgagor must have paid in cash or its equivalent at least 3 percent of the first $25,000 of acquisition cost plus 5 percent of the acquisition cost in excess of $25,000.

* * * * *

Section 235.25 (a)(1) and (b) are revised to read as follows:

§ 235.25 Maximum mortgage amount.

(a) A mortgage shall not exceed the following:

(1) $32,000 for a single-family dwelling or a one-family unit in a condominium project, except that such amount may be increased to $38,000 in the case of a family with five or more persons in accordance with paragraph (b) of this section.

* * * * *

(b) Where a family of five or more persons requires a minimum of four bedrooms and it is found that adequate housing within the basic mortgage limits is not available in the area, the Secretary may approve an additional mortgage amount, up to $6,000, where value supports the higher amount. The property must contain four or more bedrooms complying with applicable HUD standards for bedrooms. Partially finished attic or basement space, large closets and other enclosed area shall not be counted as bedrooms. In addition, the property must meet other applicable underwriting standards.

* * * * *

In § 235.30, paragraph (a) is revised to read as follows:

§ 235.30 Increased maximum mortgage amount—high cost areas.

* * * * *

(a) $38,000 for a single-family dwelling or a one-family unit in a condominium project, except that such amount may be increased to $44,000 in the case of a family with five or more persons where the conditions set forth in § 234.25 (b) are met.

* * * * *

In § 235.35 paragraph (b) is revised to read as follows:

§ 235.35 Mortgagor's investment.

* * * * *

(b) The mortgagor shall have paid, at the time the mortgage is insured, on account of the property, in cash or its equivalent, at least 3 percent of the first $25,000 of the Secretary's estimate of the cost of acquisition plus 5 percent of such estimate in excess of $25,000.

* * * * *

Section 235.37 is amended to read as follows:

§ 235.37 Limitation on concentration of units in a subdivision.

No mortgage shall be insured on a unit in a subdivision which when added to any other mortgages insured under this section in the subdivision after October 12, 1977, represents more than 40 percentum of the total number of units in the subdivision, except that the preceding limitation shall not apply with regard to any rehabilitated unit, or to any unit or subdivision located or to be located in an established urban neighborhood or area, where a sound proposal is involved and where an aggregation of subsidized units is essential to a community sponsored overall redevelopment plan, as determined by the Secretary.

Subpart C—Assistance Payments—Homes for Lower Income Families

Section 235.325 is revised to read as follows:

§ 235.325 Qualified Cooperative Members.

(a) A member of a cooperative association which operates a housing project which has been constructed or substantially rehabilitated not more than two years prior to the filing of the application for assistance payments and which is financed with a mortgage insured under §§ 213.1 through 213.280 of this chapter or §§ 221.502 through 221.790 of this chapter pursuant to Section 221(d)(3) of the National Housing Act. The dwelling unit occupied by the cooperative member shall have had no previous occupant.

(b) A member of a cooperative association which operates an existing housing project financed with a mortgage insured under §§ 213.1 through 213.280 of this chapter or §§ 221.502 through 221.790 of this chapter pursuant to section 221(d)(3) of the National Housing Act, if such member has acquired membership and occupancy rights from one who was receiving assistance payments.

(c) A member of a cooperative association which operates an existing housing project financed with a mortgage insured under §§ 213.1 through 213.280 of this chapter or §§ 221.502 through 221.790 of this chapter pursuant to section 221(d)(3) of the National Housing Act, if such member meets one of the following qualifications:

(1) The member shall qualify as a displaced family.

(2) The member's family shall include five or more minor persons.

(3) The member's family shall have been occupying low income public housing at the time the application for assistance payments is filed.

(d) A member of a cooperative association which operates a housing project which is financed under a State or local program providing assistance, through loans, loan insurance or tax abatements, and which prior to completion of construction or rehabilitation is approved for receiving the benefits of this section.

Section 235.330 is revised to read as follows:

§ 235.330 Cooperative unit eligible for assistance payments.

The maximum amount of the mortgage attributed to the dwelling unit of the cooperative member shall not exceed $32,000, except that such amount may be increased to $38,000 in the case of a family of five or more persons. These amounts may be increased to $38,000 and $44,000, respectively, in any geographical area where the Secretary finds cost levels so require.

(Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., October 26, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc.77-31664 Filed 11-1-77;8:45 am]

federal register

WEDNESDAY, NOVEMBER 2, 1977

PART VII

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

LOANS FOR HOUSING THE ELDERLY OR HANDICAPPED

Cost Limits

[4210–01]

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R–77–476]

PART 885—LOANS FOR HOUSING THE ELDERLY OR HANDICAPPED

Cost Limits

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This rule amends regulations for amount and terms of financing requirements to increase the dollar amount of the maximum loan amounts available to finance projects for the elderly and handicapped under the Housing Act of 1959.

EFFECTIVE DATE: November 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. George O. Hipps, Jr., Director, Office of Loan Origination, Housing Department of Housing and Urban Development, Washington, D.C. 20410, 202–755–5720.

SUPPLEMENTARY INFORMATION: Because of the necessity to provide section 202 applicants with the benefits of these changes as soon as possible, this final rule shall be made effective immediately upon publication. To enable field offices to continue orderly processing of section 202/8 proposals submitted during FY 76 and the Transition Quarter, section 202/8 applications which have reached initial closing as of the effective date of this amendment shall not be reprocessed under the amended cost limits. Projects which have not reached initial closing as of this date, and all projects funded in FY 77, shall be processed under the amended cost limits.

The Department has determined that this Final rule will not have a significant impact upon the quality of the environment. A Finding of Inapplicability with respect to the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, Washington, D.C. 20410.

NOTE.—It is hereby certified that the economic and inflationary impacts of this final rule have been carefully evaluated in accordance with Executive Order 11821.

Accordingly, 24 CFR Part 885, Subpart D, § 885.410 is amended to read as follows:

§ 885.410 Amount and terms of financing.

(a) The amount of financing approved shall be the amount stated in the Notice of Section 202 Fund Reservation, including any increase approved by the Assistant Secretary or field office prior to the final closing of a loan: *Proivded, however,* That the amount of financing provided shall not exceed the lesser of

(1) The dollar amounts stated in subparagraphs (c) through (g) of this section, or,

(2) The total Development Cost of the project.

(b) * * *

(c) For such part of the property or project attributable to dwelling use (excluding exterior land improvement as defined by the Assistant Secretary) the maximum loan amount, depending on the number of bedrooms, shall be:

(1) $19,000 per family unit without a bedroom;

(2) $21,500 per family unit with one bedroom;

(3) $25,000 per family unit with two bedrooms.

(d) In order to compensate for the higher costs incident to construction of elevator type structures of sound standards of construction and design, HUD may increase the dollar limitations per family unit as provided in paragraph (c) of this section, not to exceed:

(1) $21,700 per family unit without a bedroom;

(2) $24,900 per family unit with one bedroom;

(3) $30,800 per family unit with two bedrooms.

(e) Reduced loan amount—leaseholds. In the event the loan is secured by a leasehold estate rather than a fee simple estate, the allowable cost of the property which may be included in the loan shall be the cost of the leasehold estate (as determined by HUD) which shall in all cases be less than the cost of the property in fee simple.

(f) Adjusted loan amount—rehabilitation projects. A loan amount which involves a project to be repaired or rehabilitated shall be subject to the following additional limitations:

(1) *Property held in fee.* If the Borrower is the fee simple owner of the project, the maximum loan amount shall not exceed 100 percent of the cost of the proposed repairs or rehabilitation.

(2) *Property subject to existing mortgage.* If the Borrower owns the project subject to an outstanding indebtedness, which is to be refinanced with part of the Section 202 loan, the maximum loan amount shall not exceed the cost of repair or rehabilitation plus such portion of the outstanding indebtedness as does not exceed HUD's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation.

(3) *Property to be acquired.* If the project is to be acquired by the Borrower and the purchase price is to be financed with a part of the Section 202 loan, the maximum loan amount shall not exceed the cost of the repair or rehabilitation plus such portion of the purchase price as does not exceed HUD's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation.

(4) *Reduced loan amount—leaseholds.* In the event the loan is secured by a leasehold estate rather than a fee simple estate, the allowable cost of the property which may be included in the loan shall be the cost of the leasehold estate (as determined by HUD) which shall in all cases be less than the cost of the property in fee simple.

(g) Increased mortgage amounts—high cost areas.

(1) In any geographical area where the Assistant Secretary finds cost levels so require, the Assistant Secretary may increase, by not to exceed 50 percent, the dollar amount limitations set forth in §§ 885.410 (c) and (d).

(2) If the Assistant Secretary finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum loan amounts provided in this section, the principal amount of mortgages may be increased by such amounts as may be necessary to compensate for such costs, but not to exceed in any event the maximum, including high cost area increases, if any, otherwise applicable by more than one-half thereof.

(h) The loan shall be secured by a first mortgage on real estate in fee simple or long-term leasehold; the mortgage shall be for a term not to exceed 40 years and shall be subject to such terms and conditions as shall be determined by the Assistant Secretary.

(i) In order to assure HUD of the Borrower's continued commitment to the development, management and operation of the project, the Assistant Secretary may from time to time establish a minimum capital investment for Section 202 Borrowers. Such minimum capital investment is hereby initially determined to be one-half of one percent (0.5%) of the mortgage amount committed to be disbursed, not to exceed the amount of $10,000. Section 106(b) loans made pursuant to Section 106 of the Housing and Urban Development Act of 1968 may not be utilized to meet the minimum capital investment requirement. Such minimum capital investment may take the form of payments by the Borrower out of the Borrower's own resources towards the project operating expenses or deficits over a period of not to exceed three years from initial occupancy of the project. Any such funds required to be put up as a minimum capital investment shall be held by HUD or other escrow agent acceptable to the Assistant Secretary for the aforementioned three year period and shall be used for operating expenses or deficits as may be directed by the Field Office; any unexpended balance remaining in the minimum capital investment account at the end of the three year period shall be returned to the Borrower.

(Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., October 26, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing,
Federal Housing Commissioner.

[FR Doc.77–31663 Filed 11–1–77;8:45 am]

federal register

WEDNESDAY, NOVEMBER 2, 1977

PART VIII

NATIONAL CENTER FOR PRODUCTIVITY AND QUALITY OF WORKING LIFE

■

PRIVACY ACT OF 1974

Systems of Records; Annual Publication

[3151-01]

NATIONAL CENTER FOR PRODUCTIVITY AND QUALITY OF WORKING LIFE

PRIVACY ACT OF 1974

Systems of Records; Annual Publication

In accordance with 552a(e)(4) of the Privacy Act of 1974, the National Center for Productivity and Quality of Working Life hereby publishes the systems of records currently maintained by the Center. No changes have occurred since the last publication on November 26, 1976 (41 FR 52284).

September 27, 1977.

George H. Cooper,
Executive Director.

GSA—3/1

System name: Payroll Records—National Center for Productivity and Quality of Working Life

System location: General Services Administration, Region 3 Office; copies held by the Center. (GSA holds records for the Center under contract.)

Categories of records in the system: Varied payroll records, including, among other documents, time and attendance cards, payment vouchers, comprehensive listing of employees, health benefits records, requests for deductions, tax forms, W-2 forms, overtime requests; leave data, retirement records. Records are used by the Center and GSA employees to maintain adequate payroll information for Center employees, and otherwise by Center and GSA employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally. Also, P.L. 94-136.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix. Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Executive Director of the Center at 2000 M Street, NW., Washington, D.C. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Executive Director of the Center.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with Section 7 of the Privacy Act, Public Law 93-579.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: Social Security Number.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Administrative Officer, National Center for Productivity and Quality of Working Life, Room 3002, 2000 M Street, NW., Washington, D.C. 20036.

Notification procedure: Refer to the Center's access regulations contained in Title I, Chapter IV, Part 438, CFR.

Record access procedures: Refer to the Center's access regulations contained in CFR, Title I, Chapter IV, Part 438.

Contesting record procedures: Refer to the Center's access regulations contained in CFR, Title I, Chapter IV, Part 438.

Record source categories: The subject individual; the Center.

GSA—3/2

System name: General Financial Records—National Center for Productivity and Quality of Working Life

System location: General Services Administration, Central Office; copies held by the Center. (GSA holds records for the Center under contract.)

Categories of individuals covered by the system: Employees of the Center and members of its Board.

Categories of records in the system: SF-1038. Application and account for advance of funds; Vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the Center who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally; also P.L. 94-136.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix. Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys, pursuant to power of attorney.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and tape.

Retrievability: Manual and automated by name.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition.

System manager(s) and address: Administrative Officer, National Center for Productivity and Quality of Working Life, 2000 M Street, NW., Washington, D.C. 20036.

Notification procedure: Refer to the Center's access regulations contained in Title I, Chapter IV, Part 438, CFR.

Record access procedures: Refer to the Center's access regulations contained in Title I, Chapter IV, Part 438, CFR.

Contesting record procedures: Refer to the Center's access regulations contained in Title I, Chapter IV, Part 438, CFR.

GSA—3/3

System name: General Informal Personnel Files—National Center for Productivity and Quality of Working Life

System location: National Center for Productivity.

Categories of individuals covered by the system: Copies of: Personnel qualifications statements, personnel action requests and notifications, oaths of office, consultant and/or expert certifications, delegations of authority, background information for security clearances (non-sensitive and critical-sensitive), statements of employment and financial interests, training materials and correspondence with the Board members of the Center.

Authority for maintenance of the system: Title 5, U.S.C., generally. Also P.L. 94-136.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Manual.

Safeguards: Stored in lockable file cabinets, released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the GSA records maintenance and disposition system.

System manager(s) and address: Administrative Officer, National

Center for Productivity and Quality of Working Life, 2000 M Street, NW., Washington, D.C. 20036.

Notification procedure: Refer to the Center's access regulations contained in Title I, Chapter IV, Part 438, CFR.

Record access procedures: Refer to the Center's access regulations contained in Title I, Chapter IV, Part 438, CFR.

Contesting record procedures: Refer to the Center's access regulations contained in Title I, Chapter IV, Part 438, CFR.

Record source categories: The subject individual; the Center.

APPENDIX—National Center for Productivity and Quality of Working Life

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

A record from this system of records may be disclosed to officers and employees of a Federal agency for purposes of audit.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

[FR Doc 77-29476 Filed 11-1-77;8:45 am]

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